

United States Senate

WASHINGTON, DC 20510

March 13, 2020

Dr. Deborah Bergeron

Director

Office of Early Childhood Development, U.S. Department of Health & Human Services

330 C Street, S.W.

Washington, D.C. 20201

Laurie VanderPloeg

Director

Office of Special Education Programs, U.S. Department of Education

400 Maryland Ave., SW

Washington, DC 20202-7100

Tammy Proctor

Acting Director

Office of Early Learning, U.S. Department of Education

400 Maryland Ave., SW

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Dear Director Bergeron, Director Vander Ploeg and Acting Director Proctor:

We write to understand how the Office of Early Childhood Development (including the Office of Child Care and the Office of Head Start), the Office of Special Education Programs and Office of Early Learning are preparing for the spread of the novel coronavirus (COVID-19) and communicating with child care providers, Head Start and Early Head Start grantees, IDEA Part C and Part B Section 619 grantees, early childhood educators, parents and other service providers about the pandemic. It is critical that agencies across the federal government keep in close coordination, rely on science and public health experts to drive decision-making and communicate with the public in a clear and timely way.

On January 29, 2020, President Trump announced the formation of the President's Coronavirus Task Force, led by Secretary of Health and Human Services Alex Azar and coordinated through the National Security Council.¹ On February 26, 2020, President Trump announced Vice President Pence will be overseeing the Administration's response to the outbreak.² On March 5th, Congress passed an \$8.3 billion emergency supplemental funding package in order to support states and communities in combatting COVID-19. To date, there are approximately 1,629

¹ White House, "Statement from the Press Secretary Regarding the President's Coronavirus Task Force," January 29, 2020, <https://www.whitehouse.gov/briefings-statements/statement-press-secretary-regarding-presidents-coronavirus-task-force/>

² CNN, "Trump puts Pence in charge of US coronavirus response," February 27, 2020, <https://www.cnn.com/2020/02/26/politics/trump-coronavirus-stock-market/index.html>

confirmed and presumptive positive cases of COVID-19 across 46 states and the District of Columbia.³

It is critical that all early care and education providers are equipped to prevent and respond to the spread of COVID-19. Approximately 60 percent of young children in the United States spend time in non-parental child care each week, provided by nearly 2 million early childhood educators.⁴ Child care is essential for our economy and for the working families who need to know their children are safe and well cared for so they can go to work every day and provide for their families. Early care and education providers need fact-based guidance from public health experts in order to prevent the transmission of COVID-19 among the children, families and staff within their programs. These providers are also well positioned to connect the families they serve to fact-based information and resources to assist them in planning, preparing and responding to the pandemic.

While there is limited information to date about how COVID-19 affects children, reports suggest that children express more mild symptoms than adults, making the virus potentially difficult to detect in children.⁵ Children are in constant contact with caregivers and other children, and are at increased risk of spreading infection. This is particularly true for infants and toddlers who are likely to place their hands and toys in their mouths, wipe their noses, rub their eyes and handle toys and other children.⁶ Without proper protocols, they could unknowingly contribute to the spread of the virus. The Centers for Disease Control and Prevention has issued interim guidance for administrators of child care programs and K-12 schools to plan, prepare, and respond to COVID-19, but more specific guidance is needed to address the unique needs of early care and education providers.

In particular, guidance should be reflective of the differing needs of infants, toddlers and children, as well as the range of settings in which care is provided. We appreciate that you provided updated Frequently Asked Questions to lead agencies regarding available flexibility under the 2017 rule covering uses of Child Care and Development Fund (CCDF) funds during emergency situations⁷ to help states support child care providers and families. However, we urge you to provide further guidance specifically encouraging states to base payment policies on enrollment rather than actual attendance to protect providers from revenue disruptions when families decide to keep children at home; waive any state policies that terminate child eligibility when they exceed a certain number of absences; temporarily suspend redetermination of family eligibility for child care services; allow providers to waive co-pays for families impacted by

³ Centers for Disease Control and Prevention, "Coronavirus Disease 2019 (COVID-19) in the U.S.," March 12, 2020, <https://www.cdc.gov/coronavirus/2019-ncov/cases-in-us.html>

⁴ National Center for Education Statistics, "Percentage of children from birth through age 5 and not yet in kindergarten participating in weekly nonparental care," https://nces.ed.gov/nhes/tables/ECPP_HoursPerWeek_Care.asp

⁵ Centers for Disease Control and Prevention, "Frequently Asked Questions and Answers: Coronavirus Disease-2019 (COVID-19) and Children," <https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/children-faq.html>

⁶ <https://www.healthychildren.org/English/health-issues/conditions/prevention/Pages/Prevention-In-Child-Care-or-School.aspx>

⁷ Office of Child Care, Administration for Children and Families, U.S. Department of Health and Human Services, "Flexibility in Spending CCDF Funds in Response to Federal or State Declared Emergency Situations," December 6, 2017, <https://www.acf.hhs.gov/occ/resource/im-2017-02>

changes to their work schedule and income, and adjust reimbursement rates accordingly. These temporary changes will ensure that child care providers, who often operate on extremely thin margins, will be able to continue playing their critical role in supporting their communities and the American economy during this public health emergency.

It is also important to ensure children entitled to services continue to receive them during this national public health emergency. Infants, toddlers, and preschools with disabilities all are, by statute, entitled to services to address their developmental and educational needs. We urge your offices to work together to ensure those children continue to receive their services delineated in their individual family support plans (IFSPs) and their individualized education plans (IEPs) in the least restrictive environments.

It is critical that experts across the federal government work together to disseminate science and fact-based information to the public as decisions are made. In order to understand more about the Office of Early Childhood Development's role in this process, we request a response to the following questions no later than March 20th:

1. How many Office of Early Childhood Development, the Office of Special Education Programs and Office of Early Learning staff are currently working on a response to COVID-19? Who at the Office of Early Childhood Development is tasked with leading that effort? Is there coordination with the Department of Education, particularly the Office of Special Education Programs and Office of Early Learning?
2. How is the Office of Early Childhood Development, Office of Special Education Programs and Office of Early Learning communicating with federal public health officials about issues related to COVID-19 that particularly impact young children?
 - a. From what agencies and officials are you receiving guidance or direction about the necessary steps to respond?
 - b. Have you been directed to seek approval or to report all decisions through an individual federal government agency or official?
 - c. What communication have you had so far with the CDC or other federal agencies about responding COVID-19?
 - d. What communication have you had so far with the President's Coronavirus Task Force?
3. Has the Office of Early Childhood Development, Office of Special Education Programs and Office of Early Learning directly provided any guidance to child care providers, Head Start and Early Head Start grantees, IDEA Part C and Part B Section 619 grantees, early childhood educators, parents, and other social service providers about how they can prepare to respond to COVID-19?
 - a. What guidance has the Office of Early Childhood Development, Office of Special Education Programs and Office of Early Learning provided?
 - b. What methods is the Office of Early Childhood Development utilizing to communicate with these stakeholders about responding to COVID-19?
 - c. Will this guidance be available in multiple languages?

4. How frequently does the Office of Early Childhood Development, Office of Special Education Programs and Office of Early Learning intend to provide information to child care providers, Head Start and Early Head Start grantees, IDEA Part C and Part B Section 619 grantees, early childhood educators, parents, and other social service providers?
5. Has the Office of Early Childhood Development, Office of Special Education Programs and Office of Early Learning provided early care and education providers with guidance about how to meet the needs of specific populations, including infants and toddlers, children with disabilities, pregnant or breastfeeding women, English-language learners, migrant children and children and families experiencing homelessness?
6. How is the Office of Special Education Programs ensuring that infants, toddlers, and preschoolers with disabilities being served in least restrictive environments are continuing to be served; are afforded their rights to their free appropriate public education (FAPE), as defined in the Individuals with Disabilities Education Act and are provided related services? How are the Offices of Early Learning and Early Childhood Development communicating to early care and education providers that infants, toddlers, and preschoolers with disabilities continue to have the right to FAPE and their related services?
7. How will the Office of Early Childhood Development, Office of Special Education Programs and Office of Early Learning effectively disseminate information to child care providers in hard to reach communities, including family child care providers in those communities?
8. Is the Office of Early Childhood Development, Office of Special Education Programs and Office of Early Learning assessing the capacity of child care providers, Head Start and Early Head Start grantees, IDEA Part C and Part B Section 619 grantees and other social service providers, many of which are under-resourced, to comply with guidance? What additional resources are needed?
9. What is the Office of Early Childhood Development, Office of Special Education Programs and Office of Early Learning doing to prepare for the potential impact of school and child care closures on educators, providers and parents?
10. Does the Office of Early Childhood Development intend to provide further guidance to states related to attendance and payment during the COVID-19 emergency? If not, please explain how your offices will support providers during economic disruptions.

Sincerely,

Bob Casey, Jr.

Robert P. Casey, Jr.
United States Senator

C. Murphy

Christopher S. Murphy
United States Senator

Jack Reed

Jack Reed
United States Senator

Rich Durbin

Richard J. Durbin
United States Senator

Tammy Baldwin

Tammy Baldwin
United States Senator

B. Sanders

Bernard Sanders
United States Senator

Chris Van Hollen

Chris Van Hollen
United States Senator

Tom Carper

Thomas R. Carper
United States Senator

Maggie Hassan

Margaret Wood Hassan
United States Senator

Sherrod Brown

Sherrod Brown
United States Senator

Ron Wyden

Ron Wyden
United States Senator

C. A. Booker

Cory A. Booker
United States Senator

Tina Smith

Tina Smith
United States Senator

Elizabeth Warren

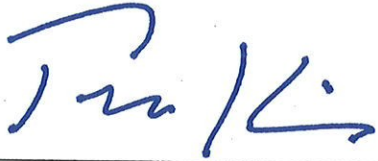
Elizabeth Warren
United States Senator



Martin Heinrich
United States Senator



Robert Menendez
United States Senator



Tim Kaine
United States Senator