

# **The Federal Update for July 19, 2024**

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Re: Federal Update

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## Legislation and Guidance

### ED Issues FAQs on Updated Uniform Guidance

The U.S. Department of Education (ED) issued a frequently asked questions (FAQs) document this week on the updated Uniform Grant Guidance (UGG) regulations finalized in April. The FAQs address which type of grants the UGG applies to, the implementation date, as well as some key changes in the regulations.

The final UGG effective date is October 1, 2024 for State-administered awards issued on or after that date, but the regulations provided federal agencies the option to implement the regulations sooner. A representative from ED presenting at the National Association of ESEA State Program Administrators summer conference this week stated that grantees could have implemented the changes beginning on July 1, when fiscal year 2024 funding was distributed to States. This information, however, was not communicated to grantees prior to July 1, effectively removing the option for early implementation. The ED representative noted that the information was included in the implementation plan ED was required to submit to the Office of Management and Budget earlier this summer, but those plans have not been publicly released. The FAQs, which were not released until this week, reiterate the option to implement as soon as July 1. Given that grantees were not provided notice of the option to implement before October 1, most States plan to wait until their July 1, 2025 funding awards for implementation in order to avoid the challenge of changing the applicable rules mid-year (grantees are not permitted to apply the updated rules retroactively to past costs, according to the FAQs).

For any discretionary grants, direct formula grants, or continuation awards from ED with a period of performance that begins on or after October 1, 2024, grantees will be required to follow the updated UGG rules.

[The FAQs on UGG implementation are available here](https://www2.ed.gov/about/offices/list/ofo/oaga/uniformguidancefaqs.pdf).

Author: KSC

### FCC Votes to Expand E-Rate Program

The Federal Communications Commission (FCC) voted Thursday to expand the E-Rate program, which provides discounted telecommunications and internet services to eligible schools and libraries, to include Wi-Fi hotspots.

Under the expansion, schools and libraries could use E-Rate funding for Wi-Fi hotspots that can be taken off the main location, which may include providing hotspots for students to use at home. This most recent program expansion comes after the FCC added Wi-Fi on school buses as an eligible service under the program last year. That decision is currently being challenged in federal court by a family whose child was subject to cyberbullying.

The moves to expand the program have caught opposition from some Republican lawmakers, who argue that services should be limited to schools and libraries. Those lawmakers raised concerns with the expansion of Wi-Fi to school buses, arguing that students would not use the internet services for school-related activities and instead would engage in non-academic activities such as social media. Advocates of the recent expansions, however, note that the underlying law does not define “classrooms” and that the FCC is within its rights to modernize the program.

Should the lawsuit regarding the school bus Wi-Fi be successful, the expansion this week to allow funding for hotspots would likely come into question as well.

Resources:

Anna Merod, “As FCC prepares for E-Rate expansion vote, a lawsuit seeks to block the way,” *K-12 Dive*, July 15, 2024.

Author: KSC

### ED Publishes Guidance for AI Developers

This month, the U.S. Department of Education’s (ED’s) Office of Educational Technology issued a guidance document titled, “Designing for Education with Artificial Intelligence Resources.” The guidance includes recommendations on how artificial intelligence (AI) developers can use AI to help K-12 schools and institutions of higher education.

In the guidance, ED encourages AI developers to work with States on improving teaching and learning. They note that 15 States currently have resources for the use of AI in education, and developers should utilize these resources and take on a shared responsibility with schools.

ED outlined five areas for developers to consider when working with schools. First, the agency stated that developers should consider educator and student feedback when designing programs for education and ensure that there is evidence that the institute needs AI tools to achieve specific solutions. The guidance also encourages developers to consider equity and civil rights and to avoid bias and discrimination. Additionally, ED says that developers need to ensure they are protecting personal information, while also promoting transparency.

The guidance also included eight “categories of risk” that developers should consider before working with schools. Those include malicious uses, misinformation management, bias, and data privacy.

[The guidance resource can be found here.](https://tech.ed.gov/designing-for-education-with-artificial-intelligence/)

Resources:

Anna Merod, “Ed tech providers hold ‘shared responsibility’ for AI, says Education Dept,” *K-12 Dive*, July 16, 2024.

Author: BTW

## News

### Federal Court Temporarily Pauses Biden SAVE Program

A federal court decision on Thursday temporarily placed a pause on President Biden’s SAVE program, a student loan repayment program that offers lower monthly payments for borrowers. Two court decisions earlier this year blocked portions of the plan from going into effect, but the stay issued on Thursday by the U.S. 8th Circuit Court of Appeals blocks the entire program from being implemented while the court considers the participating States’ request for a preliminary injunction.

Following the earlier court decisions, the U.S. Department of Education (ED) placed impacted borrowers into forbearance while the case is ongoing. ED has appealed those rulings.

ED has already noted in prior court submissions regarding the plan that pauses such as these would cause significant confusion and administrative challenges for impacted borrowers. The stay issued on Thursday is very brief and does not provide any context or reasoning for the decision.

ED announced Friday that it would freeze payments, as well as interest accrual, for the approximately eight million affected borrowers, while the case proceeds.

Resources:

Katherine Knott, “Biden’s SAVE Plan Blocked by Federal Court,” *Inside Higher Ed*, July 19, 2024.

Rebecca Carballo, “Education Department freezes student loan payments for 8M borrowers,” *Politico*, July 19, 2024.

Author: KSC

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