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# The Federal Update for July 14, 2023

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

Re: Federal Update

Date: July 14, 2023

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## Legislation and Guidance

### House Releases ED Appropriations Bill with Significant Cuts

House Republicans introduced appropriations legislation Thursday for fiscal year (FY) 2024 which would fund the U.S. Departments of Labor, Health and Human Services, and Education (ED) (the funding year which education grantees will receive starting on July 1, 2024). The legislation deviates from the overall FY 2024 funding levels agreed upon by Congress and the White House as part of the legislation to raise the debt ceiling earlier this year. The legislation proposes a 28 percent, or $22.1 billion, cut compared to FY 2023 funding levels for ED and eliminates several K-12 and higher education programs. Of that $22.1 billion cut, $10.4 billion is previously appropriated funding for education programs that would be distributed on October 1, 2023 for use in the upcoming school year.

The legislation proposes a cut of $14.7 billion – comprised of both reduced funding and recissions of prior year funds – for Title I, Part A grants to local educational agencies under the Elementary and Secondary Education Act (ESEA) and would eliminate several programs, including ESEA Title II, Part A; ESEA Title III, Part A; Promise Neighborhoods; Social Emotional Learning Grants; Magnet Schools; and Full-Service Community Schools. According to House Republicans, the Title I-A cut was included due to the significant amount of funding provided by COVID-19 relief programs that schools still have access to, and a House Appropriations Committee summary says that “further investments will not be provided until these funds are used responsibly.” Funding for the Individuals with Disabilities Education Act, charter schools, and Impact Aid would remain the same as FY 2023.

On the higher education side, the legislation would maintain the maximum Pell Grant amount at the current level and eliminate funding for Federal Work Study, Federal Supplemental Opportunity Grants, Teacher Quality Partnerships, and others. The bill also would cut funding for Student Aid Administration by $265 million and Office for Civil Rights funding by $35 million. Funding for Perkins Career and Technical Education programs and Adult Education programs would be flat-funded, while the legislation would eliminate funding for adult and youth worker programs under the Workforce Innovation and Opportunity Act.

The legislation includes some policy provisions as well, including one that prohibits the use of federal funding to promote or advance Critical Race Theory. It would also prohibit ED from implementing its proposed Title IX rules on sexual violence and athletics, as well as the administration’s recently finalized income-driven repayment plan and “on ramp” plan for restarting student loan payments later this year.

The House Appropriations Subcommittee on Labor, Health and Human Services, Education, and Related Agencies approved the legislation on Friday, sending it to the full House Appropriations Committee for consideration. The full committee markup has not yet been scheduled but could happen as soon as next week. The Senate has not released its funding bill for education yet, but the Senate bill is expected to align with the debt ceiling legislation funding agreement, which will result in only slight cuts to education funding. The stark differences expected between the House and Senate bills may indicate a challenging appropriations process for FY 2024.

Author: KSC

### ED Offers Recommendations on State Resource Equity Reviews

The U.S. Department of Education (ED) sent a letter to chief State school officers on Tuesday providing recommendations on State responsibilities to review local educational agencies’ (LEAs’) resource allocation in LEAs that serve a high number of schools identified for comprehensive support and improvement (CSI), targeted support and improvement (TSI), and additional targeted support and improvement (ATSI). The letter also offers recommendations on the requirement that CSI and ATSI plans to identify address LEA resource inequities. Both of these requirements are mandated by Title I of the Elementary and Secondary Education Act.

The letter describes ED’s pilot monitoring protocol launched last year that reviewed compliance with the two resource equity requirements in nine States. The letter describes recommendations gathered from the pilot monitoring protocol and provides resources related to each recommendation and requirement. ED makes clear that the requirement for States to “periodically” review resource allocation within LEAs that have a “significant” number of CSI, TSI, and ATSI schools must be fulfilled by the State itself; the State may not pass that responsibility on to the LEA with no additional State involvement or review. States do have discretion, however, in how they define “periodically” and “significant” for the purposes of these reviews. ED recommends using a percentage or numerical threshold for defining “significant,” considering financial and non-financial factors when defining “resources,” aligning the resource allocation review with the school identification timeline, analyzing resource allocation data along with disaggregated student demographic information, engaging with stakeholders during the review, and posting the results of the review publicly, among other recommendations.

ED also shares that in the nine States reviewed, only two States fully met the requirements for CSI and ATSI plans to not only identify resource inequities, but to address those inequities. ED recommends States update their school improvement plan templates to include both of these requirements, establish processes for reviewing the LEA CSI plans, provide guidance to encourage strong LEA oversight of ATSI plans, offer technical assistance and guidance to LEAs on both identifying and addressing resource inequities, and support LEAs and schools in choosing strategies to ensure equity.

[The full letter, including resources for States on each of ED’s recommendations, is available here](https://oese.ed.gov/files/2023/07/DCL-Title-I-Resource-Equity-for-posting.pdf).

Author: KSC

### Administration Announces New Student Loan Forgiveness

On Friday the U.S. Department of Education (ED) said it would cancel student loan debt owed by borrowers who have debt 20 years old or more. The plan, said ED, is intended to compensate for “historical inaccuracies” in how loan servicers and ED itself have managed loan repayment programs.

ED claims that the Higher Education Act gives it the authority to revisit whether borrowers should be eligible for income-driven repayment programs where previous months of payment were not considered to qualify. Counting additional months of payment as qualifying under income-driven repayment has allowed 804,000 borrowers to have their loan balances forgiven. ED says another 3.6 million borrowers have an additional three years of credit toward loan forgiveness under the adjustment.

The plan is a nod to lawsuits and reports by State attorneys general, which have complained that student loan servicers improperly steered borrowers into long-term forbearance programs rather than enroll them in income-driven repayment.

Eligible borrowers should receive notification directly from ED.

Author: JCM

## News

### FCC Chief Proposes Cybersecurity Pilot Program

On Wednesday, Chair of the Federal Communications Commission (FCC) Jessica Rosenworcel announced a proposal that would enhance cybersecurity for schools. The proposal would create a $200 million, three-year pilot program to help pay for cybersecurity and firewall-related services in eligible K-12 schools and libraries. Rosenworcel made the announcement during her remarks to the School Superintendents Association, and called cybersecurity “a major area of concern” for schools and libraries across the country.

Since the beginning of the COVID-19 pandemic, schools have become high-profile targets for cybersecurity attacks. In 2020, the FBI accurately predicted that schools would face an increase in cyberattacks. The FBI made a predictive warning in 2020 that schools would face cyberattacks. While colleges and universities have long been targets, K-12 schools became targets with the introduction of virtual education during the pandemic. A vast majority of malware attacks during the pandemic targeted the education sector.

Since February of 2020, there have been major attacks on some of the country’s largest school districts, including Minneapolis, Los Angeles, and Baltimore. Districts have struggled to prevent attacks, as they lack resources and funding to enhance their systems.

The Biden administration has also called on other agencies to review and strengthen schools’ preparedness for cybersecurity attacks. In her speech, Rosenworcel noted that she hopes to balance this project with the work that is being done by the U.S. Department of Education and other agencies, which she said have greater experience and related programs.

The proposal is part three of Rosenworcel’s Learn Without Limits initiative. The pilot program would be within the FCC’s Universal Service Fund, separate from the agency’s E-Rate program, which provides high speed internet to schools and libraries.

A full vote by the commission members is required for the notice of proposed rulemaking. If adopted, the text of the proposal will be released and will be available for public comment.

[Rosenworcel’s remarks can be found here.](https://www.fcc.gov/document/chairwoman-rosenworcel-remarks-school-superintendents-association)

Resources:

Juan Perez, Jr., “FCC chief unveils $200M school cybersecurity pitch,” *Politico*, July 12, 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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