

## **Washington Update March 21, 2020**

Dear Colleagues:

As we all hunker down and monitor the hourly changes to our situations, I'm most grateful for our online capacity to stay connected. Zoom has never been such a welcome tool! I am taking daily walks to get out and keep my sanity – and also participating in online workout sessions. The cherry blossoms are in full bloom in Washington – a most welcome sight. What are you doing to stay on an even keel? Let me know. Deep breaths all around!

### **1. Washington Continues to Respond to the Coronavirus Epidemic**

I'm sure you have been monitoring the daily updates and the moment by moment directives from the federal, state and local government, as well as your institutions of higher education and school districts regarding the virus. The Congress and federal agencies are likewise making changes by the moment. A 50,000 foot overview includes the following.

#### **Legislative activity:**

- On March 6, Congress passed the first COVID-19 stimulus bill – an \$8 billion package to help states and localities address the pandemic.
- On March 18, Congress passed the second COVID-19 relief package which ensures paid sick leave to certain employees, expands SNAP and Medicaid and provides emergency assistance.
- Congress is now considering the third COVID-19 relief package, a measure which will total between one and two trillion dollars and may address issues as far reaching as increases in unemployment insurance payments, financial assistance for hospitals and health care providers, a “state stabilization fund,” direct cash payments of \$1200 per person who qualifies, small business guaranteed loans and billions in loans for industries, such as airlines. Provisions related to education are also on the menu, as described in the next article.

#### **On Capitol Hill:**

- The House is in a long-scheduled recess. They will likely return to vote on the third COVID-19 stimulus package early next week.
- The Senate will stay in session until they can get the third COVID-19 package completed; they are hoping that is over the weekend with a vote early next week.
- When/how/if Congress will reconvene in person next is a topic of conversation. There is much dialogue about virtual convening but a number of obstacles to confront, including online capacity and security. Sen. Portman (R-OH) and Sen. Durbin (D-IL) have introduced a bill to allow for remote voting in the Senate for renewable 30 day periods.
- Two members of the House of Representatives have been diagnosed with COVID-19 ( Rep. Mario Diaz-Balart– R-FL and Rep. Ben McAdams D- UT), and a number of

Hill staffers. Most congressional offices have gone virtual; however, a skeleton staff remain on Capitol Hill, mostly those needed to negotiate the next COVID-19 relief package. Appointments are generally being conducted by phone.

### **Department of Education:**

- The Department of Education (with CDC and the Department of Agriculture) has had phone calls with stakeholders and issued guidance on a range of topics (see links below).
- The President announced that the Department of Education would not enforce standardized test requirements for K-12 students under ESSA. Provisions related to accountability systems can be waived.
- The President announced that the 42 million federal student loan borrowers can suspend their monthly payments without penalty for the next 60 days
- Almost all employees of the Department of Education are working virtually.

## **2. The CARES Act – Third COVID-19 Stimulus Bill – the Education Provisions**

Sen. McConnell introduced S. 3548, the CARES Act, as the starting point for the third COVID-13 package which Congress is finalizing this weekend. The bill includes provisions which would provide Sec. DeVos with broad waiver authority over the Higher Education Act, ESSA and Perkins.

In terms of IDEA, it calls for the Secretary to provide a report within thirty days with a list of waivers needed to be included in IDEA and Section 504 of the Rehabilitation Act. Presumably, Congress would then amend the law to provide her with the authority to grant such waivers. The disability/special education community voiced strong concern about this provision since key provisions in the law could be altered. In addition, amending IDEA in the Congress to provide waiver authority could attract other troubling amendments. Some organizations, such as the National School Boards Association, called for additional authority for the Department to grant waivers and flexibility in relation to IDEA. The Council for Exceptional Children noted that “We know they (teachers) need administrative relief and some level of flexibility to serve all students; however, Congress must not jeopardize the core principles of the IDEA.” Several education and related groups, including NCLD and Ed Trust, issued a statement opposing the waiver authority noting that “No new waiver authority is necessary under the Individuals with Disabilities Education Act.” All organizations agreed that more funding for IDEA is needed.

In terms of higher education, the bill gives Sec. DeVos authority to defer student loan payments – principal and interest – for three months, with an additional three months if necessary. It also provides her broad waiver authority under the Higher Education Act. The higher education community does not think the bill offers nearly what is needed for students nor institutions. They are seeking access to low-cost capital, a fund to help institutions transition to online operations and temporary flexibility under federal education requirements.

Senate Democrats are pushing for additional funding for education, as outlined in a number of bills which have been introduced, including one by Sen. Patty Murray (D-WA) and Rep. Bobby Scott (D-VA), the Senate and House democratic leaders on education committees. The \$3 billion Murray/Scott bill provides \$1.2 billion for education preparedness and support grants for school districts or institutions of higher education, \$600 million for early care and education programs, \$1.2 billion for emergency financial aid for students and \$3 million for the national child traumatic stress network.

A compromise bill is expected early next week. The Senate will vote on it and then it will move to the House for consideration.

- CARES Act <https://www.congress.gov/bill/116th-congress/senate-bill/3548/text?q=%7B%22search%22%3A%5B%22S.+3548%22%5D%7D&r=1&s=2>
- Murray/Scott bill: <https://bobbyscott.house.gov/media-center/press-releases/scott-introduces-bill-to-support-k-12-and-higher-education-students-amid>
- The Council for Exceptional Children: [https://www.cec.sped.org/~media/Chads%20letter.pdf?utm\\_source=cec&utm\\_medium=email&utm\\_campaign=default&\\_zs=ejef1&\\_zl=P0kc6](https://www.cec.sped.org/~media/Chads%20letter.pdf?utm_source=cec&utm_medium=email&utm_campaign=default&_zs=ejef1&_zl=P0kc6)
- Higher Education organizations: <https://www.rollcall.com/2020/03/20/stimulus-education-plan-prompts-calls-for-more-direct-aid/>
- Ed Trust and other groups: <https://www.nclد.org/wp-content/uploads/2020/03/Coronavirus-Waivers-Joint-Statement.pdf>
- Students with disabilities: <https://www.the74million.org/article/absolutely-im-worried-for-children-with-special-needs-unprecedented-coronavirus-school-closures-bring-confusion-uncertainty/>

### 3. New Resources for Educators on Managing COVID-19

- **The CEEDAR Center** has compiled an extensive list of resources for online learning with particular attention to teacher candidates: <https://cedar.education.ufl.edu/virtual-toolkit/>
- **The Learning Policy Institute** has compiled an excellent list of online learning resources: See: <https://www.forbes.com/sites/lindadarlinghammond/2020/03/19/learning-in-the-time-of-covid-19/#2d19c4c27203>
- **The Pacer Center** has resources for parents and online learning: <https://www.pacer.org/livestream/archive.asp>
- **The Center for Online Learning and Students with Disabilities:** <http://www.centeronlinelearning.res.ku.edu/>

- **Ed Tech companies** are offering free resources to higher education :  
<https://edscoop.com/free-edtech-resources-colleges-universities-affected-covid19-coronavirus/>

**From the Department of Education’s Website:**

*General Information –*

- [Coronavirus.gov](https://www.cdc.gov/coronavirus/), [CDC.gov/Coronavirus](https://www.cdc.gov/coronavirus/), and [USA.gov/Coronavirus](https://www.usa.gov/coronavirus)
- [President’s Coronavirus Guidelines for America – 15 Days to Slow the Spread of COVID-19](#)
- [Centers for Disease Control and Prevention \(CDC\) Keeping Workplaces, Homes, Schools, or Commercial Establishments Safe](#)
- [CDC Framework for Mitigation: Implementation of Mitigation Strategies for Communities with Local COVID-19 Transmission](#)
- [CDC Environmental Cleaning and Disinfection Recommendations for U.S. Community Facilities with Suspected/Confirmed Coronavirus Disease](#)

*Resources for Elementary and Secondary Schools –*

[CDC Guidance for Administrators of K-12 Schools and Childcare Programs: Plan, Prepare, and Respond to COVID-19](#) (updated March 12, 2020)

- [CDC Checklist for Teachers, Parents, and Administrators](#)
- [CDC Guidance on Considerations for School Closure](#)
- [Fact Sheet: Impact of COVID-19 on Assessments and Accountability under the Elementary and Secondary Education Act \(ESEA\)](#) (see also agency’s [press release](#))
- [Providing Services to Children with Disabilities During the COVID-19 Outbreak](#)
- [Protecting Student Privacy: The Family Educational Rights and Privacy Act \(FERPA\) and the Coronavirus](#)
- [Fact Sheet: Addressing the Risk of COVID-19 in Schools While Protecting the Civil Rights of Students](#) (see also agency’s [press release](#))
- [Office for Civil Rights \(OCR\) Webinar on Online Education and Website Accessibility](#)
- [Department of Agriculture’s Flexibilities to Feed Children When Schools Close](#)
- [Department of Health and Human Services’ \(HHS\) FAQs for State Medicaid and Children’s Health Insurance Program \(CHIP\) Agencies](#)

*Resources for Higher Education Institutions –*

- [CDC Guidance for Administrators of U.S. Institutions of Higher Education: Plan, Prepare, and Respond to COVID-19](#) (updated March 18, 2020)
- [CDC Checklist for Administrators](#)
- [Office of Postsecondary Education \(OPE\) Guidance for Interruptions of Study Related to Coronavirus](#)
- [Federal Student Aid \(FSA\)-issued Coronavirus Information for Students, Borrowers, and Parents](#)
- [Information for Accrediting Agencies Regarding Temporary Flexibilities Provided to Coronavirus-Impacted Institutions and Accrediting Agencies](#)
- [Census Bureau Statement on Modifying 2020 Census Operations to Make Sure College Students are Counted](#)

- [U.S. Immigration and Customs Enforcement \(ICE\)-issued Guidance on Coronavirus and Potential Procedural Adaptations for F and M Nonimmigrant Students](#)

Wishing you a peaceful and joyful weekend. Stay in touch! @janewestdc

Best,

Jane