

United States Senate

WASHINGTON, DC 20510

May 5, 2020

The Honorable Mitch McConnell
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Charles Schumer
Minority Leader
United States Senate
Washington, DC 20510

Dear Majority Leader McConnell and Minority Leader Schumer:

As we grapple with the impacts of COVID-19, and the resulting school closures, we must meet the needs all students, including students most vulnerable to educational disruptions. To that end, we write to urge you to ensure that any future COVID-19 relief package protects the rights of students who experience disabilities and provides school districts with emergency funding so that educators are able to effectively serve these students during this unprecedented time.

Since schools closed to prevent the spread of COVID-19, we have heard from our states and local school districts about the challenges of providing quality educational opportunities as students shifted to remote learning environments. While all students are impacted by these unique circumstances, students who experience disabilities often require additional supports and services and face additional educational disruptions resulting from this pandemic.

Under the Individuals with Disabilities Education Act (IDEA), students with disabilities have the right to a free and appropriate public education in the least restrictive environment. On April 27, Secretary DeVos released a report¹ to Congress reinforcing that the key protections under IDEA must be upheld, even during the COVID-19 pandemic.

We ask that future COVID-19 relief packages maintain the protections of the IDEA and focus on helping to ensure that students who experience disabilities continue to receive necessary supports and services. Through creativity and collaboration with parents, educators have found innovative approaches to meet the needs of students who experience disabilities within the guardrails of the law.² At a time when all student learning is disrupted, supports and services to students with disabilities can and will look different – but school districts must continue to make every effort to provide equal access. And, while digital connections will never be the same as in-person interactions, teachers have still reported unique opportunities and innovations to provide services to help their students maintain and progress to their goals.³

¹ https://www2.ed.gov/documents/coronavirus/cares-waiver-report.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=

² <https://subscriber.politicopro.com/f/?id=00000171-c342-d9e7-a3f1-cb5734590000> (p. 5-7)

³ <https://www.npr.org/2020/04/15/826798583/educators-get-creative-to-serve-students-with-disabilities>

As the country transitions back to a regular learning environment, families and school districts will also need to work together to determine what progress each student with an individualized education program (IEP) has made, and what supports and services are necessary to ensure that students are on a path meet their overall program goals. These service adjustments are not meant to be a one-to-one tradeoff for services missed during COVID-19, but a plan to help students get back on track if they have regressed.⁴ We must help ensure that students continue to progress during this pandemic, and we believe that any waiver of IDEA will undermine that objective.

School districts are now grappling with new costs associated with COVID-19, the new learning environments for students who experience disabilities, and the unknown costs of future educational services – adding additional pressure to their budgets. To best support students who experience disabilities and to help schools meet their obligations, we urge you to make it a priority to provide \$11 billion in funding under IDEA Part B for state grants.

In addition to state grants, we must also provide necessary funding to other programs that support children who experience disabilities. To support critical needs in early childhood programs, we urge you to include \$500 million for IDEA Part C and \$400 million for IDEA Part B Section 619 for pre-school programs. We also support additional funding to IDEA Part D for professional development and additional funding for the Assistive Technology Act so that more students who experience disabilities have access to the technology tools they need to access remote learning opportunities. Additional support for these programs will help students and educators have the tools they need to meet the unique circumstances resulting from this pandemic.

We thank you for the support you have already provided to education systems to help address this crisis, and hope that we can build on those efforts by securing needed funding so that students who experience disabilities have the support they need during this pandemic.

Sincerely,

Senator Margaret Wood Hassan
Senator Robert P. Casey, Jr.
Senator Tammy Baldwin
Senator Jeanne Shaheen
Senator Tim Kaine
Senator Elizabeth Warren
Senator Jack Reed
Senator Bernard Sanders
Senator Tina Smith
Senator Sheldon Whitehouse
Senator Richard Blumenthal
Senator Christopher S. Murphy

Senator Richard J. Durbin
Senator Tammy Duckworth
Senator Edward J. Markey
Senator Gary C. Peters
Senator Dianne Feinstein
Senator Kirsten Gillibrand
Senator Cory A. Booker
Senator Kamala D. Harris
Senator Ron Wyden
Senator Sherrod Brown
Senator Amy Klobuchar
Senator Robert Menendez

⁴ <https://www.copaa.org/blogpost/895540/346332/Let-s-Not-Talk-Comp-Ed-Generally-for-COVID-19-Closure>