

# The Federal Update for May 27, 2022

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Re: Federal Update

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## News

### Cardona, Biden Speak on Uvalde Shooting

In an event at the White House this week, President Joe Biden and Secretary of Education Miguel Cardona addressed the shooting in Uvalde, Texas. President Biden noted that it had been less than ten years since a gunman killed 26 people at Sandy Hook Elementary School and urged federal lawmakers and others to act.

Secretary Cardona said that he was “filled with grief for the families and students; concern that as our schools move past pandemic closures, the fear of shootings has become all too real once again; and anger at the lack of will by many to pass legislation that can protect our children.” He also stated that the U.S. Department of Education (ED) would offer money through the discretionary Project SERV (School Emergency Response to Violence) grant to provide on-the-ground support to impacted students and community members. Today, ED sent [a list of mental health and student emotional support resources](https://safesupportivelearning.ed.gov/topic-research/safety/emotional-safety) to stakeholders.

Author: JCM

### NSBA Issues Report on Letter Regarding Threats Against School Boards

The National School Boards Association (NSBA) released a report Friday that the organization requested in the wake of a September 2021 letter to President Biden that requested federal law enforcement assistance at local school board meetings to address an increase in violence and threats against school board members. The letter sparked significant criticism from some lawmakers, parents, and NSBA members, a portion of whom felt as if the letter was targeting conservative parents.

An investigation into the incident was conducted by an outside law firm, and the resulting report finds that the letter was only approved by four executive officers prior to being sent to the White House. The full board of directors did not review and approve the letter, but NSBA also did not have a policy requiring such action. Executive Director at the time, Chip Slaven, was fired in the wake of the pushback against the letter. The report did not find “evidence suggesting the Administration requested the Letter or specified, edited, or reviewed the contents of the Letter before the Letter was sent.” However, the report did conclude that Slaven had contact with the White House to notify staff of the contents of the letter prior to NSBA sending it. The report also notes allegations that one of the letter’s co-signers, Dr. Viola Garcia, was appointed to the National Assessment Governing Board as part of a “quid pro quo between Dr. Garcia and the Administration” to be unfounded.

Despite the report finding a lack of evidence of collusion between NSBA and the Biden administration, the letter impacted membership of the organization. Twenty-two States, primarily Republican-led, have broken with NSBA and created a new organization, the Consortium of State School Boards Association. Although NSBA has instituted new policies in response to the letter controversy, some of those States have made clear they do not plan to rejoin the association.

[The full report on the letter controversy is available here](https://nsba.org/-/media/Files/NSBA-Report.pdf).

Resources:

Laura Meckler, “National school board group says it wrongly took sides in political debate,” *Washington Post,* May 21, 2022.

Author: KSC

### ED Introduces Plan to Reform Student Loan Servicing

Last week, the U.S. Department of Education (ED) announced another step in its plan to overhaul the federal student loan servicing program by introducing the Unified Servicing and Data Solution (USDS) initiative. USDS is designed to replace existing contracts with student loan servicers and provide borrowers with a modern, improved customer experience, as well as offer more accountability for helping borrowers. Six companies currently service student loans for ED, each with their own website and operations, creating, at times, a confusing experience for borrowers. ED’s current contracts with student loan servicing companies is set to expire in December of 2023. ED’s solicitation for new servicers and eventual contracts with these companies will implement the goals of USDS. According to ED, the overarching goals of USDS are to provide all federally managed borrowers with complete account management capabilities on StudentAid.gov, reduce the disruption of account transfers, and increase loan servicer accountability.

Resources:

Meghan Brink, “Education Department to Reform Student Loan Servicing,” *Inside Higher Education*, May 23, 2022.

Author: ASB

### FTC Says It Will Enforce Privacy Rules in Ed Tech

In a policy statement issued last week, the Federal Trade Commission (FTC) said it would “crack down” on education technology companies that violate privacy laws. The agency statement said it would fully enforce the Children’s Online Privacy Protection Act (COPPA), which is intended to protect the information websites and applications collect on children under 13 years of age.

While school-issued laptops and devices were key in the transition to virtual instruction in 2020, lawmakers and others have raised concerns that much of the software used by schools, especially in the early days of the pandemic, did not comply with the requirements of COPPA and its regulations.

The FTC statement says that technology companies may not require students to provide more information than “reasonably needed” to participate in an activity – for example, an email address. Companies will also be prohibited from using student information for advertising or other commercial purposes, may not keep a child’s personal information for longer than necessary to provide services, and must have safeguards in place to protect that information. The FTC also asserted that the responsibility for meeting COPPA requirements should not be on school districts or parents but on companies and providers, noting its intent to implement new limitations and civil or monetary penalties.

This direction from the FTC comes the same week as the release of an investigation by the advocacy group Human Rights Watch, which found that nearly 90 percent of educational tools examined were designed to collect and send personal information to ad technology companies but that few programs disclosed this capability to parents. Others requested access to students’ cameras, saved contacts, or locations, and other recorded keystrokes. While the investigation acknowledged that it did not track what data was actually collected in real-world use, it did review the functionality of apps and software and what the code directed it to collect and send.

The [Human Rights Watch privacy report is available here](https://www.hrw.org/report/2022/05/25/how-dare-they-peep-my-private-life/childrens-rights-violations-governments).

Resources:
Drew Harwell, “Remote learning apps shared data at a ‘dizzying scale,” *Washington Post,* May 24, 2022.
Author: JCM

## Reports

### Many Students Do Not Seek Mental Health Help, Report Says

A survey from the group Springtide Research Institute released this week says almost a third of students who considered seeking mental health assistance did not do so because they did not think their concerns were sufficient or they felt worried about being judged. According to the survey, 45 percent of teens and young adults said they were reluctant to see a therapist because their parents would not take their concerns seriously, 53 percent said they would not want parents to know they were seeking mental health treatment, and 51 percent said they were worried school staff might treat them differently.

The survey identified a particularly acute impact on LGBTQ students – 76 percent of those who identified themselves as LGBTQ said they felt greater levels of poor mental health, said they had experienced emotional abuse, or had considered or attempted suicide.

Resources:
Naaz Modan, “Survey: Third of students reluctant to seek help for mental health issues,” *K-12 Dive*, May 23, 2022.
Author: JCM

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