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**The Federal Update for October 25, 2024**

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

Re: Federal Update

Date: October 25, 2024

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## Legislation and Guidance

### ED Announces Debt Relief Plan for Borrowers with Financial Hardship

The U.S. Department of Education (ED) announced a new proposed rule on student debt relief today stemming from negotiated rulemaking sessions held earlier this year. A February 2024 negotiated rulemaking committee reached consensus on the rule language announced today, which will govern debt relief for borrowers with financial hardship.

The proposal includes two paths to relief for borrowers facing financial hardship. The first type of relief is granted automatically to borrowers who have an 80 percent chance or higher of defaulting on their loan within the next two years and would include an analysis of 17 different financial factors in making the determination. The second path to relief would require an application process and would target borrowers with a high likelihood of default and for whom there is no other path to relief through existing programs. The proposed rule outlines the types of financial hardship which may make a borrower eligible for this relief, including circumstances such as high medical bills or financial burden due to the impact of a natural disaster, among others.

House Committee on Education and the Workforce Chair Virginia Foxx (R-NC) criticized the rule and the timing of the announcement in relation to the election saying that “[t]he latest blatant attempt to bribe voters is the hallmark of a desperate administration that’s squandered the chance to make meaningful, lasting reform when it comes to college costs.”

The proposed rules will be published in the *Federal Register* soon, and [a copy of the unofficial version of the proposal is available here](https://www.ed.gov/media/document/nprm-hardship-sldr). ED, in its press release, stated that it plans to finalize the rule in 2025.

Resources:

Rebecca Carballo, “Biden administration proposes rule to provide debt relief to people with financial hardship,” *Politico,* October 25, 2024.

Author: KSC

### Constitutionally Protected Prayer Certification Due Next Week

The U.S. Department of Education (ED) released a reminder this week that State educational agencies (SEAs) must submit a list of local educational agencies (LEAs) that have not yet provided their annual constitutionally protected prayer certifications or have received a related complaint. The SEA submission must be sent to ED by November 1, 2024.

Section 8524(b) of the Elementary and Secondary Education Act (ESEA) requires that LEAs issue an annual, written certification stating that “no policy of the local educational agency prevents, or otherwise denies participation in, constitutionally protected prayer in public elementary schools and secondary schools” by October 1st of each year. The certification requirement is a condition of receiving federal funds under ESEA.

In compliance with Section 8524(a) of ESEA, ED released “Guidance on Constitutionally Protected Prayer and Religious Expression in Public Schools” in May of 2023, which addresses the SEA and LEA responsibilities and outlines constitutional principles. The guidance document says that while the U.S. Constitution prevents the government from establishing religion, “[n]othing in the First Amendment, however, converts the public schools into religion-free zones, or requires students, teachers, or other school officials to leave their private religious expression behind at the schoolhouse door.” ED also provides information on imposing speech rules while not discriminating against religiously motivated speech.

If an LEA is not in compliance with Section 8524 for failing to submit the certification or for having a policy that violates the requirement, the SEA is required to follow its own enforcement procedures to ensure that the LEA complies. When submitting a list of LEAs with complaints to ED, SEAs should also include what investigations or enforcement actions it is taking and the status of those actions.

[ED’s guidance document can be found here.](https://www.ed.gov/laws-and-policy/laws-preschool-grade-12-education/preschool-grade-12-policy-documents/guidance-on-constitutionally-protected-prayer-and-religious-expression-in-public-elementary-and-secondary-schools)

Author: BTW

## News

### ED Provides Update on Comprehensive Technical Assistance Centers

The U.S. Department of Education (ED) sent a letter Monday to chief State school officers providing an update on the Comprehensive Centers Network (CCNetwork), which is comprised of technical assistance centers for Elementary and Secondary Education Act (ESEA) programs.

New comprehensive center grants were awarded recently, and ED made changes to the structure of the system. The network includes 14 regional centers across the country, four content centers, and one national comprehensive center. The content centers provide technical assistance on specific issues, which were selected based on stakeholder input and include early school success, multilingualism, fiscal equity, and the educator workforce. Each regional center serves States within a particular area of the country, and the national center coordinates activities and support across all network centers.

ED’s letter to States notes that the regional centers will serve as “the entry point to the CCNetwork.” Each regional center will establish an advisory board that must include the chief State school officer for each State covered by the regional center, or a designee from the State educational agency (SEA), as well as other education stakeholders, which will be determined by the center through consultation with the SEA and the governor of each State. The regional centers will also work with each State to develop an “annual service plan” that will include the types of technical assistance that will be implemented for the State in the future.

The regional centers will initiate the board selection process within the coming weeks by scheduling meetings with States.

Author: KSC

### Department to Offer Early Retirements Amid Budget Constraints

The U.S. Department of Education (ED) is reportedly planning to offer early retirement to eligible employees, citing budget constraints in recent fiscal years. It is unclear at this time how many employees may take advantage of the voluntary early retirement. To be eligible for early retirement from the federal government, employees generally must be over 50 years of age and have served at least 20 years in federal service, or have served at least 25 years with no age minimum. ED currently has over 2,000 employees who may be eligible for the offer.

This is not the first time ED has provided early retirement offers and buyouts in recent years. Hundreds of employees were offered early retirement under both the Obama and Trump administrations. ED has not commented on the early retirement plan.

Author: KSC

***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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