

# United States Senate

WASHINGTON, DC 20510

March 10, 2020

The Honorable Betsy DeVos  
Secretary of Education  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

Dear Secretary DeVos:

We write on the topic of the 2019 Novel Coronavirus (COVID-19) and the impact it is having on schools across the country. Increasing numbers of K-12 schools and institutions of higher education (IHEs) are considering school closures in order to mitigate the spread of the virus. We urge the U.S. Department of Education (“Department”) to consider several serious issues related to school closure as it works with school districts, state education agencies, educators, and institutions of higher education, as well as with the President’s Task Force and public health officials.

On February 27, 2020, the Department announced it had launched an internal Coronavirus Task Force led by Mick Zais, Deputy Secretary of Education. On March 4, 2020, the Office for Civil Rights provided guidance about educational institutions’ responsibility to address bullying and harassment of students of Asian descent due to stereotypes related to COVID-19. On March 5, 2020, the Department provided guidance and flexibility to institutions of higher education impacted by COVID-19 to comply with Title IV of the Higher Education Act, but additional questions remain.<sup>1</sup> The Centers for Disease Control and Prevention (CDC) has also issued interim guidance for IHEs and for K-12 schools.<sup>2</sup>

We do not yet know the scale at which K-12 schools and IHEs across the country may need to close in order to help contain the spread of COVID-19, but we urge you to do everything you can to ensure you are continuing to prepare stakeholders for a variety of scenarios. To date, over a dozen countries have shut down schools nationwide, and the number grows each day.<sup>3</sup> As the virus continues to spread throughout the United States, many schools have closed, and it is becoming increasingly likely many more will choose to do so. For example, on March 6, the University of Washington announced it would cancel in-person classes and move to online classes for its 50,000 students beginning March 9 through the end of the winter quarter on March 20.<sup>4</sup> Seattle University and Northeastern University’s Seattle campus have also moved to online

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<sup>1</sup> <https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19>

<sup>2</sup> <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-ihe-response.html>;  
[https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/guidance-for-schools.html?CDC\\_AA\\_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fspecific-groups%2Fguidance-for-schools.html](https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/guidance-for-schools.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fspecific-groups%2Fguidance-for-schools.html)

<sup>3</sup> <https://www.npr.org/sections/goatsandsoda/2020/03/05/812557984/as-schools-close-due-to-coronavirus-nearly-300-million-kids-arent-in-class>

<sup>4</sup> <https://www.nytimes.com/2020/03/06/us/coronavirus-college-campus-closings.html>

classes, as have Stanford University and Columbia University.<sup>5</sup> Some K-12 schools in Washington, New York, California, and Rhode Island have also temporarily closed.<sup>6</sup>

As schools prepare to make these difficult decisions, they are faced with many legal and practical uncertainties and are looking for clear guidance and direction from the Department.

We are especially concerned by the adverse impact of school closures on certain students and families. In K-12 schools, many families rely on the Federal School Lunch Program and may experience food insecurity if they can no longer access meals at school. Few school districts have experience providing wide-scale educational services online for all students, and not all families have access to home computers and high-speed internet to take advantage of such online options. Online learning cannot substitute for a number of services provided in the school setting, and it raises particular challenges to ensuring equity in access to education for all students.

COVID-19 also could severely impact many students in higher education, as well as federal loan borrowers. Students rely on their colleges for on-campus food and housing services. American students enrolled abroad in foreign colleges face barriers to continuing their education, whether online or at other colleges and universities in other countries and the United States. Depending on the spread of economic effects across the country, federal student loan borrowers affected by the impacts of COVID-19 may experience difficulty in repaying their loans. Finally, online education is not the best or preferred method of learning for many students, including students who may be the first in their families to go to college or come from low-income families. If IHEs move to providing education online, we urge the Department to prioritize and ensure students continue to receive a high-quality education, including live, face-to-face, synchronous instruction between students and faculty as much as possible.

We urge you to consider these issues and provide us, and the public, answers to the following questions by no later than March 24, 2020:

1. What communication has the Department had with the United States Department of Agriculture (USDA) about the school lunch program to ensure students in schools that have closed or will close continue to have access to meals?
2. What communication has the Department had with the United States Department of Health and Human Services (HHS) about school-based health centers (SBHC) to ensure students and families who rely on health care services provided by SBHCs will continue to have access to such services in schools that have closed or will close?
3. Can the Department provide assistance to families without home computers or access to high-speed internet so they can take advantage of online educational options provided by either their school districts or IHEs if they need to?

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<sup>5</sup> <https://www.nytimes.com/2020/03/06/us/coronavirus-college-campus-closings.html>;  
<https://www.nytimes.com/2020/03/08/nyregion/columbia-classes-canceled-coronavirus.html>  
<sup>6</sup> <https://www.nytimes.com/2020/03/08/us/coronavirus-schools-san-francisco-seattle.html>

4. What guidance will the Department provide about meeting the educational needs of students who need to stop attending school, including based on the recommendation of a doctor, because they are sick, due to school closure, or for other reasons?
5. If school districts and IHEs elect to provide online classes, they must ensure access is available for all students, including students with disabilities. What guidance is being provided to support school districts and IHEs in providing accessible instructional material, including ensuring websites are accessible, documents are compatible with screen readers, videos include closed captioning, students can participate in online video discussions, and, as applicable, accommodations for testing are provided remotely?
6. CDC guidance recommends IHEs ensure continuity of mental health services for students feeling overwhelmed with COVID-19 and associated events. What supports and assistance will the Department give to IHEs and school districts in providing remote services to all students?
7. While flexibility for colleges to use online education was addressed in the Department's guidance, this guidance did not address issues of quality. How does the Department plan to monitor and ensure students receive regular and substantive interaction by their instructor(s) in higher education online programs?
  - a. What additional specific guidance is being provided to institutions on what "regular" and "substantive" interaction looks like?
  - b. The Department's guidance from the Office of Postsecondary Education from March 5, 2020 states that "instructors must initiate substantive communication with students, either individually or collectively, on a regular basis," and gave examples of instructors emailing instructional materials and using chat features and conference calls to communicate to students. Will the Department issue additional guidance that reflects the concepts found in the consensus draft regulatory definition for distance education (34 CFR 600.2), in that interaction must be proactive, prompt, predictable, and responsive to students on the basis of student monitoring and request?<sup>7</sup>
8. Will the Department advise or encourage IHEs to establish broader academic leave of absence policies for the purposes of relieving them from SAP restrictions?
9. How will the Department plan to encourage or require IHEs to provide proactive warnings to students regarding "Return of Title IV" procedures so that, if they leave mid-term due to COVID-19, they do not incur a surprise loan bill or use up their federal financial aid?
10. Will the Department clarify that loss of a job due to illness or closure of an employer is a qualifying event for purposes of professional judgment?

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<sup>7</sup> Ensuring Student Access to High Quality and Innovative Postsecondary Educational Programs docket (RIN: 1840-AD38) of the Unified Agenda

11. Will the Department provide loan deferment or forbearance opportunities for borrowers, including waiving accrued interest, if their ability to work or earn income is disrupted?
12. Will the Department issue any guidance on whether IHEs need to report withdrawal dates that may trigger the one-time student loan “grace period” or if they can delay to keep students enrolled for a temporary absence?
13. How does the Department plan to address current regulatory limits placed on a foreign college’s program of study to take place in the United States or at an accredited foreign institution that is ineligible for Title IV aid?
14. What limits does the Department plan to enforce regarding an institution’s partnership with institutions or organizations ineligible for Title IV aid?

We also look forward to reading your response to the letter sent by Senator Murray and several members of the Health, Education, Labor, and Pensions Committee on March 2, 2020, regarding how the Department is preparing for the potential spread of the outbreak and working with other federal agencies and key stakeholders. Thank you for your consideration of these issues and your timely response.

Sincerely,



PATTY MURRAY  
Ranking Member, Senate Committee on  
Health, Education, Labor & Pensions



SHELDON WHITEHOUSE  
United States Senator



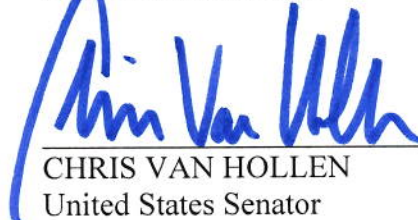
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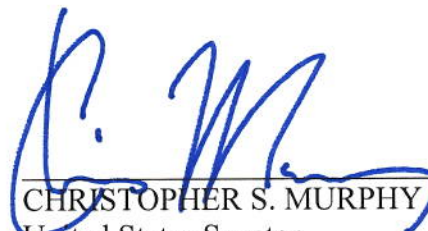
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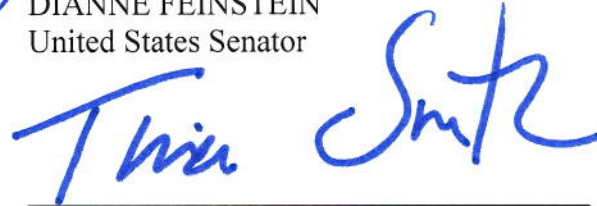
  
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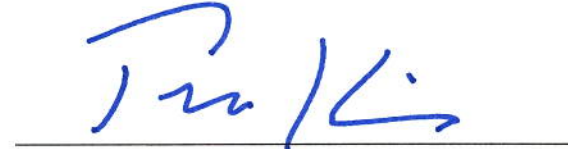
  
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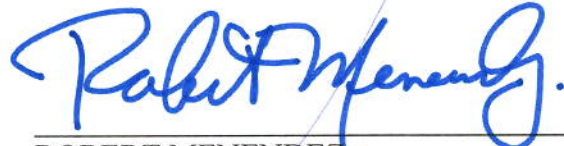
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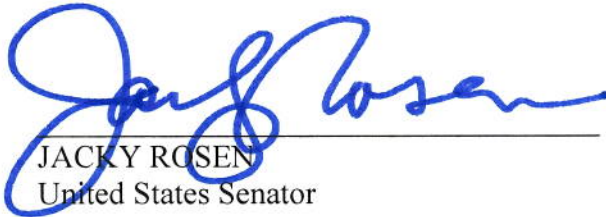
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