Header: The BruMan Group, PLLC. Attorneys At Law. 1023 15th Street NW, Suite 500. Washington, DC 20005. Phone (202) 965-3652. Fax (202) 965-8913. bruman@bruman.com. www.bruman.com

**The Federal Update for June 16, 2023**

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

Re: Federal Update

Date: June 16, 2023

[Legislation and Guidance 1](#_Toc137815200)

[Senate Republicans Introduce College Cost Legislation 1](#_Toc137815201)

[ED, DOJ Issue Joint Guidance on Migratory Students 2](#_Toc137815202)

[House Republicans Propose Bills with Major Spending Cuts 2](#_Toc137815203)

[Reports 3](#_Toc137815204)

[ED OIG Issues Report on LEAs’ Use of ESSER Funds for Tech 3](#_Toc137815205)

[Survey Reveals Concerning Findings for School Health Workers 4](#_Toc137815206)

## Legislation and Guidance

### Senate Republicans Introduce College Cost Legislation

Republican lawmakers on the Senate Committee on Health, Education, Labor, and Pensions have introduced legislation designed to clarify college costs for potential borrowers.

The Lowering Education Costs and Debt Act is made up of five previously introduced bills, including one that would require existing data reporting systems to provide additional information on student outcomes, ask institutions to provide information regarding full costs with breakdowns of aid in an admissions offer, and provide information about expected monthly payments and duration of loans to potential student loan borrowers. Additionally, the bill would reduce the number of potential repayment plans available for student loan borrowers, providing only two options: a 10-year repayment plan and a 20-year income-driven repayment plan that caps payments at 10 percent of discretionary income for borrowers above 150 percent of the federal poverty level. This bill would eliminate the Public Service Loan Forgiveness program and would prohibit the U.S. Department of Education from creating new loan repayment plans without Congressional authorization. It would limit new student loans to only those programs where graduates earn more than similarly situated peers without a degree. Finally, it would cap federal student loan amounts for Graduate PLUS loans and allow institutions to set lower limits for loans while separating undergraduate borrowing from graduate borrowing, so undergraduate loans do not count against the caps.

The press statements surrounding introduction of the legislation framed it as an alternative to the President’s student loan forgiveness plan, which is under review by the U.S. Supreme Court. “Unlike President Biden’s student loan schemes, this plan addresses the root causes of the student debt crisis,” said Senator Bill Cassidy (R-LA). “It puts downward pressure on tuition and empowers students to make the educational decisions that put them on track to academically and financially succeed.”

[The text of the legislation is available here](https://www.help.senate.gov/lowering-education-costs-and-debt-act).

Author: JCM

### ED, DOJ Issue Joint Guidance on Migratory Students

The U.S. Departments of Education (ED) and Justice released a joint “fact sheet” this week on educational access for migratory children. The guidance notes that many families are “highly mobile” due to parents’ seasonal or agricultural work and face additional barriers to participation in schools because they are English learners or undocumented immigrants who may arrive after the start of the school year and have multiple needs.

The fact sheet also notes the obligations that public schools have toward migrant children. Notably, it states that K-12 public schools must be open to all students regardless of their or their parents’ immigration status, and that schools are prohibited from discriminating based on race or national origin. Additionally, it highlights the obligation of public schools to offer language assistance to K-12 students who have limited English proficiency, and to make information about classes available to parents who are not English speakers by providing accurate written or oral translation.

Finally, the fact sheet provides information on how parents, families, and others can file a complaint with ED’s Office for Civil Rights.

The fact sheet comes as some States have recently passed legislation at the State level designed to restrict access to public schools and other public services based on immigration status. [The fact sheet on migratory children is available here](https://www2.ed.gov/about/offices/list/ocr/docs/ocr-factsheet-migratory-children-202306.pdf).

[A similar fact sheet on rights of unaccompanied minors is available here](https://www2.ed.gov/about/offices/list/ocr/docs/ocr-factsheet-unaccompanied-children-202306.pdf).

Author: JCM

### House Republicans Propose Bills with Major Spending Cuts

As the House moves forward with fiscal year (FY) 2024 appropriations legislation following the recent agreement to raise the national debt ceiling, House Republicans are proposing significant cuts to non-defense programs for FY 2024, including programs administered by the U.S. Department of Education.

The debt ceiling deal passed earlier this month included an agreement on funding levels for FY 2024, maintaining funding levels at approximately the amounts appropriated for FY 2023. However, House Republicans approved “302(b)” funding levels this week, or the levels authorized for each of the 12 appropriations bills, that are similar to FY 2022 funding levels, which would result in a cut to funding for education and other non-defense programs compared to current year levels. The specific funding levels for U.S. Department of Education programs have not yet been determined, but House appropriators are working on drafting and approving FY 2024 legislation in the coming days and weeks.

On the other side of the Capitol, Senate appropriators are beginning to draft FY 2024 funding legislation as well, with markups expected to begin next week. The Senate plans to draft funding bills in accordance with the levels agreed to in the debt ceiling deal, and some Senators told reporters they were not pleased that the House was trying to renegotiate agreed-upon funding levels.

The lower funding levels expected to be approved by the House will be a non-starter on the Senate side, potentially leading to protracted appropriations negotiations – or even a government shutdown – before they can reach a deal that both the House and Senate will approve. Should Congress fail to pass appropriations by January 1, 2024 and be required to pass a short-term continuing resolution at that time, an across-the-board one percent cut of federal funding will be triggered, as authorized by the debt ceiling legislation passed earlier this month.

Resources:

Jennifer Scholtes, “Granger: House will use fiscal 2022 appropriations totals,” *Politico*, June 12, 2023.

Author: KSC

## Reports

### ED OIG Issues Report on LEAs’ Use of ESSER Funds for Tech

The U.S. Department of Education’s Office of Inspector General (ED OIG) issued a report this week that examines local educational agencies’ (LEAs’) use of Elementary and Secondary School Emergency Relief (ESSER) Funds for technology, including the type of technology purchased, challenges associated with using ESSER funds for technology, and the impact on student learning.

To conduct the analysis, ED OIG surveyed a national sampling of 344 LEAs and conducted additional interviews with four LEAs. ED OIG estimates that over 90 percent of LEAs used ESSER funds to purchase technology that allowed continuity of services in a virtual environment during the pandemic and following the return to the classroom, such as purchasing software, hotspots, and devices. The report also found that nearly 80 percent of LEAs faced significant challenges with using their ESSER funds for technology, including issues with the shift of instruction from in-person to virtual or hybrid, the purchase of educational technology, ensuring staff and students had access to internet in order to participate in virtual instruction, and maintaining educational technology. LEAs also reported concerns about being able to sustain certain educational technology costs once ESSER funds are no longer available.

ED OIG also surveyed LEAs regarding to what extent ESSER funds and the purchase of educational technology with those funds allowed LEAs to provide virtual instruction while schools were shut down during the pandemic. ED OIG estimates that 68 percent of LEAs were aided “to a great degree” by educational technology purchased with ESSER funds to provide remote instruction, with software purchases being the most helpful.

[The full report on LEAs’ use of ESSER for educational technology is available here](https://www.oversight.gov/sites/default/files/oig-reports/ED/ESSER-Review-Final-Report-F20US0030.pdf).

Author: KSC

### Survey Reveals Concerning Findings for School Health Workers

Earlier this year, the EdWeek Research Center conducted a survey of school health workers, including school nurses and psychologists. The nationally representative survey asked 3,480 school health workers, including 2,300 school nurses, 350 social workers, and 245 school psychologists, about their workloads and overall satisfaction, and the school’s health resources for students.

The survey results revealed that school health workers have been experiencing increasing workloads since 2019. Workers reported that they were expected to do more work with less resources, and that they could not meet the student demands for physical and mental health services.

School health workers are seeing their workloads increase in many different areas, according to the survey. Fifty-nine percent of the school health workers surveyed said that anxiety was a growing area of concern and a “major” problem for students. Workers also reported that they were concerned with other increasing issues, such as depression, vaping, marijuana use, and obesity.

The survey also found that school health workers do not believe that schools are meeting the needs of students. Almost a quarter of those surveyed said that their schools were “very” or “somewhat” insufficiently able to meet student mental health needs. Twelve percent said the same for physical health needs.

Along with higher caseloads, school health workers are often doing the work alone or with less workers than before. Some workers are solely responsible for multiple school locations and have trouble keeping up. The increased workloads do not come with additional pay, either. School health workers are often paid lower than similar positions outside of schools. In fact, since the COVID-19 pandemic which created more need, hospitals have increased salaries for nurses. Additionally, workers are not getting the professional development that they need for their position, the survey found.

These conditions are some of reasons that school health workers are likely to leave their positions in the next two years. Almost 30 percent of those surveyed said that they would be retiring or pursuing a different career entirely within the next two years. School psychologists were most likely to report that they would be leaving their positions. Forty-four percent of those surveyed said that they would be leaving within two years, often citing a high workload. The remaining school health workers are pleading with districts and States for more resources.

Resources:

Madeline Will, “‘It’s So Overwhelming': Demands on School Health Workers Are Making Them Want to Quit,” *Education Week*, June 13, 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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Contributors: Julia Martin, Kelly Christiansen, Brandi Tennant

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