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**The Federal Update for September 27, 2024**

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

Re: Federal Update

Date: September 27, 2024

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## Legislation and Guidance

### Congress Passes Three-Month CR, Leaves for Recess

The House and Senate passed a bill late Wednesday to fund the federal government through December 20th before leaving early for an extended October recess. The bill continues federal spending at current levels, with the exception of a $231 million boost for the Secret Service to increase its protection of Presidential candidates and a small boost in funding for the Federal Emergency Management Agency’s disaster relief fund. It does not include the requested additional funding for the U.S. Department of Education’s Office of Federal Student Aid (FSA) to help with this year’s FAFSA implementation. The bill also omits a controversial proposed rider known as the SAVE Act, which would require documentary proof of citizenship for voter registration. It also gives Congress the opportunity to avert an automatic one percent across-the-board cut that will go into effect after January 1st if lawmakers fail to pass appropriations bills in each of the 12 accounts.

President Joe Biden signed the bill Thursday. Congress will return to session the week following Election Day.

Author: JCM

### House Approves IDEA Notification Bill

The House passed legislation this week under an expedited procedure that would amend the required notification to parents under the Individuals with Disabilities Education Act (IDEA). The Think Differently about Education Act (H.R. 4259) would require school districts to notify parents within a “reasonable timeframe prior to the first convening” of the individualized education program team that the parent may bring an advocate or other individuals to the meeting. The individuals added should have “knowledge or special expertise regarding the child.”

The right to bring additional individuals to the meeting is already in the law, but districts would have to amend their standard parent notifications to include this information, if it is not already there. The bill now goes to the Senate.

Author: JCM

## News

### Department Provides Update on FAFSA Process

The U.S. Department of Education (ED) released an update this week on the Free Application for Federal Student Aid (FAFSA) process, as the release date for the 2025-2026 financial aid cycle approaches.

ED plans to open a “testing period” for the 2025-2026 FAFSA on October 1st, which will allow some students to begin completing the form, with availability for all applicants beginning on December 1st. As part of the phased rollout, ED will launch multiple beta tests to allow for time to make any necessary adjustments to the online form and submission process before all students have access. In addition, ED highlighted in its update this week recent communications to the public regarding progress in developing and releasing the 2025-2026 FAFSA and committed to continued transparency throughout the year.

ED also announced plans to release a range of resources later this year aimed at assisting students with understanding and filling out the FAFSA. Some of those resources include an updated tool to help students receive an estimate of how much federal student aid they are eligible for, translated versions of existing resources about navigating the FAFSA, and resources previewing the 2025-2026 FAFSA. ED has also expanded call center staffing to ensure that students and families can reach agents for assistance when necessary, as many students and families were unable to get agents on the phone earlier this year during the FAFSA technical challenges. In addition, ED will provide resources for first-time FAFSA completers, such as instructions on creating the required online account to complete a FAFSA. ED will make more resources available to institutions of higher education as well related to their responsibilities and role in the FAFSA process.

With regard to one of the challenges associated with the 2024-2025 FAFSA rollout and process, ED notes that it has resolved technical issues faced by “mixed status” families who may have a tax identification number but not a social security number and that it has made adjustments to the 2025-2026 cycle to address identity validation issues those families experienced.

Finally, ED reminds institutions of higher education of flexibilities ED has provided this year in response to the additional FAFSA-related administrative burden on institutions. These flexibilities include a second delay in the implementation of gainful reporting requirements until January 15th, 2025; suspension of program reviews through the end of this month; and waiving the 90-day deadline for institutions who have an expiring program participation agreement this year.

[ED’s full FAFSA update is available here](https://www.ed.gov/sites/ed/files/2024-09/AFocusonImprovingtheFAFSAExperience.pdf).

Author: KSC

### ED Launches Updated Website

The U.S. Department of Education (ED) launched a new website last week. In a message to grantees, ED stated that this redesign is intended “to better meet the needs of the public” and “make accessing important information easier, faster, and more intuitive.”

As part of the update, many of the existing guidance documents and links have been moved. While ED staff have promised to restore the old links with automatic redirect, that process has not yet been completed. However, most documents have now been uploaded to the site and can be accessed by clicking “grants and programs” in the horizontal menu, then “formula grants.” In each specific program, guidance and Dear Colleague letters can be accessed by clicking on the “resources” tab in the horizontal menu.

ED officials said the new site is designed to be viewed on a mobile device, and that the updates are consistent with the 21st Century Integrated Digital Experience Act and White House memo M-23-22, which call for modern, user-centered digital services.

Author: JCM

***The Federal Update has been prepared to inform The Bruman Group, PLLC’s legislative clients of recent events in federal education legislation and/or administrative law. It is not intended as legal advice, should not serve as the basis for decision-making in specific situations, and does not create an attorney-client relationship between The Bruman Group, PLLC and the reader.***

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