

# The Federal Update for January 20, 2023

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Re: Federal Update

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[News 1](#_Toc125104619)

[Foxx Outlines Plans to Step Up Oversight as Chair 1](#_Toc125104620)

[House Committee Will Take Up “Parents’ Rights” Legislation 2](#_Toc125104621)

[Reports 2](#_Toc125104622)

[GAO Expresses Concerns on College Misrepresentation Enforcement 2](#_Toc125104623)

## News

### Foxx Outlines Plans to Step Up Oversight as Chair

With Representative Virginia Foxx (R-NC) returning to her previously-held role as Chair of the House Committee on Education and Workforce, she took action last week to follow-up on prior oversight requests to the U.S. Department of Education (ED).

In a letter submitted to Secretary of Education Miguel Cardona on January 12, Foxx stated that she is “putting [Cardona] on notice” that ED “has an obligation to provide timely and complete responses to inquiries and requests made by the Committee.” The letter specifically highlights an information request sent to ED in September of 2022 regarding free speech on college campuses. In that letter, Committee Republicans requested a staff briefing on the actions ED is taking to ensure colleges receiving federal funds are promoting free speech on their campuses. In addition to highlighting that briefing request, the letter last week includes a list of procedures that Foxx requests ED follow in response to any oversight requests from the Committee.

The letter also states that if Secretary Cardona does not respond timely to the cited briefing request, as well as any future Committee requests during the 118th Congress, the Committee may “tak[e] more robust actions to ensure compliance with its oversight requests.” However, the letter does not specify what those actions may be. Foxx requests a response to the letter by January 27.

Outside of the letter sent to Cardona last week, Foxx submitted eight other letters to various federal agencies, indicating that oversight will be a focus during her tenure as Committee Chair in the 118th Congress.

Resources:

Bianca Quilantan, “Foxx renews oversight request on campus free speech,” *Politico*, January 12, 2023.

Author: KSC

### House Committee Will Take Up “Parents’ Rights” Legislation

In a statement this week, House Education and the Workforce Chair Virginia Foxx (R-NC) says she expects that legislation enforcing “parents’ rights” in education will be among the first items the Committee takes up.

While the concept of “parents’ rights” is somewhat undefined, various legislative proposals in previous Congresses would require school districts to publicly post their curricula, send parents a list of all books held in the school library, allow access to instructional materials, and share information about district expenditures. Similar legislation proposed in the Senate would allow parents to observe their children’s classes and opt out of schoolwide assemblies or school-based physical and mental health screenings.

“I think it’ll be the first bill that will come out of our committee and come to the floor,” Foxx said in an interview on Fox Business this week. She added that parents “have a right to have a say in their children’s education, and we’re going to do everything we can to restore those rights.”

However, this legislation is unlikely to pass in the Senate or be signed by the President, in part because of concerns expressed by school leadership about teacher and student safety, as well as administrative burden.

Author: JCM

## Reports

### GAO Expresses Concerns on College Misrepresentation Enforcement

A report issued by the Government Accountability Office (GAO) last Thursday suggests that the U.S. Department of Education (ED) has failed to adequately enforce prohibitions against “substantial misrepresentation” by colleges.

The report notes that under former Secretary of Education Betsy DeVos, ED eliminated a team dedicated to investigating allegations of fraud in higher education. Between 2018 and 2020, GAO found that ED only opened one investigation into allegations that schools misled students or prospective students about a school’s educational offerings, job prospects, or potential debt. But even after drafting a plan to revive the enforcement unit, GAO says ED has “repeatedly missed its own deadlines” for putting new staff and policies into place. The unit has experienced high turnover, with nine directors in the last six years, and high levels of staff attrition. It has no formal written procedures for investigating colleges and has not updated written procedures for imposing penalties on colleges found to have engaged in substantial misrepresentation.

In a response to the report, Federal Student Aid office head Richard Cordray said he agreed with the need to finalize and update policies, but said that the agency is focused on “taking the time necessary to review and implement modernized procedures that govern our work.” Since Cordray took over the office in 2021, ED has opened at least six new investigations, according to the report.

The GAO report is [available here](https://www.gao.gov/assets/gao-23-104832.pdf).

Resources:
Michael Stratford, “Education Department needs to beef up enforcement of college fraud, GAO says,” *Politico*, January 12, 2023.

Author: JCM

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