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# The Federal Update for August 11, 2023

From: Michael Brustein, Julia Martin, Steven Spillan, Kelly Christiansen

Re: Federal Update

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## Reports

### ED OIG Finds Issues with CSP Office Oversight

The U.S. Department of Education’s (ED) Office of Inspector General (OIG) released a report recently that finds issues with ED’s oversight of the Charter School Program (CSP) under the Elementary and Secondary Education Act.

ED OIG examined whether the CSP office established and implemented processes to ensure that grantees under the Charter School Program that provides grants to charter management organizations for replication and expansion of charter schools used grant funds for allowable costs and reported accurate information in their annual report. As part of the analysis, ED OIG reviewed 31 of the 112 annual performance report review forms completed by CSP office staff, as well as any related correspondence with grantees regarding issues with their annual report. ED OIG also reviewed monitoring reports and related correspondence for those same 31 grantees.

Overall, ED OIG found that the CSP office generally had established procedures related to ensuring allowable costs and annual reporting and implemented those procedures, with some exceptions. On the issue of annual reporting, ED OIG found that the office did not always ensure the review forms completed by CSP office staff were fully and accurately filled out and that grantees were not always notified of issues identified in their annual report. ED OIG determined that these identified issues could have impacted the CSP office’s ability to make informed decisions about continuation of funding and grantees’ ability to receive assistance to meet their grant goals. On the issue of using grant funds for allowable uses, ED OIG found that the CSP office did not always ensure that grantees implemented corrective actions to address compliance problems. Finally, ED OIG identified concerns with the CSP office’s record retention, finding that records were not always retained in the official grant files.

ED OIG provided three recommendations to the Assistant Secretary for Elementary and Secondary Education, including to regularly review CSP program officer work to ensure they are implementing the annual performance report procedures; implement procedures to ensure that corrective action plans are completed; and retain records showing that grantees implemented corrective actions.

[The full report is available here](https://oig.ed.gov/sites/default/files/reports/2023-08/A18IL0009-CMO-Replication-and-Expansion-Grants-Final-Report-8-3-2023.pdf).

Author: KSC

## News

### House Republicans Urge Changes to BSCA Guidance

Following on a letter sent to Secretary of Education Miguel Cardona last week by Senate counterparts, members of the House Committee on Education and Workforce sent a similar letter last Friday expressing concerns about recent guidance.

In the letter led by Representatives Virginia Foxx (R-NC) and Elise Stefanik (R-NY), Republican lawmakers urged the U.S. Department of Education (ED) to reverse guidance which prohibits any funds under the Elementary and Secondary Education Act (ESEA) from being spent on hunter safety and archery programs. This guidance to States comes out of a change to ESEA under the Bipartisan Safer Communities Act which prohibits the use of ESEA funds for the purchase of, or training in the use of, a “dangerous weapon.” While ED has interpreted the provision expansively, classifying training in the safe handling of firearms and use of bows as prohibited activities, the letter-writers say that the guidance goes beyond what was intended.

The letter calls the interpretation by ED an “egregious, irresponsible overreach” that advances a “radical, Far-Left anti-gun agenda” in what it classifies as an “abuse of executive power” and a “purposeful misinterpretation of Congressional intent.” The letter does not cite what the lawmakers believe to be the correct Congressional intent, but a letter from Senators sent last week suggested the provision was only intended to cover school resource officers and district-purchased firearms.

The [letter is posted here.](https://house.us19.list-manage.com/track/click?u=242c4a1c0560b7d513ce7962f&id=fa5484acff&e=b02a398d49)

Author: JCM

### White House Holds Cybersecurity Summit

On Tuesday, the White House held a cybersecurity summit on school cyberattacks. School administrators and educators joined leaders of private companies and Secretary of Education Miguel Cardona, First Lady Jill Biden, and Secretary of Homeland Security Alejandro Mayorkas to discuss school cybersecurity best practices and new resources for schools.

In advance of the summit, the U.S. Department of Education (ED), in partnership with the Cybersecurity and Infrastructure Security Agency (CISA), released [guidance documents](https://tech.ed.gov/infrastructure/) for K-12 schools on how they can work to build a defensible and resilient digital infrastructure.

The summit comes after an increase in cyberattacks on school districts. Already this year, 48 school districts have been the target of ransomware attacks, with 38 schools having data stolen. Often, Russian-speaking groups stole data, including social security numbers and financial data, and demanded cryptocurrency in return for not dumping the information online. During the 2022-23 school year, at least eight school districts were victims of major attacks, with some schools having to close temporarily and cancel classes. The attacks come at a financial cost as well, with some recovery efforts in the millions of dollars.

A 2022 U.S. Government Accountability Office report determined that over 2.6 million students were impacted by ransomware attacks and a survey by the Center for Internet Security found that almost one in three districts had experienced a ransomware attack by the end of 2021. Other reports have also found that the impact of these attacks is traumatic for students, parents, and staff, as private information, including medical records and even reports on sexual assault, are stolen.

School districts have been slow to respond to these cyberattacks and have limited staff to prevent these attacks. District spending on cybersecurity is also insufficient, with over half of school districts spending less than two percent of their budget on cybersecurity defense.

Attendees at the summit discussed these recent cyberattacks and how school districts can prevent them. ED and the White House emphasized the need for cybersecurity infrastructure and compared it to the need for physical infrastructure. New initiatives were also announced at the summit, including ED’s new coordinating council to organize information on preventing cyberattacks, CISA’s cybersecurity training for schools, and updated guidance from the Federal Bureau of Investigations and the National Guard Bureau on federal cyber defense programs. Additionally, private corporations, such as Amazon Web Services, will provide schools with cybersecurity tools – some at no cost to the schools.

Resources:

Frank Bajak, “White House holds first-ever summit on the ransomware crisis plaguing the nation’s public schools,” *The Hill*, August, 9, 2023.

Kara Arundel, “White House, Ed Dept announce federal effort to bolster K-12 cybersecurity,” *K-12 Dive*, August 7, 2023.

Author: BNT

*To stay up-to-date on new regulations and guidance from the U.S. Department of Education, register for one of The Bruman Group, PLLC’s virtual trainings. Topics cover a range of issues, grants management, COVID-19 relief programs, the Elementary and Secondary Education Act, and more. To view all upcoming virtual training topics and to register, visit* [*www.bruman.com/training-and-recordings/*](http://www.bruman.com/training-and-recordings/)*.*

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