

SLIGO LAW GROUP, PLLC

FEDERAL EDUCATION AND GRANTS LAW | SERVING CLIENTS NATIONWIDE

REQUEST FOR QUALIFICATIONS AND QUOTATIONS NO. 2027-02

Proposal for Federal Grant Consulting

State of Washington

Office of Superintendent of Public Instruction · Olympia, Washington

Submitted August 2026

SUBMITTED TO	SUBMITTED BY
Marion Kariuki, RFQQ Coordinator Office of Superintendent of Public Instruction 600 Washington Street South, PO Box 47200, Olympia, WA 98504-7200 contracts@k12.wa.us	Sligo Law Group, PLLC 1717 K Street NW, Suite 900, Washington, DC 20006 (202) 888-2084 contact@sligolawgroup.com <i>A women-owned federal education law firm</i>

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I. Letter of Submittal and Signed Certifications

A. Letter of Submittal

August 17, 2026

Marion Kariuki, RFQQ Coordinator
Office of Superintendent of Public Instruction (OSPI)
600 Washington Street South, PO Box 47200, Olympia, WA 98504-7200
contracts@k12.wa.us

Re: RFQQ No. 2027-02, Federal Grant Consulting

Dear Ms. Kariuki:

Sligo Law Group (SLG) will provide OSPI with senior-level federal monitoring and analysis that translates developments into practical, program-specific guidance. We will track relevant legislative, regulatory, policy, funding, oversight, and litigation activity; distinguish current requirements from proposals and unsettled actions; and identify the implications and next steps for Washington. Services include written updates, monthly briefings, on-demand responses, and stakeholder training.

Our five-attorney team brings more than 80 years of combined experience in the U.S. Department of Education's Office of the General Counsel. We advised on ESEA, IDEA, Perkins V, workforce programs, EDGAR, the Uniform Guidance, audits and internal controls, congressional activity, and intersections between Title I and federal child nutrition programs.

For OSPI, this structure provides:

- **Decision-ready monitoring.** Updates will identify what changed, the affected programs, practical significance, remaining uncertainty, and recommended next steps.
- **Integrated analysis.** We will assess program, funding, audit, civil rights, student privacy, and implementation effects together.
- **Senior accountability and cost certainty.** I will hold final authority; material deliverables will receive two-attorney review; and the fixed \$55,200 price includes anticipated travel.

Named workshare, senior-only staffing, shared coverage, tailored references, and fixed pricing provide specialized federal experience without junior-staffing layers or open-ended hourly exposure.

I am authorized to bind the firm and will serve as OSPI's primary contact. Our signed Certifications and Assurances, Qualification Affirmations, and Contractor Intake Form will accompany the final submission.

Best regards,



Jocelyn (Josie) Eskow Skinner
Partner, Sligo Law Group, PLLC

B. Certifications and Assurances

Bidder makes the following certifications and assurances as a required element of the proposal to which it is attached, understanding that the truthfulness of the facts affirmed here and the continuing compliance with these requirements are conditions precedent to the award or continuation of the related contract(s):

- Bidder declares that all answers and statements made in the proposal are true and correct.
- The prices and/or cost data have been determined independently, without consultation, communication, or agreement with others for the purpose of restricting competition. However, Bidder may freely join with other persons or organizations for the purpose of presenting a single proposal.
- The attached proposal is a firm offer for a period of ninety (90) business days following receipt, and it may be accepted by OSPI without further negotiation (except where obviously required by lack of certainty in key terms) at any time within the ninety (90) business-day period.
- In preparing this proposal, Bidder has not been assisted by any current or former employee of the state of Washington whose duties relate (or did relate) to this proposal or prospective contract, and who was assisting in other than his or her official, public capacity. (Any exceptions to these assurances are described in full detail on a separate page and attached to this document.)
- Bidder understands that OSPI will not reimburse Bidder for any costs incurred in the preparation of this proposal. All proposals become the property of OSPI, and Bidder claims no proprietary right to the ideas, writings, items, or samples, unless so stated in this proposal.
- Unless otherwise required by law, the prices and/or cost data which have been submitted have not been knowingly disclosed by the Bidder and will not knowingly be disclosed by Bidder prior to opening, directly or indirectly, to any other Bidder or to any competitor.
- Bidder agrees that submission of the attached proposal constitutes acceptance of the solicitation contents and the attached sample contract and general terms and conditions. If there are any exceptions to these terms, Bidder has described those exceptions in detail on the Contract Issues Exhibit.
- No attempt has been made or will be made by the Bidder to induce any other person or firm to submit or not to submit a proposal for the purpose of restricting competition.
- Bidder grants OSPI the right to contact references and others, who may have pertinent information regarding the Bidder's prior experience and ability to perform the services contemplated in this procurement.
- Bidder acknowledges that if awarded a contract with OSPI, Bidder is required to comply with all applicable state and federal civil rights and other laws. Failure to comply may result in Contract termination. Bidder agrees to submit additional information about its nondiscrimination policies, at any time, if requested by OSPI.

- Bidder certifies that Bidder has not, within the three-year period immediately preceding the date of release of this competitive solicitation, been determined by a final and binding citation and notice of assessment issued by the Department of Labor and Industries or through a civil judgment to have willfully violated state minimum wage laws (RCW 49.38.082; Chapters 49.46 RCW, 49.48 RCW, or 49.52 RCW).
- Bidder has not been debarred or otherwise restricted from participating in any public contracts.
- Bidder certifies that Bidder has not willfully violated Washington State's wage payment laws within the last three years.
- Bidder acknowledges its obligation to notify OSPI of any changes in the certifications and assurances above.

I certify under penalty of perjury of the laws of the State of Washington that the foregoing is true and correct.

<u></u>	<u>8/17/26</u>	<u>College Park, MD</u>
Signature of Bidder	Date	Place Signed (City, State)

<u>Jocelyn (Josie) Eskow Skinner</u>	<u>Partner</u>	<u>Sligo Law Group, PLLC</u>
Printed Name	Title	Organization Name

C. Qualification Affirmations

Please see the completed form below. **If selected as the Apparent Successful Bidder, Sligo Law Group, PLLC intends to register to do business in Washington within thirty calendar days** to the extent registration is required by the Washington Department of Revenue.

CONSULTANT INFORMATION	
Bidder:	<u>Sligo Law Group, PLLC</u>

MINIMUM QUALIFICATIONS
<i>Please check all boxes that apply.</i> ☒ Licensed to do business in the State of Washington. If not licensed, provide a written intent to become licensed in Washington within thirty (30) calendar days of being selected as the Apparently Successful Contractor. ☒ Knowledge of Department of Education and Department of Agriculture federal grants, including, but not limited to, the federal grants included under the Elementary and Secondary Education Act (ESEA), Individuals with Disabilities Act (IDEA), Strengthening Career and Technical Education for the 21st Century Act (Perkins V), and the Child Nutrition Act. ☒ Knowledge of federal grant requirements, including, but not limited to, EDGAR, Uniform Grant Guidance and the federal compliance supplement. ☒ Experience providing professional documents and trainings to stakeholders. Consultants who do not meet the minimum qualifications noted above will be rejected as non-responsive and will not receive further consideration. Any proposal that is rejected as non-responsive will not be evaluated or scored.

ADDITIONAL DESIRED QUALIFICATIONS
<i>Please check all boxes that apply.</i> ☒ Knowledge of external auditing of federal grants and internal controls.

I certify under penalty of perjury of the laws of the State of Washington that the foregoing is true and correct.

<u></u>	<u>8/17/26</u>	<u>Washington, DC</u>
Signature of Bidder	Date	Place Signed (City, State)
<u>Jocelyn (Josie) Eskow Skinner</u>	<u>Partner</u>	<u>Sligo Law Group, PLLC</u>
Printed Name	Title	Organization Name

D. Contract Intake Form



Washington Office of Superintendent of
PUBLIC INSTRUCTION

CONTRACT INTAKE FORM

All potential consultants/entities seeking a Contract, Agreement, Memorandum of Understanding, etc., with the Office of Superintendent of Public Instruction (OSPI), State Board of Education (SBE), Professional Educator Standards Board (PESB), or Financial Education Public-Private Partnership (FEPPP) must complete and return this form before a Contract or Agreement will be offered.

1. CONTRACTOR'S NAME (AS LEGALLY REGISTERED WITH THE IRS): ⁴		CONTRACTOR'S DBA (DOING BUSINESS AS) NAME:	
Sligo Law Group, PLLC		Sligo Law Group, PLLC	
2. CONTRACTOR'S CONTACT INFORMATION: OSPI will use the information below to send the final contract for signature through DocuSign. A DocuSign account is not necessary to accept or sign the contract/agreement.			
ADDRESS (NUMBER, STREET, AND APT/SUITE) 1717 K St. NW, Suite 900	CITY Washington	STATE DC	ZIP CODE 20006
CONTRACT MANAGER NAME ¹ Jocelyn (Josie) Eskow Skinner		CONTRACT MANAGER'S EMAIL ADDRESS josie@sligolawgroup.com	
CONTRACT MANAGER'S PHONE NUMBER (202) 266-5608			
CONTRACTOR'S SIGNATORY (IF DIFFERENT THAN CONTRACT MANAGER): ²			
NAME		EMAIL ADDRESS	
ADDITIONAL INDIVIDUALS TO RECEIVE CONTRACT (IF DESIRED): ³			
NAME(S) Emily Merolli	EMAIL ADDRESS(ES) emily@sligolawgroup.com	ACTION REQUIRED Courtesy Copy	
3. BUSINESS INFORMATION:			
TAXPAYER IDENTIFICATION (TIN) NUMBER For individuals, this is your Social Security Number (SSN). For other entities (corporations, school districts, etc.), this is your Employer Identification Number (EIN). SSN: _____ OR EIN: 392228626			
STATEWIDE VENDOR (SWV) NUMBER Contractors are required to register as a Statewide Vendor in order to receive payment from the State. Visit the Office of Financial Management for information or to register. To find your existing SWV#, visit OFM's Statewide Vendor Number lookup . SWV: _____			
How is your business organized? LLC filing as Partnership If a Corporation, non-profit, attach a copy of 501(c) status.			

Do you have a current Washington State business license?☐ Yes – Attach a copy or provide UBI#: _____☒ No

For assistance finding your organization's legal name or UBI number, or if you would like more information about business license requirements, visit the [Department of Revenue](#).

Have you had any contract to provide services terminated for default?☐ Yes ☒ No

If yes, attach a list of each terminated contract with an explanation of the situation.

Will a Subcontractor be used to fulfill any part of the work in the proposed contract/agreement? ☐ Yes ☒ No

Subcontractor means one not in the employment of the Contractor, who is performing all or part of contracted services under a separate contract with the Contractor. The Contractor and all Subcontractors shall report and confirm receipt of payments made to the Contractor and each Subcontractor through the state's Access Equity system. For information and/or help with the system visit the [OMWBE Access Equity Help Center](#).

Is your business a small, woman-, minority-, or veteran-owned business as defined in [Chapter 39.26.010 RCW](#)?

	No	Yes, but we are NOT certified*	Yes, and we ARE certified*
Woman-owned business (must be majority-owned)	☐	☒	☐ Certification #: _____
Minority-owned business (must be majority-owned)	☒	☐	☐ Certification #: _____
Veteran-owned business (must be majority-owned)	☒	☐	☐ Certification #: _____
Washington Microbusiness, Minibusiness, or Small Business as defined by Chapter 39.26.010 RCW	☐	☒ (Certification is not required)	

4. WASHINGTON STATE EMPLOYMENT (ESDs, School Districts, and State Agencies check N/A):**Are you, or any of your business partners, directors, officers, managers, employees, or board members current or former (within the last 24 months) officers or employees of the State of Washington?**☐ Yes ☒ No ☐ N/A If yes: ☐ Current or ☐ Former

District and ESD employees are not considered state employees for this purpose. As a reminder, check with your employer regarding their outside work policies.

If you checked Yes, you may be required to seek guidance from the [Executive Ethics Board](#) before a contract is offered; you may be contacted for clarification about your current/former role.

5. I certify, under penalty of perjury as provided by the laws of the State of Washington, that all of the foregoing statements are true and correct, and that I will notify the Agency of any changes.**CONTRACTOR SIGNATURE****DATE**

8/17/2026

PRINTED NAME

Jocelyn (Josie) Eskow Skinner

TITLE

Partner

¹ Contract Manager is the Contractor's person responsible for all communications and billings regarding the performance of the Contract/Agreement. Depending on your organization's structure, this may or may not be the same person who will sign the Contract/Agreement. This is NOT the OSPI Contract Manager or contact person.

² If the person signing the Contract/Agreement on behalf of the Contractor is different than the Contract Manager, both individuals will receive notices via DocuSign.

³ You may list additional individuals to sign the Contract/Agreement and/or receive a courtesy copy via DocuSign. If including additional signatories, list them in order they should be received.

E. Proposal Compliance Crosswalk

This crosswalk follows the RFQQ's required proposal headings and directs evaluators to the corresponding evidence in SLG's response.

RFQQ Heading	Required Showing	Evaluator-Ready Evidence	Location in Response
C.3. Letter of Submittal and Signed Certifications	Signed transmittal and required proposal information and forms.	Authorized representative and primary contact; firm and contact information; acceptance of solicitation terms; completed certifications, qualification affirmations, and contractor intake form.	I.A–I.D
C.4.i. Project Management/Team Structure/Internal Controls	Team structure; staff and subcontractors; responsibilities, qualifications, time commitments; organizational chart and authority through the highest management level; prime responsibility and final authority; internal controls.	Five named senior attorneys; annual hours and workshare; roles and program assignments; equal rank partner governance; OSPI engagement authority; phased work plan; quality, source, continuity, confidentiality, conflict, deadline, and budget controls.	II.A
C.4.ii. Relevant Experience	Relevant consultant and personnel experience; minimum and desired qualifications; qualification affirmations.	Firm risk mitigation; program-by-program ED and USDA grant experience; EDGAR, Uniform Guidance, Compliance Supplement, documents and training, auditing and internal controls; key person qualifications and résumés.	II.B.1
C.4.ii Related Contracts	Related contracts from the last five years with required	Sligo Law Group was established in August 2025. Previously, all attorneys at the firm served in the U.S. Department of Education Office of General Counsel. We have selected contracts	II.B.2

	reference information.	from our first year in private practice that demonstrate the breadth of our skills and ability.	
C.4.iii. References	Required reference information for comparable work.	References selected to validate federal grants knowledge, recurring monitoring and timeliness, and stakeholder training; includes name, organization, address, phone, email, and services the reference can verify.	II.C
C.4.iv. Past Performance	Disclosure of any contract breach notification during the stated five-year period.	Affirmative statement covering SLG's entire operating history since August 2025.	II.D
C.4.v. Examples/Samples of Related Projects/Previous Work	Representative work demonstrating the ability to perform the RFQQ scope.	Three directly mapped samples: recurring congressional monitoring, federal grants regulatory analysis, and stakeholder training; each includes an explanation of relevance to OSPI.	II.E; V.A–V.C
C.4.vi. Subcontractors	Identification and description of proposed subcontractors, or confirmation that none are proposed.	Confirmation that SLG proposes no subcontractors; explanation that its Of Counsel attorneys are integrated members of the legal team and subject to the same controls.	II.F
C.5.i. Identification of Costs	Complete identification of proposed costs for the initial contract term.	\$55,200 fixed price; up to 24 monthly invoices; attorney hours and allocations; administrative support; included travel; zero separate indirect charge; fixed fee, discount, value, and price protection rationale.	III.A
C.5.ii. Travel Costs	Identification and treatment of travel expenses.	\$4,850 allowance for two Washington trips; airfare, lodging, transportation, meals, and incidentals included within fixed price; Washington travel rules applied.	III.B
C.5.iii. Subcontractor Costs	Identification of subcontractor costs.	Not applicable because no subcontractors are proposed; Of Counsel professional service allocations are included in the labor cost table.	III.C

C.5.iv. Indirect Costs	Identification of indirect costs and compliance with the RFQQ cap.	No separate indirect cost rate or charge; overhead, technology, insurance, ordinary administration, and applicable taxes included within the fixed price.	III.D
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II. Management Proposal

OSPI's challenge is not simply volume. A single federal action may affect program authority, appropriations, grant administration, audit risk, and state or local implementation at the same time. SLG's proposed model assigns each development to a senior subject-matter lead, tests it across relevant workstreams, and converts it into a concise action-oriented product for OSPI staff.

Federal funding security increasingly depends on more than compliance with program statutes and fiscal rules. Civil rights and student privacy requirements, including Title VI, Title IX, Section 504, FERPA, and PPRA, are tied to the receipt or administration of federal education funds. Recent federal enforcement has increasingly connected unresolved noncompliance to corrective action, referral to the Department of Justice, and potential withholding or termination of federal assistance. SLG will therefore evaluate civil rights and student privacy developments for purposes of this contract as funding continuity, implementation, and administrative record risks, rather than treating them as stand-alone policy issues.

OSPI need or risk	SLG feature	Direct benefit to OSPI
Rapid and fragmented federal change	Continuous monitoring led by a former Department legislative counsel, supported by program specialists	Earlier notice and contextualization of consequential developments without burdening OSPI staff with undifferentiated federal activity
Uncertainty about what is legally operative	Former Department counsel who drafted, interpreted, implemented, monitored, and defended federal requirements	Clear separation of enacted law, final rules, guidance, proposals, litigation risk, and political signals
Cross-program consequences	Assigned leads for ESEA and general grants, IDEA and fiscal accountability, Perkins/workforce, and congressional and regulatory activity	One integrated assessment of affected programs, dependencies, and implementation choices
Audit and oversight exposure	Experience with Single Audits, the Compliance Supplement, high-risk grantees, GAO/OIG reviews, audit determinations, and administrative recovery	Advice calibrated to how requirements are likely to be tested and what records will support OSPI's decisions
Continuity and new firm risk	Senior-only named team, explicit workshare, alternate contact, two-attorney review, fixed pricing, and no contract breach notices	Reliable service without junior attorney ramp-up, key person dependence, or uncontrolled fees
Funding-linked civil rights and student privacy exposure	Dedicated review by a former OCR attorney and Department Assistant General Counsel	Earlier identification of policy, documentation, corrective action, enforcement, and funding continuity risks

A. Project Management, Team Structure, and Internal Controls

1. Project Team and Workshare

SLG proposes a five-attorney senior team matched to the programs and functions within OSPI's scope. Ms. Skinner will serve as Engagement Lead, hold prime responsibility and final authority for

all contract work, and serve as OSPI's primary point of contact. Ms. Merolli will lead legislative and regulatory monitoring and serve as alternate contact. Ms. Harris and Mr. Hedrick will provide specialized program, fiscal, and audit support. Ms. Siegelbaum will serve as Civil Rights, Student Privacy, and Funding Continuity Lead. She will review material developments involving civil rights and student privacy requirements, assess their relationship to grant assurances and continued funding, and support OSPI on related policy, documentation, corrective action, and enforcement questions.

The estimated allocations total 95 attorney hours per contract year and are planning estimates rather than individual caps.

Attorney and title	Engagement responsibility	Principal subject areas	Annual hours	Workshare and authority
Jocelyn (Josie) Eskow Skinner, Founding Partner	Engagement Lead; assignment and deadline management; OSPI inquiries and monthly briefings; final approval	ESEA; EDGAR; Uniform Guidance; McKinney-Vento; equitable services; Title I allocation and Child Nutrition Act intersections; grants administration	31	Approx. 33%; prime responsibility and final authority
Emily K. Merolli, Founding Partner	Legislative and Regulatory Monitoring Lead; primary written updates; alternate contract contact	Congress; appropriations; federal budget; Federal Register and agency activity; IDEA legislation; GAO and OIG oversight	31	Approx. 33%; equal firm rank
Lisa Wells Harris, Of Counsel	Formula Grants and Workforce Programs Lead; targeted review and audit determination support	ESEA formula programs; Perkins V; WIOA; adult education; high-risk grantees; grant conditions and audit determinations	14	Approx. 15%; reports to Engagement Lead
Marcus Hedrick, Of Counsel	Special Education and Fiscal Accountability Lead; targeted review and audit resolution support	IDEA Parts B, C, and D; EDGAR; Uniform Guidance; fiscal compliance; internal controls; audit resolution	14	Approx. 15%; reports to Engagement Lead
Jill Siegelbaum, Founding Partner	Civil rights, student privacy; targeted review, policy analysis, and training support	Title VI; Title IX; Section 504; FERPA; PPRA; OCR, SPPO, and DOJ enforcement	5	Approx. 5%; equal firm rank
TOTAL			95	

The hours shown are estimates. We anticipate the engagement will require roughly 75 to 100 hours of professional time per year across the team, consistent with the monthly contact and written update cadence in the scope of work, with capacity to scale during periods of heightened federal activity. Our pricing, set out in the Cost Proposal, covers the full scope described here regardless of the hours required in any given month.

SLG may reallocate effort among the named attorneys to address changes in federal activity or OSPI

priorities without increasing the fixed price or reducing the required service level. All substantive work will be performed by the five named attorneys.

2. Organizational Chart and Lines of Authority

FIRM GOVERNANCE EQUAL RANK FOUNDING PARTNERS		
JOCELYN (JOSIE) ESKOW SKINNER Founding Partner	EMILY K. MEROLLI Founding Partner	JILL SIEGELBAUM Founding Partner
OSPI ENGAGEMENT AUTHORITY JOCELYN (JOSIE) ESKOW SKINNER, ENGAGEMENT LEAD Prime responsibility and final authority for scope, staffing, deadlines, communications, and deliverables		
EMILY K. MEROLLI Legislative and regulatory monitoring; alternate contact	LISA WELLS HARRIS Formula grants and workforce programs	MARCUS HEDRICK IDEA, fiscal accountability, and audit resolution

Ms. Skinner and Ms. Merolli hold equal rank as founding partners. For this engagement only, Ms. Skinner holds final OSPI contract authority, while Ms. Merolli leads legislative and regulatory monitoring and serves as alternate contract contact. Ms. Harris and Mr. Hedrick report directly to Ms. Skinner for OSPI work. Ms. Siegelbaum shares firm-level governance authority. No management tier exists above the founding partners.

3. Phased Work Plan and Service Standards

Phase and timing	Execution method	Principal outputs	Advantage to OSPI
1. Start-up and calibration; first 10 business days	Confirm designated contacts, priority programs, distribution list, preferred format, recurring risk areas, open federal issues, and escalation thresholds.	Monitoring matrix; contact and escalation protocol; initial issue register; annual training priorities	Relevant reporting from the start; fewer low-value alerts and no avoidable handoff delay
2. Continuous monitoring and triage; ongoing	Monitor Congress, appropriations, Federal Register activity, ED, HHS, USDA, DOL, OMB, GAO, OIG, and material federal litigation. Classify items as immediate action, operational planning, or continued monitoring.	Weekly written update; prompt alerts as material developments occur; source-linked analysis; watch list for unresolved items	OSPI receives significance and next steps, not a feed of headlines
3. Monthly advisory cycle; monthly and on demand	Provide a standing 60-minute briefing, circulate a focused agenda, maintain an action log, and address staff inquiries. Acknowledge routine inquiries within one business day and ordinarily answer within three business days.	Monthly briefing; action log; written follow-up; interim assessment and completion date for complex questions	Continuity across program offices and a documented path from issue identification to resolution
4. Training and annual recalibration; each contract year	Provide up to one virtual and one in-person training tailored to SEA and LEA audiences; refresh program priorities and service protocols annually.	Accessible training materials; practical examples; updated annual monitoring plan	Staff capacity building and a service model that adjusts as federal and Washington priorities change

Service Commitments and Deliverables

Federal monitoring and written products. SLG will monitor relevant congressional, appropriations, regulatory, policy, guidance, oversight, and litigation developments involving Congress, ED, USDA, DOL, HHS, OMB, GAO, OIG, and other federal entities affecting OSPI-administered programs. SLG will provide a concise weekly federal grants update and additional event-driven alerts when developments are time-sensitive. Before each monthly briefing, SLG will provide a consolidated written update or agenda identifying open issues, decisions requiring attention, upcoming deadlines, and developments that warrant continued monitoring.

Washington-specific analysis. Written products will distinguish enacted or issued authority from proposals, litigation, and other unsettled developments; identify the affected OSPI programs and funding streams; explain the practical, operational, fiscal, compliance, and funding implications for Washington; and recommend appropriate next steps, responsible offices, and applicable deadlines. When a development affects multiple programs, SLG will identify those intersections rather than analyzing each funding stream in isolation.

Monthly consultation and on-demand support. SLG will conduct a standing 60-minute monthly briefing with designated OSPI staff, supported by a focused agenda, action log, and written follow-up. OSPI staff may also submit questions concerning new developments or existing federal statutes,

regulations, guidance, and grant requirements as needed. SLG will acknowledge routine inquiries within one business day and ordinarily provide a substantive response within three business days. For complex questions requiring additional research or coordination, SLG will provide an interim assessment and expected completion date.

Training and reusable resources. At OSPI's request, SLG will provide up to one virtual and one in-person training during each contract year for SEA, LEA, or other designated stakeholders. Trainings will be tailored to the audience and requested subject matter and will use accessible materials, practical examples, and implementation-focused guidance. OSPI may circulate SLG's written updates and training materials to OSPI staff, LEAs, the Office of Financial Management, legislative staff, and other designated public-sector stakeholders at no additional charge.

4. Internal Controls

- **Single-point accountability.** The Engagement Lead controls assignments, deadlines, scope, communications, and final approval of material deliverables.
- **Two-attorney quality review.** Material alerts, formal analyses, and training materials will be prepared by one attorney and reviewed by a second. Routine correspondence and preliminary answers will receive review proportionate to urgency and complexity.
- **Primary source verification.** Legal and policy conclusions will be checked against statutes, regulations, Federal Register publications, official agency materials, appropriations authorities, and controlling decisions. Each update will identify whether an action is proposed, final, effective, stayed, challenged, or otherwise uncertain.
- **Issue, deadline, and source control.** SLG will maintain an engagement register identifying each request or development, responsible attorney, deadline, status, supporting authorities, final version, and required follow-up.
- **Continuity coverage.** At least two attorneys will be familiar with each material workstream. Ms. Merolli will serve as alternate contact when the Engagement Lead is unavailable.
- **Conflicts, confidentiality, and data minimization.** SLG will conduct conflicts checks at intake and throughout the engagement. Access to OSPI information will be limited to personnel with a need to know. SLG does not anticipate needing student-level personally identifiable information; if OSPI authorizes access to protected information, SLG will comply with the contract, applicable law, and OSPI security requirements.
- **Budget control.** The Engagement Lead will monitor professional time, administration, and travel against the fixed-price budget. No additional charge will be passed to OSPI without a mutually executed amendment.

B. Experience of the Consultant and Staff

1. Relevant Experience

Organizational Experience and New Firm Risk Mitigation

Sligo Law Group (SLG) is a national boutique federal education law firm founded in 2025 by former U.S. Department of Education attorneys. Every attorney proposed for this engagement advised the Department that administers the programs OSPI runs, from inside its Office of General Counsel. That vantage point is the firm's distinguishing feature: we know how the Department interprets and applies these requirements in practice, not only how they read on the page. The five attorneys

proposed bring more than 85 years of combined experience inside the Office of General Counsel.

Since opening in August 2025, our firm has worked directly with states, districts, and education-sector non-profit organizations on federal education and federal grants matters. In addition to these direct services, we have been retained to provide consultation and expert analysis by some of the leading coalitions and non-profit organizations in the education and federal funding sector.

Accordingly, we do not ask OSPI to treat federal employment as a substitute for firm performance. The related references and descriptions of experience separately identify SLG engagements from federal employment activities, and we have structured this overview around the evaluator concerns most relevant here: substantive knowledge, timeliness, responsiveness, written work, training quality, and the ability to translate federal requirements into practical advice.

Potential evaluator concern	Risk control evidence in this proposal	Result for OSPI
Single-point-of-contact/continuity and availability	Team-based coverage and cross-training ensure that expertise is shared across multiple attorneys; clients have consistent access and workstream continuity and responsiveness are maintained without disruption	Continuity if a team member is temporarily unavailable
Quality of rapid updates	Primary source verification, explicit status labels, two-attorney review for material products, and final approval by the Engagement Lead	Fast analysis without sacrificing legal precision
Cost growth or inefficient staffing	Senior-only substantive team, fixed fee, itemized internal allocation, included travel, and no separate indirect charge	Predictable cost and no junior attorney learning curve

Key Personnel Qualifications

Josie Eskow Skinner, Founding Partner and Engagement Lead. Former Department OGC attorney from 2014 to 2025. Advises on ESEA, formula and discretionary grants, EDGAR, Uniform Guidance, waivers and flexibilities, equitable services, grant oversight, monitoring, audit response, and implementation. Experience challenging disruptions to federal grant funding and providing targeted training to school leaders and personnel on legal obligations around equitable services and discretionary and formula grants. J.D., Georgetown University Law Center. Admitted to practice in Maryland and the District of Columbia.

Emily K. Merolli, Founding Partner and Monitoring Lead. Nearly twenty years of legal experience, including Department OGC service from 2013 to 2025. Lead legislative counsel for IDEA and other education statutes; Department liaison to OMB's Legislative Reference Division; congressional monitoring and leadership reports; regulatory drafting; GAO and OIG oversight. Experience providing tailored federal education law and policy updates and recommendations to state stakeholders, challenging disruptions to federal grant funding, and providing reviews of state special education practices for compliance with federal requirements. J.D., Vermont Law School. Admitted to practice in the District of Columbia, California (inactive), and Maryland.

Lisa Wells Harris, Of Counsel. More than 30 years in Department OGC advising OESE and OCTAE. Experience with ESEA, Perkins, WIOA interagency administration, high-risk grantees,

regulations, notices, grant conditions, non-regulatory guidance, audit determination letters, administrative litigation, and presentations to state and local program coordinators. J.D., University of Pennsylvania Law School. Admitted to practice in the District of Columbia and Virginia (inactive).

Marcus Hedrick, Of Counsel. Fourteen years in Department OGC, including service as Acting Deputy Assistant General Counsel. Specialized in IDEA, vocational rehabilitation, EDGAR, Uniform Guidance, fiscal accountability, audit resolution, monitoring, enforcement, administrative recovery, and internal grants handbooks. J.D., Harvard Law School. Admitted to practice in Washington State with application pending in the District of Columbia.

Jill Siegelbaum, Founding Partner. Nearly twenty years of service at the U.S. Department of Education, including experience in the Office for Civil Rights and leadership of an approximately fifteen-attorney OGC division as Assistant General Counsel. Experience includes SEA civil rights compliance, Title VI, Title IX, Section 504, student privacy and records requirements, federal grant review, policy development, administrative enforcement, litigation oversight, corrective compliance, and stakeholder training. J.D., New York University School of Law. Admitted to practice in New York and the District of Columbia.

Current résumés for all proposed personnel can be found in Section IV.

Knowledge of Department of Education and Department of Agriculture Federal Grants

ESEA, McKinney-Vento, and related K–12 programs.

Ms. Skinner and Ms. Harris served in the OGC division responsible for advising the Office of Elementary and Secondary Education and the Office of Career, Technical, and Adult Education. Their work included formula and discretionary grants, ESEA administrative requirements, Title I Parts C and D, Title IV Part A, 21st Century Community Learning Centers, McKinney-Vento, equitable services, waivers, transferability, grant conditions, monitoring, and audit-related matters. They understand individual programs within the broader federal funding framework, including supplement-not-supplant rules, maintenance requirements, administrative funds consolidation, transferability, and funding waivers. Ms. Skinner, Ms. Harris, Mr. Hedrick, and Ms. Merolli advise and represent clients evaluating risks to, or disruptions to federal discretionary grant funding, and provide training to stakeholders related to programs.

Advantage to OSPI. Program-specific advice will account for the interaction among ESEA authorities and cross-cutting grant requirements rather than treating each program as an isolated funding stream.

IDEA. Mr. Hedrick served as the senior Department attorney for IDEA Parts C and D and advised on Part B, including state administration, fiscal accountability, monitoring, enforcement, and audit resolution. Ms. Merolli served as lead legislative counsel for IDEA and analyzed statutory changes and their effect on state and local program operations. Both provide briefings and consultations regarding changes to federal special education policy to state attorneys and education leaders.

Perkins V and Workforce programs. Ms. Harris advised OCTAE on Perkins and adult education grant administration and served on an interagency team engaged in the joint administration of WIOA. Her experience included program compliance, grant notices and conditions, non-regulatory guidance, high-risk grantees, monitoring, and audit determinations.

Child Nutrition Act and USDA-administered programs. OSPI's responsibilities encompass federal child nutrition programs authorized under the Child Nutrition Act, the Richard B. Russell National School Lunch Act, and related statutes and regulations. Ms. Skinner advised on the intersection between these programs and her ESEA portfolio, including the use of free and reduced price meal, direct certification, and Community Eligibility Provision data to identify student poverty and rank, serve, and allocate Title I funds to school attendance areas and to calculate the amount of funding available for Title I equitable services to private school students, teachers, and families.

SLG understands the broader legal and fiscal issues these programs present for a state educational agency. These include direct certification and categorical eligibility; treatment of students experiencing homelessness, migratory children, foster children, runaway youth, and Head Start participants; confidentiality and authorized sharing of eligibility information; the relationship among Community Eligibility, Washington's no-cost meal requirements, federal reimbursement, education-benefit applications, and SUN Bucks; procurement and food-service management contracts; Buy American and local-purchasing requirements; allowable costs, internal controls, claims, administrative reviews, corrective action, fiscal action, and audit resolution; and implementation of changing requirements across the National School Lunch Program, School Breakfast Program, Child and Adult Care Food Program, Summer Food Service Program, and related programs.

Advantage to OSPI. SLG can identify when a child nutrition development affects more than meal-program operations, including Title I allocations, equitable services, state funding, student-data protections, procurement, federal reimbursement, monitoring, or audit exposure, and provide OSPI with a single, Washington-specific explanation of the governing authority, affected programs, and recommended next steps.

Civil rights, student privacy, and federal funding continuity. In addition to the federal grants identified in the RFQQ, we have noted increased scrutiny of civil rights and student privacy law implementation, particularly in the context of Title IX, FERPA, and the PPRA. This scrutiny has in many cases been tied to federal funding eligibility. Ms. Siegelbaum and Ms. Merolli both have extensive practice in the area of Title IX and student privacy. Ms. Skinner, Ms. Merolli, and Ms. Siegelbaum have provided numerous presentations and trainings for state and local school attorneys, administrators, and personnel on developing issues in civil rights and student privacy requirements and enforcement actions and the impacts on federal funding continuity.

Advantage to OSPI. Civil rights and privacy developments will be evaluated alongside program and fiscal requirements, allowing OSPI to identify funding and implementation risks before they become separate enforcement problems.

Knowledge of EDGAR, Uniform Guidance, and the Federal Compliance Supplement

Federal grants law is a core SLG practice area. The team's experience covers the federal award lifecycle, including program design, applications, conditions, allowable costs, internal controls, procurement, subawards, monitoring, corrective action, audit resolution, administrative recovery, termination, and closeout.

Uniform Guidance. Mr. Hedrick helped revise Department grants handbooks to implement the Uniform Guidance, participated in interagency review of the 2024 revisions, and represented the Department in administrative recovery actions involving fiscal requirements and disputed expenditures. Ms. Skinner advised on the Uniform Guidance as applied to formula and discretionary

grants and now advises recipients and pass-through entities on those requirements. Ms. Skinner and Ms. Merolli represent grantees in litigation challenging, among other things, violations of the Uniform Guidance, and Ms. Skinner, Ms. Merolli, and Ms. Siegelbaum provide counsel to a client regarding the applicability of the Uniform Guidance to a specialized rulemaking. This combined experience gives OSPI a team of attorneys who understand the Uniform Guidance and its application to education programs from formation to implementation, and can provide in-depth advice on what is required in a rapidly changing federal environment.

EDGAR. Team members advised on 34 C.F.R. Parts 75, 76, 77, and 81, including revisions to EDGAR, responses to substantive comments, implementation guidance, trainings, state-administered programs, enforcement, and administrative recovery. Ms. Skinner and Ms. Merolli represent grantees in litigation related to grant non-continuation under EDGAR.

OMB Compliance Supplement. While serving in the Department's Office of the General Counsel, Ms. Skinner, Ms. Harris, and Mr. Hedrick helped draft and revise the Department of Education's program-specific portions of the OMB Compliance Supplement. Their work required translating statutory, regulatory, and program requirements into compliance requirements, audit objectives, and suggested audit procedures for federal education programs. They also applied the Compliance Supplement in advising on monitoring, Single Audit findings, audit determinations, questioned costs, corrective action, high-risk grantees, and administrative recovery. This experience gives OSPI access to attorneys who understand both how the Department developed the applicable audit criteria and how those criteria are used to evaluate grantee compliance.

Experience Providing Professional Documents and Stakeholder Training

The proposed team has produced legislation, regulations, *Federal Register* materials, non-regulatory guidance, grant notices and conditions, policy memoranda, audit determination letters, monitoring and enforcement documents, senior leadership briefings, congressional reports and testimony, client alerts, newsletters, and implementation guidance.

SLG currently produces recurring federal education and congressional monitoring updates. These products identify what changed, the affected programs and recipients, the practical or legal significance, remaining uncertainty, and any response the firm recommends based on the particular interests of the stakeholders. This is the same analytic sequence proposed for OSPI.

Team members have delivered virtual and in-person presentations and briefings to Department personnel, Congressional staff, state and local program coordinators, education associations, public agencies, and national audiences. SLG trainings and materials are designed for nonlawyer program staff and translate technical requirements into operational guidance.

Advantage to OSPI. OSPI receives products designed for program officials: concise enough to use, sufficiently sourced to defend, and explicit about action items and unresolved questions.

Knowledge of External Auditing and Internal Controls

The team's experience includes Single Audits, the Compliance Supplement, GAO and OIG reviews, federal program monitoring, questioned costs, audit determinations, administrative recovery, corrective action, and management responses to findings.

Mr. Hedrick handled audit resolution and fiscal accountability matters involving IDEA, vocational rehabilitation, EDGAR, and the Uniform Guidance, including administrative recovery actions involving millions of dollars in disputed expenditures. Ms. Harris prepared audit determination

letters and advised on high-risk grantees. Ms. Skinner advised on audit response and corrective action planning. Ms. Merolli analyzed Department responses to GAO and OIG audits and oversight inquiries for legal sufficiency and reviewed GAO and OIG findings and recommendations as senior counsel for federal oversight.

SLG advises on the internal control requirements of 2 C.F.R. 200.303 and the Single Audit requirements in 2 C.F.R. Part 200, Subpart F. This experience enables the team to distinguish binding legal requirements from audit practice, anticipate how compliance is likely to be tested, and help OSPI identify practical controls and defensible documentation.

2. Related Contracts During the Last Five Years

Client and contract	Period and reference no.	Contact	Related services and result
New Hampshire Department of Education, Legal Consultation	RFP SPED-2026-01; selected as provider, services not yet started	Lisa Mercier, Administrator, Lisa.L.Mercier@doe.nh.gov	Selected to provide legal consultation services for the Bureau of Special Education.
Maryland Department of Education, Education Policy Consultation	Solicitation No. R00B6600152; selected as provider, services not yet started.	Jeremy Wilson, Procurement Officer jeremy.wilson@maryland.gov	Selected to provide education policy consultation services.
Afterschool for Children and Teens Now (ACT Now) Coalition	No applicable reference number; December 2025 – present	Susan Stanton, Executive Director, (312) 877-0725, StantonS@actnowillinois.org	Legal representation concerning grant non-continuations and ongoing grants management issues
Confidential, please contact reference directly for more information	No applicable reference number; April 2026 - present	Jonathan Meltzer, Partner, (617) 462-9483; jmeltzer@resilielaw.com	Recurring written memoranda; written analysis and briefings.
SourceAmerica	No applicable reference number; May 2026 – present	Jennifer Young, Senior Corporate Counsel, 571-659-4779, jyoung@sourceamerica.org	Legal analysis and drafting of comments in response to federal Notice of Proposed Rulemaking

Sligo Law Group was established in August 2025. Previously, all attorneys at the firm served in the U.S. Department of Education Office of General Counsel, with a combined 80 years of experience developing, implementing, and practicing in the federal education law and policy space. We have included references below who can attest to our scope of knowledge and capabilities and quality of work.

C. References

Name, title, and organization	Address	Phone and email	Relevant services
Aleeza Strubel, Complex Litigation Counsel, Project Federal Accountability, Office of the Illinois Attorney General	115 S. LaSalle St. Chicago, IL 60603	Aleeza.Strubel@ilag.gov ; (312) 814-3000	Confidential; relevant to services requested in RFQQ. Please contact Ms. Strubel for more information.
Audrey Levorse, Interim Executive Director, National Association of State Directors of Special Education	1800 Diagonal Road, Ste. 600 Alexandria, VA 22314	audrey.levorse@nasdse.org; (703) 519-3800	Legal guidance and analysis of state impacts on federal special education law and policy changes. Stakeholder trainings and consultations.
Hilary Malawer, Chief Advocacy Officer, American Dental Education Association. Reference provided as Former Deputy General Counsel, U.S. Department of Education	c/o American Dental Education Association 555 12th St, NW Suite 450 Washington, DC 20004	hilary_04@msn.com; (703) 859-1113	Legal analysis and tracking of federal legislation, federal rulemaking and implementation, student privacy, civil rights. Former supervisor and manager who can speak to experience of attorneys at the U.S. Department of Education.

D. Past Performance

Within the five years preceding this submission, Sligo Law Group has not received any notification of contract breach.

E. Examples/Samples of Related Projects/Previous Work

The following work samples demonstrate the three principal categories of deliverables OSPI will receive under this engagement: recurring federal monitoring and written updates, focused legal analysis of emerging federal requirements, and practical stakeholder training.

Work Sample 1: Recurring Federal Monitoring and Congressional Activity Report (Attached as V.A)

Federal Education Tracker: U.S. Department of Education Regulatory and Related Activities and Congressional Activities (May 13, 2026) (redacted and used with client permission)

This sample is an installment of SLG's recurring federal education monitoring report with legal advice redacted. The fifteen-page report synthesizes Department of Education regulatory actions,

grant competitions, policy and enforcement developments, congressional legislation, committee activity, appropriations developments, and other federal actions affecting education agencies and grant recipients. In addition to summarizing developments, the tracker identifies effective dates, application and comment deadlines, implementation consequences, emerging risks, and recommended action when appropriate. Additional written analysis and briefings have been provided upon request.

Relevance to OSPI. This sample demonstrates SLG’s ability to monitor multiple federal sources continuously, distinguish material developments from routine activity, identify cross-program implications, and produce timely written updates that education-agency personnel can use for operational planning and decision-making. It closely parallels the recurring monitoring, rapid written updates, congressional tracking, and practical federal-impact analysis proposed for OSPI.

Work Sample 2: Federal Education Statutory and Guidance Analysis (Attached as V.B)

State and District Certifications Regarding Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools (May 5, 2026) (Used with client permission)

This four-page legal advisory analyzes the Department of Education’s 2026 school-prayer guidance and the annual certification requirement under section 8524 of ESEA. The advisory compares the 2026 guidance with the Department’s prior guidance, examines whether the Department’s revised presentation expands the statutory certification obligation, distinguishes binding statutory requirements from non-regulatory agency guidance, evaluates potential federal enforcement risk, and provides separate implementation recommendations for SEAs and LEAs.

Relevance to OSPI. This sample demonstrates SLG’s ability to identify a consequential change in federal guidance, analyze the governing statutory language and agency authority, explain the difference between legal requirements and federal enforcement expectations, and translate that analysis into concrete state- and district-level action steps. It reflects the focused written analysis and responsive consultation SLG will provide when federal developments raise questions about OSPI’s obligations, implementation options, or funding exposure.

Work Sample 3: Stakeholder Training on Federal Funding Compliance and Enforcement (Attached as V.C)

Spotlight on Federal Funding: Navigating Compliance, Flexibilities, and Challenges (2026)

This presentation, prepared and delivered by Ms. Skinner, organizes a complex and rapidly changing federal funding environment into practical decision points for education-sector stakeholders. The presentation addresses ESEA transferability, section 8401 waivers, Ed-Flex, equitable services, civil-rights requirements as conditions of federal financial assistance, specific grant conditions under 2 C.F.R. § 200.208, opportunities to object under 2 C.F.R. § 200.342, grant discontinuations and terminations, legal limits on federal enforcement authority, litigation pathways, and coordination across parallel monitoring, audit, and enforcement matters.

Relevance to OSPI. This sample demonstrates SLG’s ability to design and deliver an accessible, visually organized training that integrates federal program requirements, grant-management rules, enforcement procedures, and current legal developments. It also shows the team’s ability to move beyond a description of federal requirements by giving state and local education stakeholders practical questions, response strategies, and implementation considerations. This approach will guide the virtual and in-person trainings proposed for OSPI.

F. Subcontractors

All services will be performed directly by the Sligo Law Group attorneys identified in this proposal.

III. Cost Proposal

Pricing Structure and Maximum Consideration. SLG proposes a fixed rate of \$2,300 per month for each month in which the contract remains in effect and SLG satisfactorily performs the recurring services described in the scope of work. SLG may submit up to 24 monthly invoices, and maximum consideration for the initial contract term will not exceed \$55,200.

The monthly rate includes all professional services within the stated scope, project management, quality review, ordinary administration and production, up to one virtual and one in-person training per contract year, and anticipated travel. No separate hourly charges, administrative surcharges, indirect charges, or other expenses will be billed for services within the stated scope.

Each monthly invoice represents compensation for services performed during that month and is not an installment of a guaranteed lump-sum payment. Consistent with Section A.7 of the RFQQ, SLG acknowledges that OSPI does not guarantee any minimum purchase and that total payments may be less than \$55,200 if the contract begins later than anticipated, ends early, is suspended or reduced, or available funding is limited. Any additional services or increase in maximum consideration would require a mutually executed written amendment before the additional work begins.

A. Identification of Costs

Cost Element	Estimated Hours for Initial Two-Year Term	Internal Hourly Allocation Rate	Budget Allocation
Josie Eskow Skinner, Engagement Lead	62	\$265	\$16,430
Emily Merolli, Monitoring Lead	62	\$265	\$16,430
Lisa Wells Harris, Of Counsel	28	\$265	\$7,420
Marcus Hedrick, Of Counsel	28	\$265	\$7,420
Jill Siegelbaum, Partner	10	\$265	\$2,650
Administrative and production support	10	N/A	Included
Anticipated in-person training travel	Two Washington trips	N/A	\$4,850
Separate indirect cost charge	None	N/A	N/A
TOTAL FIXED PRICE	190 hours over 24 months		\$55,200

The hours and allocations are planning estimates supporting the fixed price; they are not hourly bill rates, individual caps, or limits on SLG's obligation to perform the agreed scope. SLG may shift effort among the named attorneys in response to federal activity and OSPI priorities without increasing the fixed price or reducing the proposed service level.

Pricing Rationale and Value

- **Labor allocation matches the work.** The attorneys responsible for continuous monitoring, OSPI contact, synthesis, and final approval receive 124 of the 190 proposed attorney hours. Specialist hours are concentrated on IDEA, Perkins and workforce, audit, fiscal, and high-risk grantee questions.
- **Public sector discount.** The internal allocation reflects a substantial discount from SLG's ordinary hourly rates. OSPI receives partner-led work and specialist review without paying commercial rates for every routine monitoring activity.
- **Fixed-fee risk transfer.** The price does not rise when federal activity spikes, an issue requires more research than anticipated, or material updates are more frequent in a particular month. SLG bears that variability within scope.
- **No junior attorney learning curve.** All substantive analysis is performed by the named senior attorneys, reducing duplicative ramp-up time and review layers.
- **Transparent comparison.** Although OSPI will receive a single integrated service, the table discloses the labor, support, travel, and indirect cost treatment so evaluators can compare the proposal fairly.

Value to OSPI. The fixed retainer buys reserved senior capacity, continuous issue memory, integrated cross-program analysis, two-attorney quality control, two annual training formats, and cost certainty across a volatile federal environment.

B. Travel Costs

Travel and per diem for the annual in-person training are included in the flat monthly retainer at no additional charge. Any travel outside the stated scope would require OSPI's prior written approval and a mutually executed contract amendment.

C. Subcontractor Costs

Not applicable. SLG proposes no subcontractors, and the professional services allocations for its Of Counsel attorneys are included in Section III.A.

D. Indirect Costs

SLG will not charge a separate indirect cost rate. All overhead, technology, insurance, ordinary administration, and other indirect expenses are included within the fixed price. All applicable taxes, if any, are included and will not increase the \$55,200 maximum. No additional charge will be passed to OSPI without a mutually executed contract amendment.

IV. Resumes for Proposed Team

Jocelyn (Josie) Eskow Skinner

Founding Partner, Sligo Law Group, PLLC

Josie Eskow Skinner served for nearly eleven years (2014–2025) as a General Attorney in the U.S. Department of Education’s Office of the General Counsel, where she was a principal attorney on Elementary and Secondary Education Act (ESEA) formula and discretionary grant programs and advised the Department on the interpretation, implementation, and oversight of federal education requirements administered by state and local educational agencies. Her practice centered on the precise questions this engagement raises: how SEAs and LEAs apply federal statutes and regulations, manage federal grants from application through closeout, and respond to audit findings.

SELECTED QUALIFICATIONS RELEVANT TO OSPI RFQQ 2027-02

- **ESEA and related federal grants.** Advised the U.S. Department of Education and current clients on formula and discretionary grants under ESEA, the McKinney-Vento Act, and related authorities, including program administration, monitoring, waivers, transferability, equitable services, and implementation.
- **EDGAR and Uniform Guidance.** Drafted EDGAR regulations and related guidance while at the Department. Uses this background to interpret and apply EDGAR and 2 C.F.R. Part 200 to federal education awards, including award administration, compliance, monitoring, risk management, and closeout.
- **Decision-ready analysis.** Translates legislation, regulations, court decisions, federal guidance, and audit findings into practical policies, procedures, written guidance, and recommended actions for education agencies and organizations.
- **OMB Compliance Supplement.** Helped draft and revise the Department of Education’s program-specific portions of the OMB Compliance Supplement for programs within her portfolio. Translated statutory, regulatory, and program requirements into audit criteria and applied the Supplement in advising on federal education program oversight, monitoring, audit findings, internal controls, and corrective action.
- **Child Nutrition Act intersection.** Advised on Title I issues involving free and reduced price lunch eligibility data, the ranking and serving of school attendance areas, and schools operating under the Community Eligibility Provision, including the interaction between Title I allocation requirements and child nutrition data.

RELEVANT EXPERIENCE

Sligo Law Group, PLLC, Founding Partner (2025–present)

- Lead and co-manage a national boutique federal education law firm serving state educational agencies, school districts, colleges and universities, non-profit organizations, and other education-sector clients.
- Advise recipients and pass-through entities on formula and discretionary grants throughout the federal award lifecycle, including ESEA and McKinney-Vento programs, EDGAR, the Uniform Guidance, grant conditions, monitoring, risk management, audit response, corrective action, and closeout.

- Represent education coalitions, non-profit organizations, and other grantees in federal litigation and administrative matters involving grant non-continuation and other disruptions to federal funding, including claims and defenses arising under program statutes, EDGAR, the Uniform Guidance, award terms, and the Administrative Procedure Act.
- Counsel clients on Title I and other ESEA requirements, equitable services, ESEA waivers and transferability, schoolwide-program flexibilities, disaster-relief programs, faith-based grants and contracts, First Amendment issues, and the interaction between Title I allocations and child-nutrition eligibility data.
- Draft public comments, client memoranda, and practical analyses of federal rulemaking and policy developments, including proposed revisions to 2 C.F.R. Part 200 and specialized federal rules affecting grant recipients and contractors.
- Develop and deliver live and virtual trainings for attorneys, education leaders, program administrators, and non-profit organizations on federal funding flexibilities, equitable services, federal grant compliance, enforcement risk, and changing federal requirements.
- Oversee the firm's substantive legal work and quality-control processes and translate statutes, regulations, litigation, guidance, and audit developments into decision-ready advice, policies, procedures, and implementation tools.

U.S. Department of Education, Office of the General Counsel, General Attorney (2014–2025)

- Served as legal specialist on ESEA formula and discretionary grant programs, the McKinney-Vento Homeless Assistance Act, and Higher Education Act programs administered by SEAs and LEAs.
- Advised on federal program design, oversight, monitoring, and compliance structures for elementary and secondary education grants, including the impact of legislative changes, court decisions, and audit findings on regulations and guidance.
- Ensured agency activities complied with the Uniform Guidance and EDGAR; participated in federal rulemaking, including reviewing regulatory language, assessing statutory authority, and supporting implementation of final rules.
- Provided specialized counsel on equitable services and on First Amendment and church–state matters, including a multi-agency rulemaking updating regulations on grants with faith-based organizations and revisions to the Department’s school prayer guidance.
- Advised on educational flexibilities, including ESEA waivers under Section 8401; Title V, Part A transferability; and the Ed-Flex program.

House of Ruth Maryland, Staff Attorney (2012–2014): litigated in Maryland courts and delivered public speaking engagements on domestic violence and family law.

EDUCATION

Georgetown University Law Center, J.D., 2011

American University, B.A., History, 2005

BAR ADMISSIONS AND LICENSES

Maryland (2011); District of Columbia (2013); U.S. Supreme Court (2025); U.S. District Court for the District of Columbia (2025); U.S. District Court for the District of Maryland (2026)

Emily K. Merolli

Founding Partner, Sligo Law Group, PLLC

Emily Merolli served for twelve years (2013–2025) in the U.S. Department of Education’s Office of the General Counsel as the lead legislative counsel for major federal education authorities, including the Family Educational Rights and Privacy Act (FERPA), ESEA Title IV, the Individuals with Disabilities Education Act, the Higher Education Act, and Title IX. She translated federal statutes and new legislation into clear guidance for stakeholders, drafted and reviewed federal regulations, and advised on government oversight matters before the Government Accountability Office and Offices of Inspector General.

SELECTED QUALIFICATIONS RELEVANT TO OSPI RFQQ 2027-02

- **Federal legislative monitoring.** Served as lead legislative counsel for IDEA, ESEA Title IV, and other federal education authorities; monitored congressional hearings and legislation and prepared stakeholder reports identifying program and implementation consequences.
- **Federal regulatory and policy analysis.** Drafted and reviewed federal regulations, analyzed statutory authority and stakeholder comments, assessed litigation and implementation risk, and translated federal actions into operational consequences.
- **Government oversight.** Reviewed Department responses to GAO and OIG audits and inquiries for legal accuracy and sufficiency. Analyzed GAO and OIG audits, investigations, evaluations, findings, and recommendations and advised agency leadership on appropriate policy, procedural, and regulatory responses.
- **Professional written products.** Prepared legislative language, legal memoranda, congressional reports and testimony, witness preparation materials for Congressional hearings, recommendation letters, enrolled bill reports, leadership briefings, and stakeholder updates.
- **Executive and stakeholder briefings.** Organized and conducted briefings explaining proposed legislation, enacted laws, and federal policy developments to senior leadership and other stakeholders.
- **Federal appropriations monitoring and analysis.** Monitored and analyzed federal education appropriations bills, explanatory statements, continuing resolutions, and agency funding tables. Identified changes in funding levels, periods of availability, limitations, set-asides, and congressional directives and translated them into reports and briefings explaining the consequences for federal education programs and grantees.

RELEVANT EXPERIENCE

Sligo Law Group, PLLC, Founding Partner (2025–present)

- Co-leads a national boutique federal education law firm and advises state educational agencies, school districts, institutions, associations, and non-profit organizations on federal statutory, regulatory, policy, and funding requirements.
- Provides recurring monitoring and tailored analysis of congressional activity, appropriations, federal rulemaking, agency guidance, oversight developments, and litigation, identifying affected education programs, implementation consequences, uncertainty, and recommended next steps.

- Represents federal education grantees in litigation challenging grant non-continuation and other funding disruptions and analyzes issues arising under EDGAR, the Uniform Guidance, program statutes, award terms, and the Administrative Procedure Act.
- Advises state education leaders on IDEA implementation, federal-state alignment, special education policy changes, administrative rulemaking, and review of state practices for compliance with federal requirements.
- Drafts comments and legal and policy analyses responding to proposed federal rules, including specialized rulemaking involving the Uniform Guidance, and translates Federal Register actions into operational and fiscal consequences for affected organizations.
- Develops and delivers briefings and trainings on IDEA, FERPA and student privacy, civil rights, federal funding, legislative and regulatory developments, and government oversight and audit response.
- Co-manages firm operations and quality control, including assignment, review, and delivery of accurate, timely written analysis and stakeholder-facing materials.

U.S. Department of Education, Office of the General Counsel, Attorney (2013–2025)

- Lead legislative counsel for ESEA Title IV, IDEA, the Higher Education Act, Title IX, FERPA, and emergency disaster relief; analyzed proposed legislation and translated new statutes into clear guidance identifying impacts on program operations.
- Drafted and reviewed complex federal regulations for consistency with statutory requirements; reviewed and responded to stakeholder comments; participated in litigation-risk and budget analysis.
- Advised the Senior Department Official on accreditation recognition for agencies with a Higher Education Act Title IV link, analyzing compliance with federal standards.
- Provided legal expertise on government oversight, including GAO and OIG audits and investigations, assessing compliance risk and developing strategies to address findings.

Perkins Coie LLP, Associate Attorney (2006–2013): federal regulatory compliance, rulemaking, and litigation; prepared clients for congressional hearings.

EDUCATION

Vermont Law School, J.D., cum laude, 2006; Master of Studies in Environmental Law, cum laude, 2006

University of California, Davis, B.S., Environmental Policy Analysis and Planning, 2002

BAR ADMISSIONS AND LICENSES

District of Columbia (2009); Maryland (2026); California (inactive, 2006); U.S. District Court for the District of Columbia (2026)

Lisa Wells Harris

Of Counsel, Sligo Law Group, PLLC

Lisa Wells Harris served for thirty-one years (1994–2025) as a General Attorney in the U.S. Department of Education’s Office of the General Counsel, Division of Elementary, Secondary, Adult, and Vocational Education. She advised officials and program staff in the Office of Elementary and Secondary Education and the Office of Career, Technical, and Adult Education on complex and novel legal issues arising under the federal grant programs the Department administers, with a specialized focus on grantee compliance and high-risk grantees. She drafted regulations, grant application notices, grant conditions, and non-regulatory program guidance, represented Assistant Secretaries in administrative litigation, and delivered presentations to state and local program coordinators.

SELECTED QUALIFICATIONS RELEVANT TO OSPI RFQQ 2027-02

- **Formula and workforce grants.** Advised Department officials responsible for elementary, secondary, career, technical, and adult education programs, including ESEA, Perkins V, AEFLA, and interagency administration of WIOA.
- **Federal grant administration.** Advised on statutory and regulatory interpretation, program implementation, grant conditions, grantee compliance, high-risk designations, monitoring, and administrative litigation.
- **Audit and corrective action matters.** Prepared audit determination letters and advised on findings, disputed compliance issues, high-risk grantees, and appropriate federal responses.
- **Professional documents.** Drafted and edited regulations, grant application notices, grant conditions, non-regulatory guidance, legal memoranda, administrative orders, decisions, and other federal grant documents.
- **Stakeholder training and consultation.** Presented federal program and grant requirements to state and local program coordinators and translated complex requirements for program administration audiences.
- **OMB Compliance Supplement and audit determinations.** Helped draft and revise the Department of Education’s program-specific portions of the OMB Compliance Supplement for elementary, secondary, career, technical, and adult education programs within her portfolio. Applied the Supplement in reviewing Single Audit findings, preparing audit determination letters, evaluating grantee compliance, and advising on high-risk designations and corrective action.

RELEVANT EXPERIENCE

Sligo Law Group, PLLC, Of Counsel (2025–present)

- Advises state and local agencies and non-profits on all aspects of federal education grant program implementation and administration, from application through closeout, and represents clients in litigation related to their federal education grant awards, including before the U.S. Department of Education’s Office of Hearings and Appeals.
- Advises institutions of higher education on compliance with the foreign gift and contract reporting requirements of Section 117 of the Higher Education Act.
- Provides live and virtual trainings on federal education grant administration, EDGAR and Uniform Guidance compliance, and high-risk grantee and audit matters.

U.S. Department of Education, Office of the General Counsel, Division of Elementary, Secondary, Adult, and Vocational Education, General Attorney (1994–2025)

- Advised the Office of Elementary and Secondary Education and the Office of Career, Technical, and Adult Education on complex and novel legal issues arising under multiple federal grant programs administered by the Department.
- Focused on grantee compliance, including a specialized focus on high-risk grantees; prepared legal memoranda, orders, decisions, and audit determination letters.
- Drafted and edited regulations, grant application notices, grant conditions, and non-regulatory program guidance for grant programs administered by SEAs and other grantees.
- Represented the Assistant Secretaries for Elementary and Secondary Education and for Career, Technical, and Adult Education in administrative litigation.
- Served on an interagency team responsible for the joint administration of the Workforce Innovation and Opportunity Act and coordinated a team resolving Section 117 foreign gift and contract investigations, including negotiations with university counsel.
- Delivered presentations to state and local program coordinators on federal grant requirements.

National Association of Attorneys General, Civil Rights and Criminal Law Counsel (1989–1994): advised state Attorneys General and developed and delivered an annual continuing legal education seminar.

McGuire, Woods, Battle & Boothe, Associate (1986–1989): intellectual property law.

EDUCATION

University of Pennsylvania Law School, J.D., 1986

College of William and Mary, B.A., Economics, 1983

BAR ADMISSIONS AND LICENSES

District of Columbia; Virginia (inactive)

Marcus Hedrick

Of Counsel, Sligo Law Group, PLLC

Marcus Hedrick served for fourteen years (2011–2025) in the U.S. Department of Education’s Office of the General Counsel, Division of Educational Equity, where he was the senior attorney for matters arising under the Individuals with Disabilities Education Act (IDEA) Parts C and D and advised extensively on Part B. In his final months he served as Acting Deputy Assistant General Counsel, supervising a team of approximately six attorneys on IDEA and related authorities. His practice emphasizes fiscal accountability, audit resolution, and ensuring that federal requirements were implemented without unintended fiscal or operational consequences for SEAs, LEAs, and other grantees.

SELECTED QUALIFICATIONS RELEVANT TO OSPI RFQQ 2027-02

- **IDEA administration and oversight.** Served as senior Department counsel for IDEA Parts C and D and advised on Part B, including state administration, program monitoring, compliance determinations, enforcement, and fiscal accountability.
- **EDGAR and Uniform Guidance.** Advised on EDGAR and 2 C.F.R. Part 200; helped revise Department grant administration handbooks to implement the Uniform Guidance and participated in interagency review of the 2024 revisions.
- **Audit resolution and administrative recovery.** Handled audit resolution and recovery matters involving IDEA, vocational rehabilitation, questioned costs, disputed expenditures, procurement requirements, and public accounting principles.
- **Internal controls and implementation tools.** Developed processes, templates, guidance, and knowledge-sharing systems designed to promote consistent application of federal program and fiscal requirements.
- **Defensible compliance decisions.** Advised on monitoring decisions, enforcement actions, eligibility determinations, grant funding decisions, and administrative records; represented the Department in administrative recovery proceedings involving millions of dollars in disputed expenditures.
- **OMB Compliance Supplement and audit resolution.** Helped draft and revise the Department of Education’s program-specific portions of the OMB Compliance Supplement for special education and rehabilitation programs within his portfolio. Applied the Supplement in audit resolution and administrative recovery matters involving IDEA, vocational rehabilitation, questioned costs, internal controls, corrective action, and disputed expenditures.

RELEVANT EXPERIENCE

Sligo Law Group, PLLC, Of Counsel (2026–present)

- Advise state educational agencies, school districts, institutions of higher education, and non-profit organizations on IDEA implementation, special education fiscal requirements, federal grant management, monitoring, and audit resolution.
- Provide briefings and consultations to state attorneys and education leaders on changes in federal special education law and policy and their operational, fiscal, and oversight consequences.
- Prepare legal memoranda, implementation tools, and practical recommendations designed to support consistent, well-documented, and defensible program and fiscal decisions.

- Develop and deliver trainings on IDEA compliance, special education fiscal requirements, EDGAR, the Uniform Guidance, federal grants management, and audit risk.

U.S. Department of Education, Office of the General Counsel, Division of Educational Equity, General Attorney (2011–2025); Acting Deputy Assistant General Counsel (2025)

- Senior attorney for all issues arising under IDEA Parts C and D; advised on IDEA Part B, state administration, fiscal accountability, and SEA oversight and monitoring.
- Provided legal and regulatory analysis ensuring agency actions were grounded in statutory authority and implemented without unintended fiscal or operational consequences; reviewed proposed regulations, federal notices, funding and eligibility decisions, monitoring decisions, and enforcement actions.
- Advised on FERPA, the General Education Provisions Act, the Higher Education Act, EDGAR, and the Uniform Guidance (2 C.F.R. Part 200); participated in the interagency review of the 2024 Uniform Guidance revisions.
- Co-led OGC’s Discretionary Grants Team and helped revise internal Department handbooks to incorporate the Uniform Guidance.
- Served as the Department’s representative in administrative recovery actions involving IDEA, resolving millions of dollars in disputed expenditures and recovering misexpended funds; drafted declarations, motions, and settlement agreements.
- As Acting Deputy Assistant General Counsel, supervised approximately six attorneys and directed preparation of regulations, legal memoranda, briefs, and policy issuances.

U.S. Court of Appeals for the Armed Forces, Judicial Clerk to Chief Judge Andrew Effron (2010–2011).

U.S. Army Reserves (2002–2010), including service as a JAG unit paralegal and a deployment to Iraq; Army Commendation Medal.

EDUCATION

Harvard Law School, J.D., 2010

Wichita State University, B.A., Political Science, magna cum laude, 2007

BAR ADMISSIONS AND LICENSES

Washington State (2011); application pending in the District of Columbia

Jill Siegelbaum

Founding Partner, Sligo Law Group, PLLC

Jill Siegelbaum served for nearly twenty years at the U.S. Department of Education, including service in the Office for Civil Rights and the Office of the General Counsel. She ultimately served as Assistant General Counsel, supervising approximately fifteen attorneys and advising senior Department leadership on education programs, administrative law, federal compliance, grants, enforcement, and litigation. Her combined OCR, OGC, and current private practice experience enables her to identify how civil rights and student privacy requirements affect federal program administration, corrective action, and continued funding.

SELECTED QUALIFICATIONS RELEVANT TO OSPI RFQQ 2027-02

- **Federal civil rights compliance.** Conducted legal and policy analysis involving race, national origin, sex, and disability discrimination; reviewed SEA compliance reports; worked with education agencies to address federal civil rights requirements; and developed Title IX policy guidance.
- **Student privacy and parental rights compliance.** Advises education clients on FERPA, PPRA, record access, disclosure, confidentiality, and the interaction between student privacy requirements and civil rights obligations.
- **Enforcement and corrective compliance.** Represented or supervised the Department in administrative hearings, appeals, litigation, and other enforcement matters and advised senior leadership on compliance, litigation risk, and resolution strategies.
- **Professional documents and stakeholder training.** Directed and reviewed legal memoranda, briefs, pleadings, official notices, policy issuances, proposed federal regulations, guidance documents, and training materials. Developed and delivered Department-wide training and technical assistance for headquarters and regional offices.

RELEVANT EXPERIENCE

Sligo Law Group, PLLC, Founding Partner (2025–present)

- Co-manages a national boutique federal education law firm serving state educational agencies, school districts, colleges and universities, non-profit organizations, and other education sector clients.
- Advises clients on Title VI, Title IX, Section 504, FERPA, PPRA, and related federal education requirements, including the interaction among civil rights compliance, student privacy, federal program administration, and funding conditions.
- Assesses policy, documentation, corrective action, investigation, enforcement, and potential funding continuity risks arising from changes in federal law, regulation, guidance, and enforcement priorities.
- Reviews, develops, and revises policies, procedures, guidance, and other professional documents to support legally defensible implementation of federal requirements.
- Provides written legal analysis, consultation, training, and strategic advice concerning regulatory compliance, risk management, and dispute resolution.

U.S. Department of Education, Office of the General Counsel, Division of Business and Administrative Law, Assistant General Counsel (2024–2025); Acting Assistant General Counsel (2023–2024); Deputy Assistant General Counsel (2023–2024); Acting Deputy Assistant General Counsel (2021–2023); General Attorney (2008–2023)

- Advised senior Department leadership, including the Assistant Secretary, Chief Financial Officer, and offices of the Secretary, Deputy Secretary, and Under Secretary, on education programs, administrative law, and federal compliance requirements.
- Reviewed grants, cooperative agreements, interagency agreements, contracts, and other legal instruments for legal sufficiency and compliance with federal law.
- Directed and reviewed legal memoranda, briefs, pleadings, discovery materials, official notices, policy issuances, proposed federal regulations, and other professional legal products.
- Represented or supervised representation of the Department in formal and informal administrative hearings, appeals, litigation, and other enforcement matters.

U.S. Department of Education, Office for Civil Rights, Associate Attorney (2005–2008)

- Conducted legal research, analysis, and policy development concerning disability, sex, race, and national origin discrimination in education programs.
- Reviewed and evaluated state educational agency compliance reports and worked directly with agencies to address federal civil rights requirements and corrective compliance.
- Developed policy guidance clarifying Title IX grievance procedure requirements and contributed to Department-wide civil rights policy initiatives.

District of Columbia Court of Appeals, Judicial Clerk to the Senior Judges (2004–2005)

- Reviewed appellate briefs and records, prepared bench memoranda and oral presentations, and drafted opinions addressing civil, criminal, and administrative law matters.

EDUCATION

New York University School of Law, J.D., 2003

University of Michigan, A.B., Comparative Religious Studies, with distinction, 2000

BAR ADMISSIONS AND LICENSES

New York (2004); District of Columbia (2025)

V. Attachments

- A. Work Sample 1: Recurring Federal Monitoring and Congressional Activity Report**
- B. Work Sample 2: Federal Education Statutory and Guidance Analysis**
- C. Work Sample 3: Stakeholder Training on Federal Funding Compliance and Enforcement**



Federal Education Tracker

U.S. Department of Education Regulatory and Related Activities Congressional Activities

Wednesday, May 13, 2026

Update for the period of April 27—May 13, 2026

Highlights:

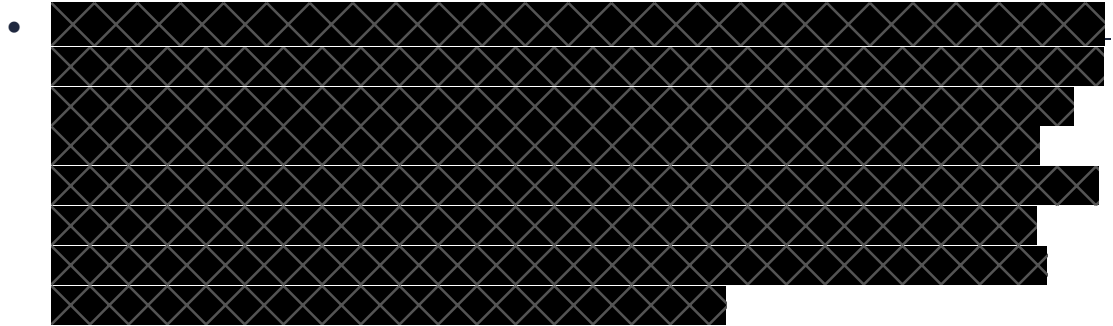
1. The Department (Office of Postsecondary Education) published a final rule, [Reimagining and Improving Student Education – Federal Student Loan Program Final Regulations](#). The final rule is effective on July 1, 2026.
2. On April 28, **Secretary McMahon testified before the Senate Appropriations Committee**, Subcommittee on Labor, Health and Human Services, and Education, in support of the President’s FY 2027 budget request. The Secretary’s prepared remarks are available [here](#); a recording of the hearing is available [here](#).
3. As noted below, the Department of Education is no longer requiring an affirmative statement for compliance with **GEPA section 427**. Section 427 requires each applicant for funds to include in their application a description of the steps they propose to take to ensure equitable access to, and participation in, its Federally-assisted program for students, teachers, and other program beneficiaries with special needs. The statute lists six types of barriers that can impede equitable access or participation: gender, race, national origin, color, disability, or age. The Department has proposed (and seems to already have implemented) an alternative that allows applicants to check a box and indicate page numbers of the application that demonstrate compliance. Note: GEPA section 427 statements were used by the Department in December 2025 as the basis of non-continuation of Full-Service Community School grants as evidence of illegal DEI that the grants were not in the federal interest. [REDACTED]
4. On April 28, Senator Sanders, Ranking Member of the Health, Education, Labor, and Pensions Committee, released a Minority Staff Report entitled “[Justice Denied: How Trump’s Office for](#)

I. New Regulatory Activities

A. Significant

1. May 1: The Department (Office of Postsecondary Education) published a final rule, [Reimagining and Improving Student Education – Federal Student Loan Program Final Regulations](#). This rule amends the regulations at 34 CFR Part 685 for the Federal student loan programs authorized under title IV of the Higher Education Act of 1965, as amended, to implement statutory changes included in P.L. 119-21. The regulatory changes include establishing new loan limits for graduate students, professional students, and parents, and phasing out the Graduate PLUS Program. P.L. 119-21 also phases out existing Income-Contingent Repayment plans, creates a new Tiered Standard repayment plan option, establishes a new income-driven Repayment Assistance Plan, and enables borrowers in default who have previously rehabilitated a defaulted loan a second chance to rehabilitate their loan(s) and resume repayment.

- Final rule is effective on July 1, 2026.



2. May 8: The Department published final priorities, requirements, and definitions under the [Comprehensive Centers \(CC\) Program](#), which supports the establishment of CCs to provide capacity-building services to SEAs, REAs, LEAs, and schools that improve educational opportunities and outcomes, close achievement gaps, and improve the quality of instruction for all students, and particularly for groups of students with the greatest need. The final priorities are: (1) projects that propose to establish and operate a **National Center** to coordinate client-driven technical assistance to address SEA, REA, TEA, and LEA priorities related to evidence use and implementation of evidence-based practices to improve student outcomes; (2) projects that propose to establish **Regional Centers** to provide intensive, client-driven technical assistance aligned to State and local priorities and needs related to selecting, implementing, and sustaining evidence-based programs, practices, and interventions in support of improved educator practices and student outcomes, especially in math and literacy; (3) projects that propose to establish a **Content Center** to provide technical assistance on a specific topic of national or regional importance reflected across State and local needs and priorities, focusing on a field-initiated area, emerging needs centers, a National Comprehensive Center on Improving Literacy for Students with Disabilities

- Final priorities, requirements, and definitions are effective June 8, 2026.





B. Not Significant

1. May 7: The Department (Office of Career, Technical, and Adult Education) issued a notice proposing a waiver of the requirements in the Department's General Administrative Regulations that generally prohibit the project period exceeding five years and project period extensions involving the obligation of additional funds for the [Native American Career and Technical Education Program](#). This program, under section 116 of the Carl D. Perkins Career and Technical Education Act of 2006, authorizes the Secretary to make grants to or enter into contracts with Tribes and Tribal organizations to carry out career and technical education programs that benefit Native Americans. The proposed waiver and extension extend funding for an additional budget period for 36 Native American Career and Technical Education projects, in lieu of running a new grant competition for FY2026. The Department noted that it intends to hold a new grant competition in 2027.

- Public comment deadline: June 8, 2026

- 

 he Office of Career and Technical Education has effectively been transferred to the Department of Labor, while all Native American programs have been moved to the Department of the Interior. There are some issues with administering this and similar programs at Interior. While the Department stated in the notice that it will run a new competition in FY2027, there is significant uncertainty about the future of this and all grants benefiting Native American students.

II. U.S. Department of Education Policy and Enforcement Actions

A. Enforcement Actions

1. May 8: The Department of Education, Office for Civil Rights, opened a [Title VI investigation into Bay County, Florida School District](#) for failing to meaningfully respond to antisemitic harassment.
2. May 6: The Department of Justice announced that it has completed a year-long investigation into the admissions policies and practices at the [David Geffen School of Medicine at the University of California, Los Angeles](#). In its announcement, Justice stated that they had uncovered evidence that UCLA's leadership intentionally selected applicants based on their race.
3. May 5: The Department of Education, Office for Civil Rights, opened a Title IX directed investigation into [Los Angeles Unified School District](#) related to the District's agreement with the teacher's union around reassignment of teachers under investigation for sexual misconduct involving a student or failure to report suspected child abuse.
4. May 4: The Department of Education, Office for Civil Rights, opened an investigation into [Smith College](#) for admissions policies relating to transgender students and access to intimate

- spaces and athletic programs.
5. April 30: The Department of Justice announced that it has launched [investigations into 36 Illinois public school districts](#) to determine whether they have included sexual orientation and gender ideology content in any class for grades pre-K through 12, and if so, whether the schools have notified parents of their right under *Mahmoud* to opt their children out of such instruction. The investigation will also assess district policies around intimate spaces and participation on school sports teams.
 6. April 30: The Department of Justice filed a complaint challenging New Jersey laws that provide [in-state tuition and financial assistance for undocumented students](#).
 7. April 30: The Federal [Task Force to Eradicate Anti-Christian Bias](#), which includes both the Departments of Education and Justice, [published a report](#) that concludes that the Biden administration demonstrated anti-Christian bias throughout the federal government, including in areas of education. The Department of Education's [announcement](#) highlighted specific report findings related to anti-Christian bias in education, and actions taken by the Trump administration.
 8. April 29: The Department of Education's Office for Civil Rights opened an investigation into Stanford University to determine [whether Stanford violated Title VI of the Civil Rights Act of 1964](#) by discriminating on the basis of race in its operation of a school program. The investigation is related to Stanford's National Board Resource Center's program which, in partnership with the California Teachers Association, supports teachers who identify as a person of color in receiving National Board Certifications.
 9. April 27: The Department launched a new [fraud-detection tool in the Free Application for Federal Student Aid \(FAFSA\) form](#) that evaluates every applicant in real time using risk-based identity screening and may require applicants to present government-issued identification before accessing federal student aid funds.

B. Federal Register Notices Inviting Application

1. May 13: The Department of Education issued a notice of opportunity to apply for competitive grants for FY2026 under the [Comprehensive Centers Program](#), which provides capacity-building services to SEAs, REAs, LEAs, and schools that improve educational opportunities and student outcomes, close achievement gaps, and improve the quality of instruction for all students, particularly for groups of students with the greatest need. The absolute priorities are: National Center, Regional Centers, National Comprehensive Center on Improving Literacy for Students with Disabilities, Field-Initiated Content Centers, Emerging Needs Content Centers, and Meaningful Learning Opportunities. The competitive preference priorities are: returning education to the states, meaningful learning opportunities, and promoting evidence-based literacy.
 - Proposal submissions through Grants.gov through June 30, 2026; no opportunity for public comment.
 - *Note: the applications reference Executive Orders 14151, 14168, 14173, and 14190, as well as DOJ's July 2025 non-regulatory "Guidance for Recipients of Federal Funding Regarding Unlawful Discrimination." The applications no longer require that applicant-grantees include a statement certifying compliance with the equity requirements in section 427 of GEPA.*

2. May 12: The Department of Labor (Employment and Training Administration), on behalf of the Department of Education, issued a notice soliciting applications in support of the administration of the [FY2026 Career Pathways Exploration Program](#), which provides competitive grants to States to build their capacity to integrate career exploration into statewide career pathways and workforce readiness programs, and ensure access to opportunities that expose students to real-life workforce realities through a variety of career pathways programs aligned with State priorities. The absolute priorities are: career pathways and workforce readiness – career pathways exploration, and career pathways and workforce readiness – workforce readiness. The competitive preference priority is: talent marketplaces.
 - Proposal submissions through Grants.gov through June 9, 2026; no opportunity for public comment.
 - *Note: the applications reference Executive Orders 14151, 14168, 14173, and 14190, as well as DOJ’s July 2025 non-regulatory “Guidance for Recipients of Federal Funding Regarding Unlawful Discrimination.” The applications no longer require that applicant-grantees include a statement certifying compliance with the equity requirements in section 427 of GEPA.*
3. May 11: The Department of Labor (Employment and Training Administration), on behalf of the Department of Education, issued a notice soliciting applications in support of the administration of the [FY2026 Teacher Quality Partnership Program](#), which supports “eligible partnerships” that pair a high-need LEA, a high-need school served by the LEA, or a high-need early childhood education program with a partner institution that includes a school, department, or program of education within such partner institution, and a school or department of arts and sciences within such partner institution to improve student achievement, improve the quality of prospective and new teachers, hold teacher preparation programs accountable, and recruit highly qualified individuals into the teaching force. The absolute priorities are: partnership grants for the preparation of teachers, partnership grants for the establishment of effective teaching residency programs, partnership grants for the development of leadership programs in conjunction with the preparation of a pre-baccalaureate model for teachers, partnership grants for the development of leadership programs in conjunction with the establishment of an effective teaching residency program, and returning education to the states. The competitive preference priorities are: career pathways and workforce readiness, promoting evidence-based literacy, and meaningful learning opportunities for students.
 - Proposal submissions through Grants.gov by June 23, 2026; no opportunity for public comment.
 - *Note: the applications reference Executive Orders 14151, 14168, 14173, and 14190, as well as DOJ’s July 2025 non-regulatory “Guidance for Recipients of Federal Funding Regarding Unlawful Discrimination.” The applications no longer require that applicant-grantees include a statement certifying compliance with the equity requirements in section 427 of GEPA.*
 - *Note: this TQP competition shifts the focus from educator diversity, equity, social-emotional learning, and access to educational opportunity to evidence-based literacy, state-centered governance, and an increased focus on workforce readiness.*
4. May 5: The Department of Labor (Employment and Training Administration), on behalf of the Department of Education, issued a notice soliciting applications in support of the administration

of the [FY2026 Competitive Grants for State Assessments \(CGSA\) program](#), which enhances the quality of assessment instruments and systems used by States for measuring the academic achievement and growth of elementary and secondary students. The absolute priorities are: developing innovating assessment item types and design approaches; and meaningful learning opportunities. The competitive preference priorities are: improving assessment scoring and score reporting; assessing student growth; and comprehensive academic assessment instruments. The invitational priorities are: assessment and data literacy; and comprehensive assessment systems – aligned formative, diagnostic, and interim assessments.

- Proposal submission through Grants.gov by June 16, 2026; no opportunity for public comment.
 - *Note: the applications reference Executive Orders 14151, 14168, 14173, and 14190, as well as DOJ's July 2025 non-regulatory "Guidance for Recipients of Federal Funding Regarding Unlawful Discrimination." The applications no longer require that applicant-grantees include a statement certifying compliance with the equity requirements in section 427 of GEPA.*
5. May 1: The Department (Office of Special Education and Rehabilitative Services) announced the opportunity to apply for two competitive grants for the **FY2026 Educational Technology, Media, and Materials for Individuals with Disabilities Program – Accessible Education Video Projects**, which is designed to improve results for children with disabilities by: (1) promoting the development, demonstration, and use of technology; (2) supporting educational activities designed to be of educational value in the classroom for children with disabilities; (3) providing support for captioning and video description that is appropriate for use in the classroom; and (4) providing accessible educational materials to children with disabilities in a timely manner. The absolute priority for the [first competition](#) is: Accessible Education Video Projects. The competitive preference priority is: Advancing Artificial Intelligence in Education. The absolute priority for the [second competition](#) is: National Center for Accessible Education Videos.
- Proposal submissions through Grants.gov by June 26, 2026; no opportunity for public comment.
 - *Note: the applications reference Executive Orders 14151, 14168, 14173, and 14190, as well as DOJ's July 2025 non-regulatory "Guidance for Recipients of Federal Funding Regarding Unlawful Discrimination." The applications no longer require that applicant-grantees include a statement certifying compliance with the equity requirements in section 427 of GEPA.*
6. April 30: The Department of the Interior (Bureau of Indian Education), on behalf of the Department of Education, issued a notice soliciting applications in support of the administration of the [FY2026 State Tribal Education Partnerships \(STEP\) program](#), which promotes Tribal self-determination in education, supports improvement in the academic achievement of Native American children and youth; and promotes the coordination and collaboration between Tribal Educational Agencies (TEAs), State Educational Agencies, and Local Educational Agencies. The absolute priorities are: creating a TEA and expanding the capacity of early TEAs.
- Proposal submissions through Grants.gov by June 11, 2026; no opportunity for public comment.
 - *Note: the applications reference Executive Orders 14151, 14168, 14173, and 14190, as well as*

DOJ's July 2025 non-regulatory "Guidance for Recipients of Federal Funding Regarding Unlawful Discrimination." The applications no longer require that applicant-grantees include a statement certifying compliance with the equity requirements in section 427 of GEPA.

7. April 27: The Department issued a notice soliciting applications for competitive grants for the [FY2026 Jacob K. Javits Gifted and Talented Students Education Program](#), an ESEA program that supports evidence-based research, demonstration projects, innovative strategies, and similar activities designed to build and enhance the ability of elementary and secondary schools nationwide to identify gifted and talented students and meet their special educational needs. The absolute priorities are: developing new information that improves the capability of schools to identify and serve gifted and talented students, and returning education to the states; and developing new information that improves the capability of schools to identify and serve gifted and talented students. The competitive preference priority is: meaningful learning opportunities for students.
 - Proposal submissions through Grants.gov by June 23, 2026; no opportunity for public comment.
 - *Note: the applications reference Executive Orders 14151, 14168, 14173, and 14190, as well as DOJ's July 2025 non-regulatory "Guidance for Recipients of Federal Funding Regarding Unlawful Discrimination." The applications no longer require that applicant-grantees include a statement certifying compliance with the equity requirements in section 427 of GEPA.*
 - *Note: the announcement specifically invites faith-based organizations to apply*

C. Federal Register Notices; other.

1. May 13: The Department of Education (Federal Student Aid) published a **Paperwork Reduction Act** notice proposing a reinstatement without change of a previously approved information request related to [State Authorization](#). Under 34 CFR 600.9(c)(2)(i), institutions are required to determine, in accordance with the institution's policies and procedures in which State a student is located while enrolled in a distance education or correspondence course.
 - Public comment deadline: June 12, 2026
2. May 12: The Department of Education (Federal Student Aid) published a **Paperwork Reduction Act** notice proposing an extension without change of a currently approved information collection request relating to [Borrower Defense to Loan Repayment Universal Forms](#).
3. May 12: The Department (Office of Postsecondary Education) published a notice of opportunity to provide written comments related to the [federal recognition of the Commission on Accreditation in Physical Therapy Education](#), an accrediting agency currently undergoing review for the purpose of recognition by the Secretary. The agency was required to submit a compliance report that will be reviewed during the third meeting in 2026 of the National Advisory Committee on Institutional Quality and Integrity.

- Public comment deadline: May 26, 2026.



4. May 12: The Department (Office of the Secretary) published a **Paperwork Reduction Act** notice proposing a reinstatement without change of a previously approved information collection request related to [Build America, Buy America Act \(BABAA\) Domestic Sourcing Requirements Waiver – United States Department of Education BABAA Waiver Request Form](#). BABAA prohibits grantees funded under Department programs that allow funds to be used for infrastructure projects to use funds for such projects unless they comply with BABAA sourcing requirements or obtain a waiver for public interest, non-availability of resources, or unreasonable cost.

- Public comment deadline: June 13, 2026



5. May 11: The Department (Office of Special Education and Rehabilitative Services) published a **Paperwork Reduction Act** notice proposing a revision of a currently approved information collection request related to the [Rehabilitation Services Administration \(RSA\) Rehabilitation Long-Term Training \(RLTT\) Program Payback Information Management System \(PIMS\)](#). RSA provides RLTT grants to academic institutions that support assistance to scholars who work within the public rehabilitation program for a period of two years for every year of full-time scholarship support. PIMS is used to track data about employment that meets service obligations requirements, and calculates funds owed if students do not fulfill their obligations.

- Public comment deadline: June 10, 2026



6. May 8: The Department (Office of Special Education and Rehabilitative Services) published a **Paperwork Reduction Act** notice proposing a revision of a currently approved information collection request relating to the [Report of the Randolph-Sheppard Vending Facility Program](#). The Randolph-Sheppard Act provides persons who are blind with remunerative employment and self-support through the operation of vending facilities on Federal and other property. As required by 20 U.S.C. 107a(6)(A), the Secretary must conduct periodic evaluations of programs authorized under the Act, and entities designated as State licensing agencies (SLAs) must make reports to the Secretary “in such form and containing such information” as the Secretary may require for purposes of evaluating the process and basis of the Department’s report. The proposed revision would include: requirements that SLAs submit data through the RSAMIS system on the RSA website during a defined 90-day reporting window and may involve collection of more standardized information about program finances, distributions, and training activities to support an expanded emphasis on financial transparency and disclosure.

- Public comment deadline: June 8, 2026



- While this is not a new program, the changes in both data collected and method of reporting may require states to revise internal databases, accounting structures, or vendor-management systems to align with the revised RSA-15 form format and RSAMIS upload requirements. States will likely need to engage in more rigorous financial reconciliation and quality-control review

before submission, and be aware of additional documentation and compliance obligations and training requirements. States may want to review new requirements and compare approximated burdens identified by the Department.

7. May 7: The Department (Federal Student Aid) published a **Paperwork Reduction Act** notice proposing an extension without change of a currently approved information collection request relating to [Cash Management Contract URL Collection](#), for the collection of URLs hosting institutional contracts and contract data relating to campus banking agreements under 34 CFR 668.164(e)(2)(viii) and 34 CFR 668.164(f)(4)(iii)(B), to support the federal and public interest in knowing the terms of marketing contracts of students receiving Federal student aid.

- Public comment deadline: June 8, 2026



8. May 5: The Department (Federal Student Aid) published a **Paperwork Reduction Act** notice relating to a revised information collection request for [Loan Rehabilitation; Reasonable and Affordable Payments](#), requesting an extension with change of the information collection for the form used to obtain standardized financial information from borrowers with defaulted Direct Loan or Federal Family Education Loan Program loans. The information collected is used by the Department or guaranty agency to make a determination of a reasonable and affordable monthly loan payment and the opportunity for loan rehabilitation. This revision reflects statutory changes made by P.L. 119-21 for the 2026-27 award year.

- Public comment deadline: July 6, 2026



9. May 4: The Department (National Center for Education Evaluation, Institute of Education Sciences) published a **Paperwork Reduction Act** notice relating to a new information collection request for [National Special Education Spending Study](#) (NSESS), to produce estimates for what is spent on special education services for students with disabilities, both overall and by disability category, including expenditures made by states, districts, and schools. The stated purposes of the NSESS is to provide policymakers and special education administrators with an up-to-date understanding of the key factors that influence special education spending, what this spending pays for, and to what extent federal appropriations from the IDEA cover special education spending.

- Public comment deadline: June 3, 2026



IES is under-resourced and standing up a large-scale new data collection raises questions about capacity and reliability of data; significant potential policy concerns over use of data.

10. April 30: The Department (Office of Elementary and Secondary Education) published a **Paperwork Reduction Act** notice relating to an extension without change of a previously approved information collection request for [State Educational Agency, Local Educational Agency, and School Data Collection and Reporting under ESEA, Title I, Part A](#) for information collection in alignment with the requirements of the ESEA, as amended, to facilitate compliance with statutory requirements and provide information to school communities (including parents), LEAs, SEAs, and the Department regarding activities required under Title I.

- Public comment deadline: June 1, 2026

- [REDACTED]
11. April 30: The Department (Office of the Secretary) published a **Paperwork Reduction Act** notice relating to an extension without change of a currently approved information request for the [U.S. Department of Education Supplemental Information for the SF-424 Form](#). The Supplemental Information form for the SF-424 is used together with the SF-424, Application for Federal Service. To complete the transition, started several years ago, from the ED 424 collection to SF-424, questions related to several data elements already cleared as part of the earlier collection are being added, relating to the following areas: Project Director identifying and contact information, General Education Provision Act Section 427 Assurance; New Potential Grantee; Human Subjects Research; and Infrastructure Programs and Build America, Buy America Act Applicability.

- Public comment deadline: June 1, 2026

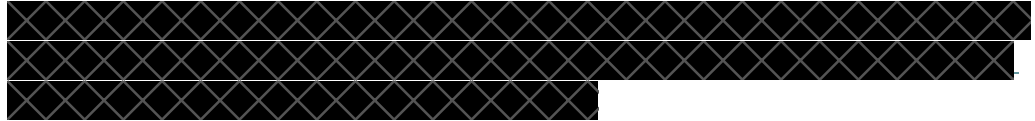
[REDACTED] Section 427 requires federal grant (ED) applicants to submit a statement demonstrating how their program will enhance education equity. Grant applications no longer require an explicit statement; grant applicants are instead directed to click a box and indicate relevant page numbers from the application. Relevant because Section 427 statements have been used to non-continue Department grants on the basis of no longer being in the interest of the Administration.

12. April 29: The Department (Federal Student Aid) published a **Paperwork Reduction Act** notice relating to an extension without change of a currently approved information collection request for [Student Assistance General Provisions – Subpart J – Approval of Independently Administered Tests](#), which relate to regulations governing the application for and approval of assessments by the Secretary by a private test publisher or State that are used to measure a student's skills and abilities. The administration of approved tests may be used to determine a student's eligibility for assistance for Title IV student financial assistance programs when, among other conditions, the student does not have a high school diploma or its recognized equivalent.

- Public comment deadline: May 29, 2026

- [REDACTED]
13. April 27: The Department (National Center for Education Statistics, Institute of Education Sciences) published a **Paperwork Reduction Act** notice relating to an extension without change of a currently approved information collection request for the School-Level Finance Survey (SLFS), an annual collection of school-level finance data published in the NCES Common Core of Data (CCD). The U.S. Census Bureau administers the SLFS data collection for NCES under an interagency agreement in conjunction with the National Public Education Financial Survey and Local Education Agency Finance Survey. SLFS is a comprehensive source of school-level finance data for public education collected on a nationwide scale using uniform definitions, concepts, and procedures. The collection includes the salaries, benefits, and total current expenditures broken out by activity for all publicly-funded schools serving students in prekindergarten through grade 12.

- Public comment deadline: May 27, 2026
- [REDACTED]



III. Congressional Activities

A. House Bills Introduced

- [H.R. 8498](#) (Chu, D-CA), the Increasing Access to Foster Care Through Age 21 Act, to provide an incentive for States to extend child welfare and support and services for youth through 21 years of age, and to allow youth to re-enter foster care after attaining 18 years of age, both without regard to the AFDC eligibility of their parents or legal guardians (Ways and Means).
- [H.R. 8499](#) (De La Cruz, R-TX), to require that opioid overdose rescue kits be located at public institutions of higher education (Education and Workforce; Energy and Commerce).
- [H.R. 8501](#) (Evans, D-PA), to amend the Internal Revenue Code of 1986 to allow rehabilitation expenditures for public school buildings to qualify for rehabilitation credit (Ways and Means).
- [H.R. 8506](#) (Fleischmann, R-TN), to establish a grant program to improve school security, including by training and hiring veterans and former law enforcement officers and former law enforcement officers as school safety officers (Education and Workforce; Judiciary).
- [H.R. 8517](#) (Magaziner, D-RI), to develop career and technical education programs of study and facilities in the areas of renewable energy (Education and Workforce).
- [H.R. 8518](#) (Magaziner, D-RI), to provide for the discharge of a parent borrower liability if a student on whose behalf a parent has received student loans becomes disabled (Education and Workforce).
- [H.R. 8559](#) (Stefanik, R-NY), to amend the National Defense Authorization Act for Fiscal Year 2021 to prohibit certain institutions of higher education from receiving research and development awards (Science, Space, and Technology).
- [H.R. 8566](#) (Bacon, R-NE), to encourage the development of specialized foster care programs designed specifically for larger sibling groups, sibling groups with a wide age range, and sibling groups with complex needs (Education and Workforce).
- [H.R. 8573](#) (Harshbarger, R-TN), to prohibit gender transition procedures on minors, to authorize the Secretary of Health and Human Services to impose civil penalties on persons who perform gender transition procedures on minors (Energy and Commerce; Judiciary).
- [H.R. 8577](#) (Krishnamoorthi, D-IL), to provide for a procedure for Congress to carry out a reversal of a decision by the President not to declare a major disaster request by the Governor of a State under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Transportation and Infrastructure; Rules).

- [H.R. 8590](#) (Strickland, D-WA), to clarify the eligibility of certain student populations for child care assistance under the Child Care and Development Block Grant Act of 1990 (Education and Workforce).
- [H.R. 8606](#) (DeLauro, D-CT), to amend the Elementary and Secondary Education Act of 1965 and the Individuals with Disabilities Education Act to ensure no funds made available under such Acts may be awarded to a charter school or charter management organization that enters into a contract with a for-profit entity for operating, overseeing, or managing the charter school (Education and Workforce).
- [H.R. 8614](#) (James, R-MI), the Safe Water in Schools Act of 2026, to amend the Safe Drinking Water Act with respect to lead contamination in school drinking water (Energy and Commerce).
- [H.R. 8618](#) (Menefee, D-TX), the College Affordability and Accessibility Act, to increase the total maximum Federal Pell Grant and extend flexibility for eligibility (Education and Workforce).
- [H.R. 8620](#) (Menendez, D-NJ), to amend the Developmental Disabilities Assistance and Bill of Rights Act of 2000 to establish a hotline for caregivers of individuals with developmental disabilities (Energy and Commerce).
- [H.R. 8623](#) (Moore, R-UT), to require artificial intelligence chatbots to implement age verification measures and make certain disclosures (Judiciary; Energy and Commerce).
- [H.R. 8624](#) (Moran, R-TX), to amend the Internal Revenue Code of 1986 to provide a credit against employer payroll taxes for wages and other expenses paid or incurred for apprenticeship programs (Ways and Means).
- [H.R. 8636](#) (Sorensen, D-IL), to strengthen Federal data collection regarding the teacher and principal workforce (Education and Workforce).
- [H.R. 8647](#) (Green, D-TX), Representative Green’s Original Legislation to increase from 9 to 13 the number of Justices of the Supreme Court (Judiciary).
- [H.R. 8652](#) (Cloud, R-TX), the YODA (You Own the Data Act), to affirm user ownership of their data, prohibit entities from requiring the transfer or monetization of private data in exchange for services, and prohibit the collection of third-party contact information without written consent (Energy and Commerce).
- [H.R. 8654](#) (Goldman, D-NY), to amend the Elementary and Secondary Education Act of 1965 to reauthorize the Nita M. Lowey Community Learning Centers program for fiscal years 2026 through 2035 (Education and Workforce; Ways and Means).
- [H.R. 8657](#) (Houchin, R-IN), to amend the Public Health Act to enhance programs for youth suicide prevention and intervention (Energy and Commerce).
- [H.R. 8659](#) (Kiggans, R-VA), to amend the definition of a professional student in the Higher Education Act of 1965 (Education and Workforce).
- [H.R. 8676](#) (Brown, D-OH), to amend the Elementary and Secondary Education Act of 1965 to authorize the Secretary of Education to award grants to State educational agencies to carry out wellness programs for school personnel (Education and Workforce).

- [H.R. 8691](#) (Kiggans, R-VA), to amend the definition of a professional student in the Higher Education Act of 1965 (Education and Workforce).
- [H.R. 8705](#) (Owens, R-UT), to amend the Elementary and Secondary Education Act of 1965 to prevent the American History and Civics program from funding radical indoctrination (Education and Workforce).

B. Senate Bills Introduced

- [S. 4386](#) (Cassidy, R-LA), to establish an advisory committee regarding data standardization and integration for apprenticeships (Health, Education, Labor, and Pensions).
- [S. 4407](#) (Cruz, R-TX), to require the creation of family accounts for children to be able to use artificial intelligence chatbots, and to require verifiable parental consent for teens using artificial intelligence chatbots (Commerce, Science, and Transportation).
- [S. 4409](#) (Banks, R-IN), to clarify the program standards registration process for registered apprenticeship programs (Health, Education, Labor, and Pensions).
- [S. 4414](#) (Schiff, D-CA), to improve educational efforts related to artificial intelligence literacy at the elementary school and secondary school level (Commerce, Science, and Transportation).
- [S. 4415](#) (Grassley, R-IA), to amend the Higher Education Act of 1965 regarding the use of TEACH grants (Health, Education, Labor, and Pensions).
- [S. 4423](#) (Scott, R-FL), to amend the Research and Development, Competition, and Innovation Act to require each institution of higher education to certify as part of an application for a research and development award that such institution does not operate certain branch campuses (Commerce, Science, and Transportation).
- [S. 4424](#) (Scott, R-FL), to amend the National Defense Authorization Act for Fiscal Year 2021 to prohibit certain institutions of higher education from receiving research and development awards (Commerce, Science, and Transportation).
- [S. 4426](#) (Marshall, R-KS), to prohibit gender transition procedures on minors, to authorize the Secretary of Health and Human Services to impose civil penalties on persons who perform gender transition procedures on minors (Health, Education, Labor, and Pensions).
- [S. 4428](#) (Moody, R-FL), to amend the Higher Education Act of 1965 to require the use of an identity fraud detection system in reviewing Free Applications for Federal Student Aid (Health, Education, Labor, and Pensions).
- [S. 4431](#) (Barrasso, R-WY), to amend the Higher Education Act of 1965 to provide for comprehensive student achievement information (Health, Education, Labor, and Pensions).
- [S. 4433](#) (Bennet, D-CO), to provide for a procedure for Congress to carry out a reversal of a decision by the President not to declare a major disaster requested by the Governor of a State under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Banking, Housing, and Urban Affairs).
- [S. 4435](#) (Cassidy, R-LA), to establish requirements for financial aid offers made by institutions of higher education (Health, Education, Labor, and Pensions).

- [S. 4449](#) (Durbin, D-IL), to strengthen Federal data collection regarding the teacher and principal workforce (Health, Education, Labor, and Pensions).
- [S. 4463](#) (Young, R-IN), to amend the Internal Revenue Code of 1986 to provide a credit against employer payroll taxes for wages and other expenses paid or incurred for apprenticeship programs (Finance).
- [S. 4468](#) (Kaine, D-VA), to address behavioral health and well-being among education professionals and other school staff (Health, Education, Labor, and Pensions).

C. Congressional Committee Activity

- On April 27, the House Rules Committee held a hearing on, among other things, [H.R. 2616](#), the “Stopping Indoctrination and Protecting Kids Act,” to require public elementary and middle schools, as a condition of receiving certain federal funds for elementary and secondary education, to obtain parental consent before changing a student’s gender on school forms or changing a student’s sex-based accommodations. The Committee granted, by a vote of 9-4, a rule providing that an amendment in the nature of a substitute consisting of the text of Rules Committee Print 119-26 shall be considered as adopted.
- On April 28, the Senate Committee on Appropriations, Subcommittee on Departments of Labor, Health and Human Services, and Education, and Related Agencies, held hearings to examine the [proposed budget estimates and justification for fiscal year 2027 for the Department of Education](#), and received testimony from Secretary McMahon.
- On April 28, Senator Sanders, Ranking Member of the Health, Education, Labor, and Pensions Committee, released a Minority Staff Report entitled “[Justice Denied: How Trump’s Office for Civil Rights Reached a 12-Year Low in Protecting Students from Discrimination](#).”
- On April 28, the House Committee on Education and Workforce, Subcommittee on Early Childhood, Elementary, and Secondary Education, held a hearing entitled “Leveling Down: How Equity Policies Undermine Excellence and Harm Students.”
- On April 29, the House Committee on Education and Workforce, Subcommittee on Higher Education and Workforce Development, held a hearing entitled “Speech or Silence? The Future of the First Amendment in Higher Education.”
- On April 29, the House Committee on Oversight and Government Reform held a hearing on a number of bills, including: [H.R. 8428](#), the “Federal Fraud Prevention Workforce Training Act”; [H.R. 8340](#), the “Taxpayer Funds Oversight and Accountability Act”; [H.R. 8467](#), the “Zeroing Out Monetary Benefits Improperly Expended Act”; [H.R. 8107](#), the “Government Audit and Accountability of Federally Funded State-Administered Programs Act”; [H.R. 8312](#), the “Fraud Prevention and Accountability Act”; [H.R. 8464](#), the “Stopping Fraudulent Payments Act”; and [H.R. 8463](#), the “Pre-Payment Fraud Prevention and Treasury Data Access Act.”
- On April 29, the House Committee on Ways and Means held a markup on [H.R. 7432](#), the “Foster Youth Housing Opportunity Act”; [H.R. 7463](#), the “Foster Youth Postsecondary Education Access and Success Act”; [H.R. 7343](#), the “Foster Youth Workforce Opportunity

Act”; [H.R. 7529](#), the “Fresh Starts for Foster Youth Act”; [H.R. 7655](#), the “Support for Expectant and Parenting Foster Youth Act”; and [H.R. 7995](#), the “Chafee Opportunities for New Networks and Existing Connection Trust Act.”

- On April 30, the Senate Committee on Veterans’ Affairs held a hearing to examine a number of bills, including [S. 3993](#), to amend title 38, United States Code, and title 10, United States Code, to eliminate those provisions relating to veterans educational assistance that disadvantage eligible individuals who choose to pursue programs of apprenticeship or other on-job training instead of a four-year college degree

D. Congressional Floor Activity

- On April 27, the House, under suspension of rules, passed a number of measures, including [H.R. 5334](#), as amended, the *Supporting Early-childhood Educators’ Deductions Act*, to amend the Internal Revenue Code of 1986 to allow early childhood educators to take the educator expense deduction.



FEDERAL EDUCATION LAW ADVISORY

State and District Certifications Regarding Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools

TO: State and Local Educational Agencies

FROM: Sligo Law Group, PLLC

DATE: May 5, 2026

RE: 2026 U.S. Department of Education School Prayer Guidance: What Has Changed and What Annual Certification Actually Requires

INTRODUCTION

This memo summarizes key changes in the U.S. Department of Education's 2026 *Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools* (2026 Guidance) and addresses a specific compliance question the 2026 guidance raises: whether the annual ESEA certification requirement now obligates local educational agencies (LEAs) to certify compliance with all sections of the 2026 Guidance, including those addressing religious expression beyond prayer.

The better reading is that it does not. The statutory certification obligation is best understood as limited to school prayer requirements, and it is important for State educational agencies (SEAs) and LEAs to understand that distinction before completing their annual certifications.

BACKGROUND: THE ANNUAL CERTIFICATION REQUIREMENT

Under section 8524(b) of the ESEA, any LEA that receives ESEA funding must certify in writing to its SEA that no policy of the educational agency prevents, or otherwise denies participation in, constitutionally protected prayer in public elementary and secondary schools, as detailed in the Department's school prayer guidance. This certification must be provided by October 1 of each year. The SEA must report to the Secretary by November 1 of each year a list of those LEAs (1) that have not filed the certification and (2) against which complaints have been made to the SEA that the LEAs are not in compliance with section 8524.

The statute requires that the Secretary of Education revise and reissue guidance to SEAs, LEAs, and the public on constitutionally protected prayer in public elementary and secondary schools. The guidance must be revised every two years and made available by electronic means, including through posting on the Department's website in a clear and accessible manner. The guidance must be reviewed, before being released, by the Office of Legal Counsel for the Department of Justice to ensure that the guidance represents the current state of the law concerning constitutionally protected prayer in public elementary and secondary schools.

The 2026 Guidance is the most recent iteration; prior guidance was issued in 2023 (2023 Guidance).

CHANGES IN THE 2026 GUIDANCE

Certification Scope: What the Department Changed

The Department's description of what LEAs are certifying has shifted in a meaningful way.

The 2023 Guidance separated parts between (1) constitutionally protected prayer and (2) other forms of religious expression. The 2026 Guidance consolidates these topics into a single section that is organized by scenario rather than by category.

Under the 2023 Guidance, the Department expressly stated that LEAs were required to certify compliance only with the prayer-specific components of the guidance (Part II of the 2023 Guidance), and not with the sections addressing religious expression more broadly (Part III). The separation of requirements specific to school prayer and those of other forms of religious protections was clear.

Due to its restructuring, the 2026 Guidance eliminates that distinction and states that LEAs must certify compliance with Parts II, III, and IV of the guidance. This is significant because these parts include more than just requirements relating to school prayer but to religious expression more broadly.

As discussed below, however, this restructuring does not change the statutory obligations for LEAs.

Substantive Changes

Some of the substantive changes to the guidance include:

Emphasis on Religious Expression Rights of School Employees

The 2026 Guidance emphasizes the right of school employees to engage in personal, private prayer—including, in some circumstances, prayer in the presence of students or with voluntary student participation—provided that such prayer is truly voluntary, non-coercive, and occurs outside the scope of the employee's official duties. This reflects the influence of *Kennedy v. Bremerton School District*, 597 U.S. 507 (2022), in which the Supreme Court held that a school district violated a football coach's First Amendment rights by prohibiting him from praying quietly on the field after games. *Kennedy* was referenced in the 2023 Guidance but has received additional focus in the 2026 Guidance.

Emphasis on Parental Rights and the Strict Scrutiny Standard of Review

The 2026 Guidance incorporates recent parental-rights jurisprudence and treats school actions that undermine family religious beliefs or burden religious development as triggering heightened constitutional scrutiny, particularly where policies are alleged to substantially interfere with parental control over children's religious upbringing. This applies even when policies are neutral and generally applicable and reflects the

Supreme Court’s 2025 decision in *Mahmoud v. Taylor*, 606 U.S. 522, in which it held that a policy that prohibited opt-outs for books with LGBTQ content violated the religious freedom rights of parents in that district.

THE CERTIFICATION REQUIREMENT – WHAT LEAS MUST CERTIFY

SEAs and LEAs should not read the 2026 Guidance as an expansion of their statutory certification obligation. The operative text is in the statute itself. Section 8524(b) requires LEAs to certify that no policy of the LEA prevents, or otherwise denies participation in, “constitutionally protected prayer in public elementary and secondary schools, as detailed in the Secretary’s guidance.”

Because the 2026 Guidance is non-regulatory and was not issued through notice-and-comment rulemaking, it does not carry the force of law and cannot impose binding obligations beyond those set forth in statute. The 2026 Guidance is a description and interpretation of the current state of the law concerning school prayer and religious expression in public elementary and secondary schools. It does not impose any additional requirements beyond those in the statute.

Accordingly, “as detailed in the Secretary’s guidance” is best understood as clarifying what constitutes “constitutionally protected prayer” according to the Department’s description of governing law; it does not expand the certification obligation to all forms of religious expression addressed in the guidance.

LEAs should be considered in compliance with the statutory certification requirement if they certify, as stated in the statute, that no LEA policy prevents or denies participation in constitutionally protected prayer as that term is understood under governing Supreme Court precedent and as *school prayer* is described in the 2026 Guidance.

That said, the Department has signaled through the 2026 Guidance that it expects certifications to state compliance with the guidance as a whole, and the Department may review certifications against this expectation. This creates the risk of pushback from the Department, even if the statutory language is what is legally binding.

Furthermore, while LEAs need not certify compliance with the 2026 Guidance as a whole, the constitutional protections described in the guidance remain applicable, and LEAs should review their policies to ensure that they are consistent with the religious expression protections under the constitution.

RECOMMENDED NEXT STEPS

Recommended Next Steps for LEAs Concerning Certification:

- Review existing policies concerning school prayer in their public elementary and secondary schools and ensure that no policy prevents or denies participation in constitutionally protected prayer.
- Complete the annual ESEA school prayer certification by October 1, 2026, confirming that no LEA policy prevents or denies participation in constitutionally protected prayer.
- Consult legal counsel before making any representations in the certification beyond what the statute requires. Avoid adopting certification language that affirmatively represents compliance with the full 2026 Guidance unless that legal review has been completed.

Recommended Next Steps for SEAs Concerning Certification:

Ensure that your LEAs understand the distinction between the statutory certification obligation and the broader scope of the 2026 Guidance and ensure that reporting to the Secretary reflects that distinction.

LOOKING AHEAD

Regardless of certification obligations, SEAs and LEAs should be aware that First Amendment doctrine governing religion in public schools is shifting rapidly, particularly in the areas of employee expression and parental rights. The constitutional protections addressed in the 2026 Guidance—including employee religious expression rights and parental rights—are areas of active litigation and increasing federal scrutiny. Agencies should consult with counsel to ensure that existing policies are consistent with current constitutional requirements, not only to satisfy certification obligations but to reduce the risk of complaints and litigation as this area of law continues to develop.

ABOUT SLIGO LAW GROUP, PLLC

Sligo Law Group is a boutique federal education law firm founded by former attorneys from the U.S. Department of Education Office of General Counsel. The firm advises states, school districts, colleges and universities, and nonprofit organizations on federal grants compliance, federal education program compliance, civil rights, and constitutional matters. Our attorneys have direct experience drafting, interpreting, and applying the regulations and guidance at issue in today's federal education enforcement environment.

For questions about this memo or for assistance with the ESEA certification process, please contact Sligo Law Group at contact@sligolawgroup.com or (202) 888-2084.

Spotlight on Federal Funding

Navigating Compliance,
Flexibilities, and Challenges

Presented by Josie Eskow Skinner, Founding
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About the Presenter

Josie Eskow Skinner

Partner, Sligo Law Group, PLLC

- Former attorney, U.S. Department of Education, Office of the General Counsel
- Advises states, school districts, and nonprofits on federal education funding compliance
- Represents grantees in funding enforcement, termination, and civil rights matters
- Focus areas include ESEA programs, federal grants administration, and civil-rights enforcement

AGENDA

Program Flexibility Tools — Transferability, waivers, Ed-Flex

Civil Rights Enforcement Conditions — Title VI, Title IX, evolving DEI enforcement priorities

Legal Guardrails on Funding Enforcement — Statutory authority limits, required procedures, and jurisdictional constraints

The Disclaimer: This presentation and related documents are intended for general informational purposes only. They should not be treated as legal advice or a legal opinion on any specific facts or circumstances.

Letters from the Department: Focus on Flexibilities, School Choice, and Religious Expression



ESEA Flexibilities Letter (Jul. 29, 2025)

- **Highlights existing ESEA flexibilities.**
- **Biggest flexibilities highlighted include:**
 - **Transferability** (section 5103) – Permits states and districts to transfer some or all of their funds under certain ESEA programs to other eligible ESEA programs
 - **Consolidation of Funds for State Administration** (section 8201(a)) – State that can demonstrate that the majority of its resources are derived from non-federal sources can consolidate funds available for state administration under any ESEA program (as well as other programs the Secretary may designate)
 - **8401 Waivers** – State may apply to ED on its own behalf or on behalf of one or more districts.

Transferability (ESEA section 5103)



Transfers may be made at any point during the period of availability but must be transferred to and from accounts from the same fiscal year. Transferred funds retain the identity of the original fiscal year.



May only transfer into a program for which an allocation was made (i.e., can't create an allocation where there was none before).



May transfer state-level activity funds but not administrative funds.

State Transfers

SEA may transfer funds from:

- Title II, Part A (Supporting effective instruction state grants)
- Title IV, Part A (Student support and academic enrichment grants)
- Section 4202(c)(3) (State activity funds for the 21st Century Community Learning Centers program)

TO:

- Title I, Part A - Improving basic programs operated by LEAs
- Title I, Part C - Education of migratory children
- Title I, Part D - Prevention and intervention programs for children and youth who are neglected, delinquent, or at-risk
- Title II, Part A - Supporting effective instruction state grants
- Title III, Part A - State grants for English language acquisition and language enhancement
- Title IV, Part A - Student support and academic enrichment grants
- Title IV, Part B - 21st Century Community Learning Centers
- Title V, Part B - Rural education

LEA Transfers

LEA may transfer funds from:

- Title II, Part A (Supporting effective instruction state grants)
- Title IV, Part A (Student support and academic enrichment grants)

TO:

- Title I, Part A - Improving basic programs operated by LEAs
- Title I, Part C - Education of migratory children
- Title I, Part D - Prevention and intervention programs for children and youth who are neglected, delinquent, or at-risk
- Title II, Part A - Supporting effective instruction state grants
- Title III, Part A - State grants for English language acquisition and language enhancement
- Title IV, Part A - Student support and academic enrichment grants
- Title V, Part B - Rural education

Steps for a Transfer (for both SEAs and LEAs)

Engage in timely and meaningful consultation, in accordance with section 8501 of the ESEA, with appropriate private school officials (ESEA section 5103(e)(2)). Note: Equitable services with state-level funds is a requirement for Title II, Part A; Title IV, Part A; and Title IV, Part B.



Determine the program(s) from which funds are to be transferred and to which funds are to be transferred



Determine the amount, and Federal fiscal year, of funds to be transferred



Establish the effective date for the transfer



ESEA Waivers (ESEA section 8401)

ESEA waivers are formal requests to ED to waive specific statutory or regulatory requirements under the ESEA

Intended to provide flexibility while maintaining core goals of equity and accountability

Authorized by section 8401 of the ESEA (20 U.S.C. § 7861)

Submitting Waiver Requests



SEAs and Tribes may submit waiver requests directly to ED.

LEAs must first submit requests to the SEA. Schools must first submit request to the LEA, which then submits to the SEA.

If the SEA approves the request, the SEA may submit the request to the Secretary.

Cannot waive:

- The allocation or distribution of funds to States, LEAs, Indian Tribes, or other recipients of funds under the ESEA;
- Maintenance of effort (ESEA section 8521 gives ED the authority to waive this requirement under certain circumstances);
- Comparability of services;
- Use of Federal funds to supplement, not supplant, non-Federal funds;
- Equitable participation of private school students and teachers;
- Parental participation and involvement;
- Applicable civil rights requirements; (cont'd next slide)



Cannot waive (cont'd):

- Requirement for a charter school under Title IV, Part C;
- Prohibitions in Title VIII, Part F, Subpart 2, including:
 - Use of funds for religion under ESEA section 8505, and
 - Prohibited uses of funds under ESEA section 8526; and
- The selection of a school attendance area or school under ESEA section 1113(a) and (b), except that the Secretary may grant a waiver to allow a school attendance area or school to participate in activities under Title I, Part A if the percentage of children from low-income families in the school attendance area or who attend the school is not more than 10 percentage points below the lowest percentage of those children for any school attendance area or school of the LEA that meets the requirements of ESEA section 1113(a) and (b).



Waiver Request Requirements

Must submit a plan that:

- ✓ Identifies affected federal programs;
- ✓ Describes which federal statutory or regulatory requirements would be waived;
- ✓ Describes how the waiving of these requirements will advance student academic achievement;
- ✓ Describes the methods the SEA, LEA, school, or Tribe will use to monitor and regularly evaluate the effectiveness of the implementation of the plan;
- ✓ Includes only information directly related to the waiver request;
- ✓ Describes how schools will continue to provide assistance to the same populations served by the programs for which waivers are requested; and
- ✓ If the waiver relates to section 1111(b) or (h) of the ESEA, describes how the SEA, LEA, school, or Indian tribe will maintain or improve transparency in reporting to parents and the public on student achievement and school performance, including the achievement of student subgroups.

Equitable Services Letter (Aug. 21, 2025)

Reminder that ESEA requires services to be provided to students in private schools through provision of equitable services.

No new requirements; highlights importance of timely and meaningful consultation between public and private school officials.

Ed-Flex Letter (Sep. 17, 2025)

The Education Flexibility Partnership Act (Ed-Flex) allows participating states to waive certain federal education requirements that apply to any local educational agency, educational service agency, or school in the state. States can't grant a waiver that would undermine the underlying purposes of the statutory requirements of the program for which the waiver is sought.

State must be designated as Ed-Flex state by ED.

Once a state is designated as an Ed-Flex state, districts apply to the state for waivers.

Most common waivers include Title I carryover limitation and modifying Title IV-A category spending requirements

Ed-Flex Waivers NOT Permitted

- State can't grant a waiver that would **undermine the underlying purposes** of the statutory requirements of the program for which the waiver is sought.
- "Underlying purposes" of the statutory requirements of the Ed-Flex Program relate to the **fundamental purposes** for which a program was established and must be determined in the context of the overall authorizing legislation, taking into account any "statement of purpose" section that may be included in the legislation.

Religious Expression

- Clearly stated administration priority.
- Updated *Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools* released on February 5, 2026.
- This guidance is required under ESEA and summarizes constitutional protections regarding prayer in public schools.

School Prayer Certification Requirements



ESEA section 8524 requires certification that states and districts do not have policies that restrict students' rights to school prayer.



Federal oversight under section 8524 has largely focused on whether certifications were submitted, rather than on substantive review of district policies.



Revised guidance signals a broader conception of what the Department views as within the scope of section 8524 enforcement.



Ensure that schools and districts have reviewed the guidance and are in compliance with the constitutional policies and certification requirements.

A pair of brass scales of justice is shown against a blue gradient background. The scales are positioned diagonally, with the left pan lower than the right pan. The pans are empty and have a polished, reflective surface. The background is a smooth, light blue gradient that transitions from a slightly darker blue at the top to a lighter blue at the bottom.

Civil Rights Enforcement

Trends in Office for Civil Rights (OCR) Enforcement Overall

- Typically, OCR investigations begin with complaints and do not become public at the investigations stage
- Now seeing proactive investigations stemming from executive orders and policy decisions with press releases announcing the investigations

OCR Trends: Decline in Number of Complaint Investigations and Resolutions

- GAO report found that between March and September 2025 OCR received over 9,000 complaints, but about 90% of resolved cases were dismissed rather than investigated.
 - Higher than historical rates.
 - In 2010–2011, about 49% of resolved complaints were dismissed.
 - In 2019–2020, dismissal rate had risen to about 81%.
- Nearly half of OCR staff were placed on administrative leave during 2025, significantly limiting enforcement capacity.
- Advocacy and watchdog reporting characterize this as a major reduction in civil-rights enforcement activity overall.

OCR Trends: More investigations focused on Title IX athletics and gender-identity disputes

OCR initiated multiple investigations into states, districts, and athletic associations over transgender athlete participation policies.

OCR and DOJ created a Title IX Special Investigations Team and elevated high-profile cases to joint federal enforcement.

Federal findings included determinations that some state and district policies violated Title IX based on transgender participation rules.

Investigations were launched into **18 entities across 10 states** in early 2026 for Title IX compliance issues.

Some districts were placed on high-risk federal funding status over Title IX violations.

Title IX Policy and Interpretation

Obama/Biden Administration

- Interpreted “sex discrimination” to include gender identity and sexual orientation.
- Emphasized protecting transgender students’ access to facilities, activities, and programs consistent with their gender identity.
- Framed Title IX as a tool to expand equal educational access for historically marginalized groups.
- Prioritized enforcement related to sexual harassment, assault, and hostile environment claims.
- Relied heavily on guidance, rulemaking, and negotiated compliance to drive policy change.

Trump Administration

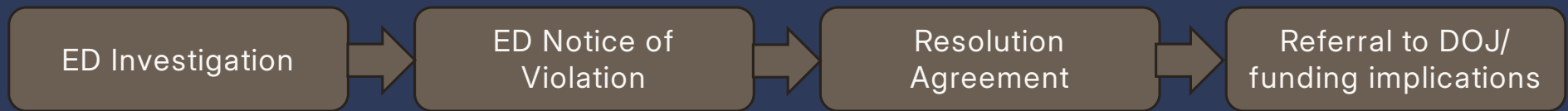
- Defines “sex” strictly based on view that biology only identifies two sexes, male and female.
- Rejects gender identity as a protected category under Title IX.
- Frames enforcement as protecting women’s rights and preventing sex-based unfairness, particularly in athletics and facilities.
- Uses civil-rights investigations and funding leverage more aggressively to compel policy changes.
- Places less emphasis on systemic harassment enforcement and more on disputes involving gender identity policies.

Role of *Bostock* and Competing Interpretive Frameworks

- Some circuits (Fourth and Ninth) extend the Supreme Court's Title VII reasoning in *Bostock* to Title IX, treating discrimination based on gender identity or sexual orientation as sex discrimination.
- Other circuits (Sixth and Eleventh) reject this extension and interpret "sex" as biological, permitting sex-segregated policies based on sex at birth.
- This divide has produced conflicting rulings on the legality of recent federal Title IX regulations addressing gender identity, including multiple injunctions and preliminary Supreme Court intervention.

Common Title IX Funding Risk Areas

- Program and Facility access/exclusion
 - Access to “intimate facilities”
- Athletics equity
 - Participation of female transgender student athletes on girls’ teams
- Sexual harassment / hostile environment
 - Discrimination based on failure to respond to reports of sexual harassment and claims of inequitable treatment during the grievance process



Title VI as a Federal Funding Enforcement Tool

- Title VI prohibits discrimination based on race, color, or national origin in federally funded programs.
- Recent enforcement trends increasingly focus on using Title VI as a mechanism to influence funding decisions:
 - Investigations tied to race-related policies, DEI initiatives, and training programs
 - Heightened scrutiny of activities perceived as race-conscious or preferential
 - Use of guidance, executive orders, and compliance reviews to evaluate funding recipients
 - Potential designation of grantees as high risk or subject to special conditions
- Unlike Title IX disputes, Title VI enforcement often arises through broader programmatic reviews rather than individual complaints.
- For recipients, Title VI compliance is increasingly linked to overall federal funding eligibility.
- Current DEI-related enforcement actions are primarily grounded in Title VI theories concerning race-based discrimination in federally funded programs.

Diversity, Equity, and Inclusion: Legal Trends



Following Executive Order 14151, increased scrutiny of anything that looks like DEI.



February 14, 2025, letter:
Indicated focus on DEI

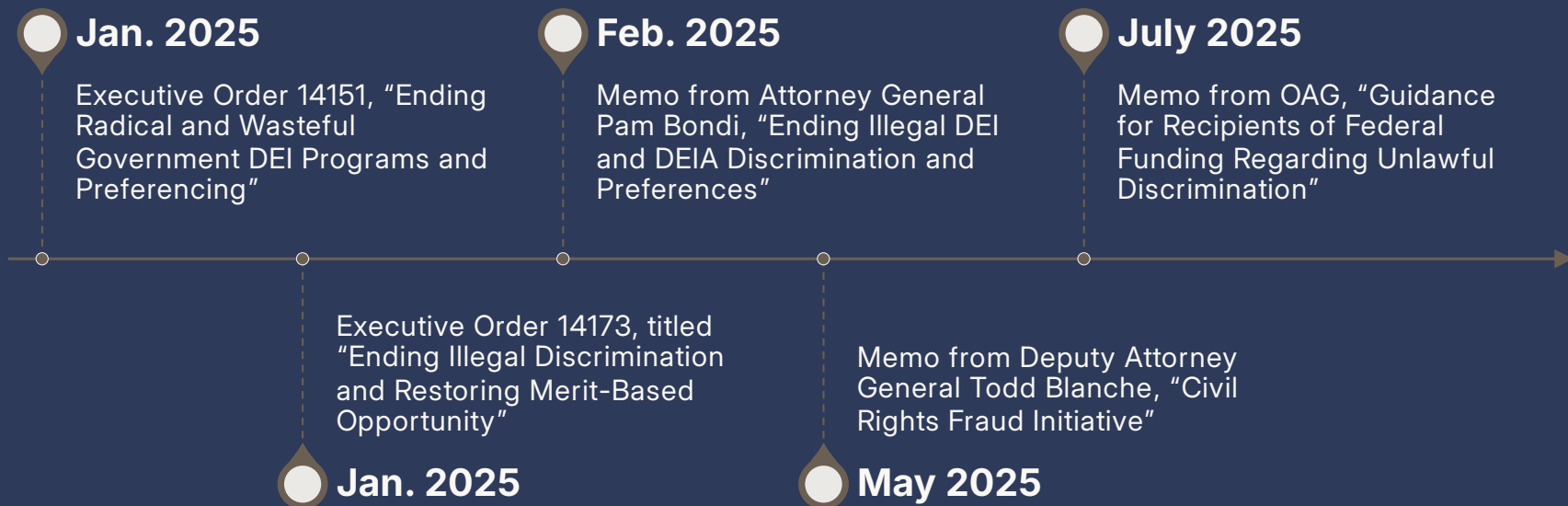


April certification letter:
required states to certify
compliance



Lawsuits filed, court rulings addressed procedural and statutory authority issues and found authority deficient. ED recently dropped its appeal of this decision, leaving status uncertain. However, outcomes do not eliminate Title VI/IX enforcement authority generally.

DEI Executive Orders and Memos



Pre-Emptive Steps on DEI

- Internal audits of policies, trainings, and activities, particularly those funded with federal grant funds
- Keyword searches for trigger words
- Note: You do not have to change policies but reviewing these policies under shield of attorney-client privilege will help clients prepare for any potential enforcement actions



Protecting Discretionary Grant Funds



Discretionary grant funds at heightened risk of targeting for DEI or other civil rights related issues



Grantees may want to consider formally amending applications and “descoping” activities to make clear to the Department that they are not engaging in prohibited activities



Amendments should be carefully reviewed for scope creep and future compliance obligations.

Civil Rights Laws as Funding Conditions

- Title VI, Title IX, and other civil rights laws operate as conditions of federal financial assistance.
- Compliance required for all programs and activities of recipient.
- Enforcement may affect any ED grant (including formula funding), regardless of program.



Evaluating Enforcement Risk



Lower-risk: "Settled" law, low-controversy activities



Higher-risk: Activities/policies with unresolved legal interpretations or tension between court interpretations and agency guidance.

When agency guidance and legal precedent diverge

1. Look at the law behind the guidance and conduct your own analysis.
 - Document your conclusions.
 - Do not rely on agency interpretation as to what the law actually requires; use the agency interpretation to evaluate enforcement risk but not the underlying legal requirements.
2. Evaluate the likelihood of enforcement actions.
 - As noted before, issues involving race, gender, and religious expression have received heightened scrutiny over the past year.
 - Based on your review, provide objective analysis and risk evaluation for client decision.

Reminders on Guidance as Basis for Enforcement

- Interpretive rules and non-regulatory guidance do not carry the force of law but have been increasingly used to justify decisions to impose conditions on or terminate grant funding
- Examples:
 - Executive Order
 - Agency guidance
- Remember: Agencies must follow certain processes under the APA when changing an interpretation or position
- Department has relied on the interpretations in guidance, even when the guidance itself indicates that it is “non-binding”
- Legislative rules require notice-and-comment under APA.
- Guidance cannot create new legal obligations.

Tips for reviewing ED communications



Ask: "What statute or regulation supports this demand?"



Preserve objections where agency relies solely on guidance.



Avoid incorporating guidance language verbatim into settlement documents without vetting.



Distinguish formal regulations from interpretive guidance.



Track changes in interpretation.

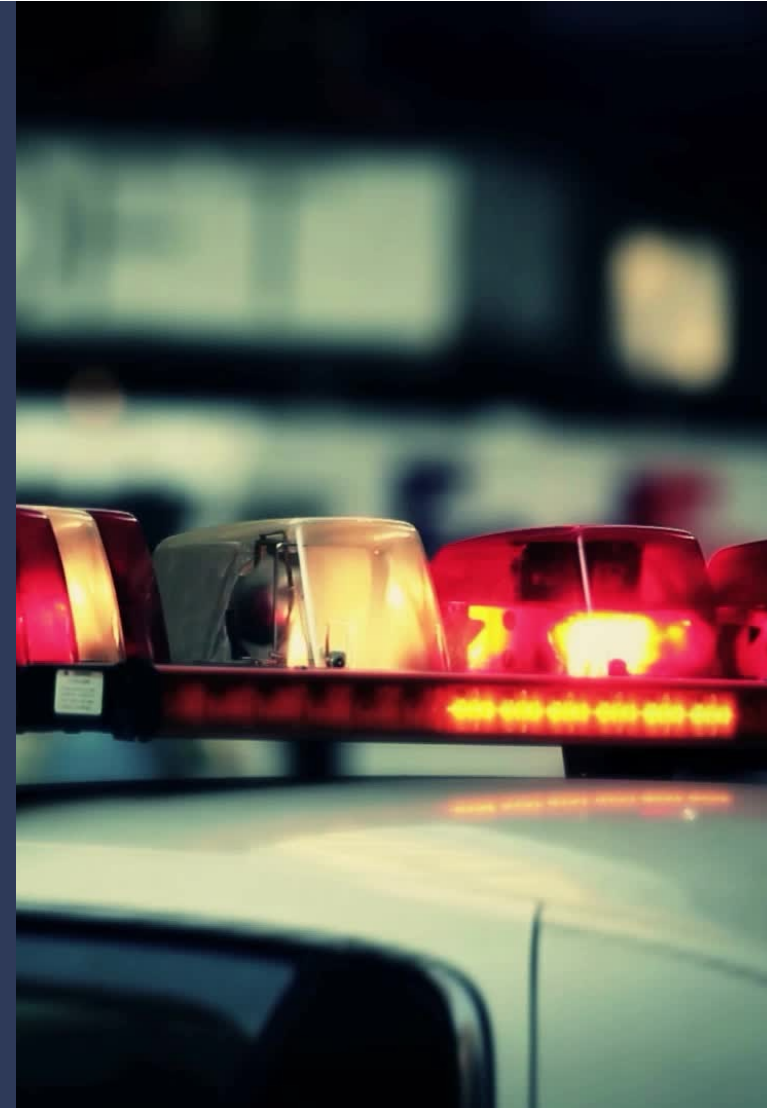


Use APA arguments strategically.

Enforcement Methods

Conditions, Terminations, and
Discontinuations

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Typical Escalation Path for Enforcement

1. Imposition of specific grant award conditions
2. Designation of grant as high risk if specific award conditions do not resolve issue
3. Designation of grantee as high risk when #1 does not resolve issue and risk factors are systemic or adversely impact internal controls and impact all ED grants made to grantee
4. Voluntary termination by grantee
5. Denying a grantee a continuation award
6. Withholding of funds for GEPA programs or Suspension/Termination for non-GEPA programs

Specific Grant Conditions (2 CFR 200.208)

May include:

- Reimbursement (rather than advance payment)
- Additional or more details financial reports
- Additional project monitoring
- Establishing additional prior approvals

Requires notice of:

1. Nature of condition
2. Reason why condition is being imposed
3. Nature of action needed to remove the specific condition
4. Time allowed for completing the actions
5. Method for requesting reconsideration of specific condition

Opportunities to Object

- “Upon initiating a remedy for noncompliance (for example, disallowed costs, a corrective action plan, or termination), the Federal agency must provide the recipient with an opportunity to object and provide information challenging the action.” 2 CFR 200.342
- Objections may be due within short window.
- Failure to respond may waive arguments.

Discontinuations/ Failure to Make Non-Competing Continuation (NCC) Awards

- **Noncompeting Continuation (NCC) Awards**
 - Multi-year discretionary grants subject to annual continuation.
 - Continuation conditioned on performance AND compliance.
- Prior to 2025, NCC awards withheld for performance or management issues only
- Beginning in 2025, NCC awards have been withheld based on change in administration priorities, DEI-related language flagged in the application, and other reasons unrelated to grantee performance
- Under ED written procedures, grantees must be given an opportunity to request reconsideration of discontinuation (typically 7 days)

Terminations vs. Discontinuations

Terminations

- Ends current award.
- Requires notice and opportunity to object.
- Higher procedural protections.

Discontinuations (NCC Denials)

- Funding simply not continued.
- Fewer explicit procedural protections.
- Increasingly used as enforcement lever.

Legal Guardrails on Federal Funding Enforcement

- Federal agencies do not have unlimited discretion when imposing funding conditions or terminating grants.
- Three core legal principles shape enforcement authority:
 - **Statutory authority limits**
Agencies may only enforce conditions clearly authorized by Congress.
 - **Administrative procedure requirements**
Agencies must follow required processes and provide notice and opportunity to respond.
 - **Jurisdictional boundaries**
Different courts hear different types of funding disputes, depending on the relief sought.

New Interpretations of Tucker Act Jurisdiction

Long-standing interpretation in *Bowen v. Massachusetts* (1988): Tucker Act does not bar district court APA jurisdiction when a plaintiff seeks specific equitable relief, even if compliance requires the government to pay money, because such relief is not “money damages” within the Tucker Act’s core domain.

2025 Developments:

- *Department of Education v. California* (2025): When a suit effectively seeks to enforce a federal funding obligation to pay money, it falls within the Tucker Act and must be brought in the Court of Federal Claims rather than in district court under the APA.
- *NIH v. American Public Health Association* (Aug. 2025): Reaffirmed that challenges to federal grant terminations that function as efforts to compel payment are, in substance, contract-type monetary claims within Tucker Act jurisdiction and therefore belong in the Court of Federal Claims.

Rapidly Changing Area!

- *Council for Opportunity in Education V. U.S. Department of Education* (D.D.C. 2026) - Tucker Act did not deprive District Court of jurisdiction because the plaintiffs were not seeking to compel payment of grant funds but instead sought prospective APA relief requiring the Department of Education to reconsider and lawfully redo its grant termination decisions, which is not a classic contract-type monetary claim.

Questions to Ask when Reviewing Funding Decisions

- **Process**
 - Was correct process followed according to statute and regulations?
 - Did grantee receive adequate notice?
 - Did grantee receive notice of an opportunity to challenge the decision?
- **Substance**
 - Are the facts correct?
 - Did the Department misinterpret or misapply any facts or requirements?
- **Strategy**
 - Litigation vs negotiation
 - Corrective action vs contesting authority
 - Risk tolerance assessment



Strategic Coordination

Increasing Overlap between Legal Advice and Communications, Policy, and Crisis Strategy



Coordination with other teams important even without parallel proceedings.

Do not want press strategy to negatively impact legal strategy.

Regular communication and clear standards important to maintain consistency.



Avoid politics. Focus on neutrality

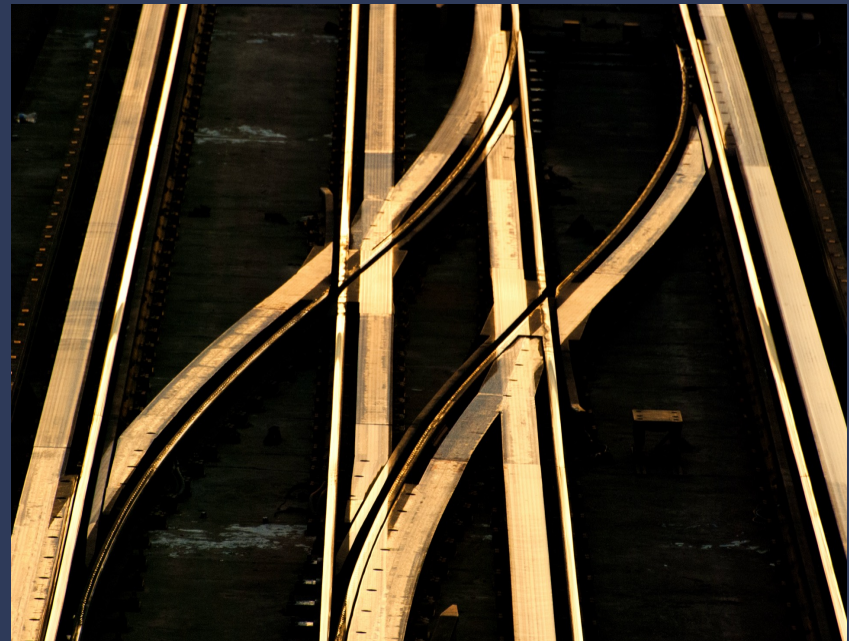
Parallel Proceedings

When Coordination Becomes Crucial

- States and districts increasingly facing investigation/enforcement/monitoring from several entities
 - OCR investigation
 - Program office monitoring
 - OIG audit
 - State oversight

Tips:

- Coordinate messaging across OCR, program office, and state.
- Avoid inconsistent statements.
- Centralize document production.





Questions?

For questions or follow-up

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