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# **The Federal Update for January 5, 2024**

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

Re: Federal Update

Date: January 5, 2024

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## Legislation and Guidance

### DOL Issues Proposed Rule on Registered Apprenticeships

The U.S. Department of Labor (DOL) issued a proposed rule in mid-December to “enhance” the National Apprenticeship System and registered apprenticeships. The regulations were last updated in 2008.

Overall, the proposed regulations seek to expand worker protections, improve the pipeline from career and technical education (CTE) programs into apprenticeships, enhance the quality of apprenticeship programs, and make changes to the State governance provisions. The new rules would provide DOL’s Employment and Training Administration more authority to implement apprenticeship programs, including the ability as a Registration Agency to approve programs and authority to recognize State Apprenticeship Agencies. The proposal also expands workplace safety requirements for apprenticeships and equity provisions to reduce barriers for disadvantaged populations, such as women and people of color. Additionally, the proposed rule would modify the process for determining new occupations suitable for the national apprenticeship program, as new and emerging industry opportunities expand and have increased need for labor. The modified process would require new occupations to meet certain industry-recognized criteria.

DOL consulted with the U.S. Department of Education (ED) on one major proposed change in the rule related to CTE programs. DOL proposes a CTE apprenticeship model that would create standards specific to the participation of high school and postsecondary CTE students, with the goal being postsecondary enrollment, participation in an apprenticeship program, employment, or a combination of those results. The proposed rule would not make changes to the Perkins CTE program but would seek to align the apprenticeship standards for CTE students with that program and create a better pipeline from CTE programs to apprenticeships or allow students to participate in both. According to the proposed rule, the new model would “deliver the industry-specific portions of the paid on-the-job training and related instruction components of registered apprenticeship through a State-approved CTE program.”

[The proposed rule has yet to be published in the *Federal Register*, but an unofficial version is available here](https://www.apprenticeship.gov/sites/default/files/DOL-ETA_National%20Apprenticeship%20System%20Enhancements_NPRM_RIN%201205-AC13.pdf).

Author: KSC

## News

### ED Proposes Expanded College Prep Eligibility

In a draft released Tuesday, the U.S. Department of Education suggested expanding eligibility to TRIO college preparatory programs to include undocumented students. Those programs offer counseling and other support to students from disadvantaged backgrounds, including those from low-income families or whose parents did not attend college.

Currently, undocumented students are not eligible for federal student aid for higher education, though they can receive State-based aid, including tuition discounts, in some States. The proposal would open up programs like Upward Bound, Talent Search, and Education Opportunity Centers to students regardless of immigration status. However, some aspects of the program – like direct cash stipends – would still not be available to undocumented students.

The proposal is part of a group of documents released ahead of negotiated rulemaking committee meetings this month. During those meetings, federal officials and stakeholders attempt to reach consensus on changes to regulations before they are published in the *Federal Register* for public comment. The [TRIO document is here](https://www2.ed.gov/policy/highered/reg/hearulemaking/2023/trio-subcommittee-issue-paper-session-1.pdf).

In a statement, a spokesperson for the agency said officials are “looking to expand eligibility so that disadvantaged students who are already entitled to a free public education at the K-12 level have the support needed to both complete their education and access the promise of a postsecondary education.”

Author: JCM

### Updated FAFSA Undergoing “Soft Launch”

The U.S. Department of Education (ED) has started to roll out the new Free Application for Federal Student Aid (FAFSA) form intermittently this month.  The form was initially available on December 30th for a short period and has been available for some time each day.  However, students have reported long wait periods and some technology issues as they attempt to fill out the form and as ED makes ongoing changes.  So far, about 500,000 of an expected 17 million students have filled out the FAFSA, according to data from ED.

Following action from Congress in the FUTURE Act and FAFSA Simplification Act, the new FAFSA form is more streamlined.  The updated process also includes updated calculations intended to extend Pell Grants to more students by linking eligibility to family size and the federal poverty level.  ED’s launch was forced by the fact that federal law requires the FAFSA to be available by January 1 – the updated form was originally scheduled for launch before the end of 2023 – but ED says that the agency is still making adjustments, and that data won’t start going out to colleges and scholarship organizations until the end of January.

Resources:   
Katharine Knott and Liam Knox, “The New FAFSA is Here. Or is it?,” *Inside Higher Ed,* January 3, 2024.  
Nicole Cohen and Cory Turner, “FAFSA delays are straining families and colleges,” *NPR,* January 5, 2024.

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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Posted by the California Department of Education, January 2024