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# **The Federal Update for March 1, 2024**

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

Re: Federal Update

Date: March 1, 2024

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## Legislation and Guidance

### Congressional Leaders Strike Partial Appropriations Deal

Congressional leaders announced that they have reached an agreement on half of the 12 fiscal year (FY) 2024 appropriations bills this week, including Agriculture-Federal Drug Administration, Energy-Water, Military Construction-Veterans Affairs, Transportation-Housing and Urban Development, Interior-Environment, and Commerce-Justice-Science. The deal comes days before some federal agencies’ funding was set to expire on Friday night.

In order to allow time for lawmakers to finish drafting and pass the six bills agreed to this week, Congress passed legislation on Thursday to extend the prior continuing resolution deadline for those six bills to March 8, with the remaining accounts, including funding for the U.S. Department of Education (ED), extended to March 22. Congress intends to pass a funding package including the six agreed-upon bills next week while continuing negotiations on funding levels for the remaining appropriations accounts.

The continuing resolution sent to the President increases the amount appropriated for the Free Application for Federal Student Aid and makes a technical update to the eligibility thresholds for federal aid, despite some objections from senators who expressed concern it would limit access to Pell grants. This change reverses an earlier ED modification that allowed dependent students to qualify for aid.

The six bills currently negotiated are the less controversial spending bills in Congress, and negotiations are expected to be challenging on some of the remaining appropriations accounts, including for ED. Lawmakers are reportedly struggling to find agreement on ED’s largest K-12 program – Title I-A under the Elementary and Secondary Education Act – where conservative House Republicans had proposed an 80 percent cut to that funding compared to FY 2023.

As lawmakers work to wrap up the FY 2024 funding cycle, President Biden is expected to release his budget proposal for FY 2025, which begins on October 1, 2024, on March 11.

Author: KSC

### Stakeholder Concerns Sink Short-Term Pell Bill in House

A vote on legislation to extend Pell grants to short-term job training programs was cancelled this week after multiple groups of stakeholders voiced concern over an updated version of the legislation. The legislation would have extended Pell grant eligibility to programs as short as eight weeks and would have allowed both for-profit and non-profit institutions to participate.

The bill, known as the Bipartisan Workforce Pell Act (H.R. 6585), was originally scheduled for an expedited vote Thursday. Under the expedited process, a bipartisan bill can be approved under a suspension of the rule with a two-thirds majority vote. But by Tuesday both the National Education Association and the American Federation of Teachers had come out against the measure in letters to lawmakers. The teachers’ unions said they were worried the legislation would direct funding and resources to poorly-run programs which would strain the Pell budget and risk students running out of funding before they had completed a two- or four-year degree.

The unions – as well as groups of university advocates – also objected to a new provision in the legislation as referred to the House floor. That provision would pay for the expanded Pell by charging some of the country’s wealthiest colleges for student loan balances discharged under Public Service Loan Forgiveness. The buy-in would apply to those institutions that pay an excise tax on their endowments under a recently passed law, and stakeholders said they were concerned this requirement would discourage wealthier institutions from enrolling Pell recipients and low-income students and to cut programs that prepare student for public service jobs. In a similar letter, the American Council on Education wrote Tuesday that the pay-for provision was a “poison pill” that “unnecessarily complicates what would otherwise be a broadly supported bipartisan bill.”

The bipartisan bill had cleared the House Committee on Education and the Workforce with a vote of 37-8 and had a number of bipartisan cosponsors. Many business lobbying groups, including the U.S. Chamber of Commerce and the Skills First Coalition, had urged lawmakers to adopt the legislation. The legislation may be revived for a formal vote under regular Congressional procedure if Congressional leadership believes there are enough votes to pass it.

Author: JCM

### Sen. McConnell to Step Down from Leadership Position Next Congress

Senate Minority Leader Mitch McConnell (R-KY) announced this week he would not seek reelection for his role as leader of Senate Republicans next Congress. McConnell is the longest-serving leader in the Senate, holding either the majority or minority leadership role since 2006.

While McConnell does not plan to seek the Republican leadership role after the November election, he will serve out his current Senate term, which runs through 2026. In his remarks this week to the Senate, he said “it is time for the next generation of leadership.” Thursday morning, Senator John Cornyn (R-TX) announced his candidacy to succeed McConnell as Republican leader, and others are expected in the coming weeks.

The vote for Senate Republican leader will occur after the November 2024 elections.

Author: KSC

### ED Releases New Guidance on Title I Preschool Services

This week, the U.S. Department of Education (ED) released new guidance on the use of Elementary and Secondary Education Act (ESEA) Title I, Part A funds for preschool programs. The last time ED published related guidance was in 2012, prior to the 2015 ESEA reauthorization. The guidance was rescinded following the 2015 reauthorization. The new guidance, titled “Non-Regulatory Guidance on Serving Preschool Children Through Title I, Part A of the Elementary and Secondary Education Act,” is a response to the administration's executive order last year that required ED to release such guidance.

ED says that the new guidance document will help schools, local educational agencies, (LEAs), and States expand access to high-quality preschool opportunities. In a statement about the new guidance, Secretary of Education Miguel Cardona said that “high-quality, early learning opportunities are proven bridges to later academic success.” The new guidance, he said, would also help States, LEAs, and community organizations partner together to reach more underserved children and expand access to early education for all.

A school or LEA can use ESEA Title I, Part A funds for preschool programs to serve eligible students “from birth to the age at which the LEA provides a free public elementary education.” The guidance includes ways that LEAs and schools can partner with community organizations and Head Start programs to extend programs for children most at-risk. It also addressed the importance and requirements for coordination with other federal programs, especially for students with disabilities.

Additionally, the guidance clarifies how schools and LEAs can use funds to provide professional development to teachers and paraprofessionals, including using funds to encourage paraprofessionals to transition to teachers. LEAs and schools can also use funds for professional development activities and for educational technology, such as programs that help teachers analyze student data. The guidance also addresses LEA responsibilities in helping preschool students transition to kindergarten.

The new guidance document was released with a Dear Colleague letter from ED and the U.S. Department of Health and Human Services (HHS) on the importance of utilizing a “mixed delivery approach” when providing preschool services. The letter encourages agencies to coordinate delivery of services through the various funding streams available through both ED and HHS.

[The non-binding guidance document can be found here.](https://oese.ed.gov/files/2024/02/Title-I-Preschool-Early-Learning-Guidance-Revised-2023-FINAL.pdf) [The Dear Colleague letter can be found here.](https://www.acf.hhs.gov/ecd/policy-guidance/dear-colleague-letter-mixed-delivery)

Author: BNT

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