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MEMORANDUM

TO: **Interested Parties**
FROM: **Penn Hill Group**
DATE: **June 11, 2020**
SUBJECT: **Senate HELP Committee Hearing on Reopening K-12 Schools Safely**

Senate Health, Education, Labor and Pensions Committee
[\[List of Committee Members\]](#)
“COVID-19: Going Back to School Safely”

Overview: On Wednesday, June 10, the Senate Health, Education, Labor and Pensions (HELP) Committee held a hearing to discuss efforts to safely reopen K-12 schools in the fall. [\[Webcast of the Hearing\]](#)

Key Issues Discussed:

Members and witnesses discussed:

- Strategies to reopen schools in the fall;
- The need to address educational, emotional and public health challenges, such as learning loss; and
- The level of additional congressional support needed to assist K-12 schools in reopening.

Witnesses:

- **Penny Schwinn**, Commissioner of Education, Tennessee Department of Education
- **Matthew Blomstedt**, Commissioner of Education, Nebraska Department of Education
- **Susana Cordova**, Superintendent, Denver Public Schools
- **John King**, President and CEO, The Education Trust

Opening Statements:

Chair Lamar Alexander (R-TN) stated that the question for governors, school districts, teachers and parents is not whether schools should reopen, but how. He said there is risk of emotional, intellectual and social damage if children miss a school year and that schools need to assess how this past school year’s disruption has affected students in order to get student learning back on track. He stated that schools’ plans for reopening will vary for each community and will require elements like social distancing, aggressive hygiene practices, face masks where appropriate and a system of testing and contact tracing. Therefore, he said, school boards,

superintendents and principals need to be focused on: (1) creating an environment where students and teachers can socially distance; (2) making modifications to the school year calendar and daily schedule; (3) preparing to integrate more distance learning; (4) restructuring classrooms and extracurricular activities; (5) providing meal services in a safe way; (6) making sure schools have gloves, masks and other protective equipment; and (7) protecting students and adults in the school buildings who are at a higher risk. He went on to say that the availability of widespread COVID-19 testing would allow schools to identify teachers and students who have COVID-19 or have been exposed to it and to trace their contacts. He said schools' COVID-19 plans should last for at least a year, because school life will likely not approach normalcy until fall 2021.

He then stated that schools have several advantages in providing safe environments for students and educators, including that: younger people are less impacted by COVID-19; schools are generally small communities that are closely supervised and monitored; outbreaks can be traced; and individual schools can close in order to control the spread of COVID-19 while other schools remain open. Additionally, he highlighted several challenges school environments face, including: limited space for social distancing; strict rules regarding the academic calendar, class times and class sizes; requiring mask wearing and rigorous hygiene for children; children potentially exposing older adults at home; and needing a high number of COVID-19 tests. He said that many students receive meals through school, have parents who work or live in environments where school is the safest place for them to be during the day. Therefore, he concluded, administrators have a responsibility to make schools among the safest small communities this fall. [[Chair Alexander's Full Opening Statement](#)]

Ranking Member Patty Murray (D-WA) briefly described the chaos schools faced in closing this past spring and said that, now, schools and districts are facing big cuts in State and local revenue as well as increased costs as a result of the pandemic. She stated that, as schools look to reopen, they must ensure public health and science drive decision-making, and also ensure every child can access a high-quality public education, whether in-person or online. She noted that COVID-19 disproportionately impacting on black communities and other communities of color, exacerbating inequities that existed in the educational system before the COVID-19 pandemic.

Sen. Murray then cited data projecting that black and Latinx students may lose over ten and nine months of learning by the fall, respectively, while white students will lose six months, meaning achievement gaps could grow by 15 to 20 percent. She went on to say that, before reopening classrooms, States should be able to provide widespread COVID-19 testing and contact tracing and to evaluate whether it is safe for medically vulnerable parents and guardians to send their kids back to school. She stated that the Federal government should provide in-depth, actionable guidance on reopening schools and provide additional resources to measure and address learning loss, implement public health protocols and offset declines in State and local revenue. She said addressing issues such as access to devices and broadband, reaching students experiencing homelessness, providing meals to students and supporting students experiencing trauma would require a massive investment in schools. She added that, without a Federal investment, educators could lose jobs, and expressed her frustration over the lack of

negotiations over a next COVID-19 relief package. She then asked that U.S. Secretary of Education Betsy DeVos testify before the Committee. [[Ranking Member Murray's Full Opening Statement](#)]

Testimony:

Penny Schwinn began by listing the challenges Tennessee is facing, including: the health and safety of its school communities; bridging the digital divide; and providing high-quality academics and resources. She stated that Tennessee will work to coordinate COVID-19 testing efforts with school districts and ensure that any school personnel or any families can receive testing. She said the State will work with partners to provide personal protective equipment (PPE) and no-touch thermometers and will provide resources to help with the planning and implementation of safe and healthy practices. She went on to say that districts need access to devices, broadband and professional development for educators on distance education. She added that the State is devoting Coronavirus Aid, Relief, and Economic Security (CARES) Act ([P.L.116-136](#)) funding toward greater access to technology. She then highlighted the need to address learning loss and the importance of a focus on literacy for young students, with literacy instruction at a distance being difficult. She said the State has released, and will continue to release, toolkits for districts and educators on providing a quality education. She stated the Tennessee is appreciative of the CARES Act funding in helping address the challenges across the State. [[Schwinn's Full Testimony](#)]

Matthew Blomstedt stated that the COVID-19 crisis has laid bare the persistent inequities of the U.S. education system and stated his belief that education is the right place for society to make progress to ultimately ensure equity. He said that Nebraska has identified this summer a time to focus energy on recovery and reopening. He highlighted Launch Nebraska, the State's effort to organize a recovery and reopening approach around three major pillars: (1) leadership and planning, a focus on government, operations and technology; (2) conditions for learning, a focus on facilities and wellness; and (3) continuity of learning, a focus on instruction and transitions back into education. He stated that Nebraska has developed working groups to address the specific needs and challenges of different regions in the State, in order to develop local plans with local public health officials. He said large-scale guidance needs to be available for local school and health officials to customize.

Blomstedt continued that, while many schools are planning to open in the fall, the State is concerned that some districts will face significant disruptions due to COVID-19. He said the State is continuing to engage with parents and disability advocates about meeting the needs of students with disabilities whether schooling happens in-person or online. He continued that, as school reopen, they will likely need to provide compensatory education. He also stated that lack of broadband access is a huge inequity across the State and that the economic impact of COVID-19 will result in budget cuts for schools, potentially over 20 percent Statewide, meaning the State is facing increased needs and decreased resources. He added that the State needs to provide additional supports to educators. He thanked Congress for the CARES Act funding and said Nebraska is continuing to partner across the education and health sectors in order to build State and regional supports to address conditions for and continuity of learning. He also asked

Congress to clarify the “equitable services” provision in the CARES Act. [[Blomstedt’s Full Testimony](#)]

Susana Cordova stated that, in the spring, when schools were beginning to shut down, Denver Public Schools (DPS) focused on building a full-time remote learning program for its students, as well as providing wraparound supports including providing meals and laptops to students. She said that providing internet access continues to be one of Denver’s biggest unmet challenges. She stated that, going into the fall, DPS is aware that students requiring extra instructional attention have fallen further behind during the extended remote learning period. She went on to say that DPS has established a working group and surveyed families and staff on how to reopen in the fall.

Cordova continued that DPS has partnered with local health experts to create guidelines that will serve as the foundation for all return-to-school planning. She said DPS is planning on a mix of in-person and remote learning, with all students having a minimum of 40 percent in-person learning. She stated that students with disabilities, English learners and students who are not on track to graduate would receive an additional day of in-person instruction each week, compared to their peers. She said DPS has received necessary support from organizations such as Chiefs for Change and the Council of Great City Schools. She thanked Congress for the support received through the CARES Act and said DPS is currently facing a \$61 million budget shortfall due to the economic impact of COVID-19, which CARES Act funding will help address. However, she said, DPS will still have work to do to balance its budget and ensure it has the resources to educate all students. She stated that DPS will have to make budget cuts and, therefore, that she appreciates Congress’ efforts to provide additional funding for K-12 education, as schools will be obligated to provide compensatory services for students. She added that additional funds will help DPS provide internet, counselling, therapies, tutoring, professional development and needed technology. [[Cordova’s Full Testimony](#)]

John King began by stating that, when students return to school buildings, they will need additional support as they deal with the continued reality of racism in the U.S. He added that COVID-19 has disproportionately impacted communities of color in terms of both their health and their economic well-being. He said that school closures were necessary to protect public health, but had a disparate impact on students of color, students from low-income backgrounds, students with disabilities and English learners. He added that historically underserved students have disproportionately experienced: less access to devices and internet service; teachers who receive less support in delivering online learning and under-resourced districts; parents less able to telework and support learning during the day; and more social-emotional stressors. He continued that, despite efforts, many students have not received the academic and social-emotional supports they need during the pandemic.

He urged Congress to increase Federal investments in education, specifically by providing \$175 billion for K-12 education, because State and local tax revenue will decline as a result of the pandemic, which will result in layoffs disproportionately impacting educators in high-poverty schools. These budget cuts, he added, will prevent schools from being able to meet the public health requirements of reopening.

King further urged that Congress attach strong maintenance-of-effort (MOE) provisions to future funding, as well as adding a “maintenance of equity” provision applying to both States and districts, which would maintain education spending at the same percentage of State spending as before the pandemic and shield the highest-need schools from the worst budget cuts. He asked that Congress help ensure that distance learning is possible by allocating at least \$4 billion to the Federal Communications Commission’s (FCC’s) E-Rate program so as to provide hotspots and access to bandwidth. He said Congress should help schools and teachers address the significant learning loss caused by COVID-19 by allocating dedicated funds to help schools add more learning time, through summer school, extending school days or the school year, or after-school programming. He stated that Congress should address students’ nutritional, social-emotional and mental health needs by extending and expanding the Pandemic Electronic Benefits Transfer (EBT) program and providing funding for additional counselors and mental health professionals. Finally, he said, Congress must protect students’ civil rights by not permitting blanket waivers of Elementary and Secondary Education Act (ESEA) or Individuals with Disabilities Education Act (IDEA) requirements and ensuring that the U.S. Department of Education (ED) follows congressional intent in applying the Title I equitable services provision to the CARES Act. [[King's Full Testimony](#)]

Question and Answer:

Sen. Alexander asked Schwinn about Tennessee’s plan for systematic testing of students in the fall.

Schwinn said Tennessee will work with its “unified command” and National Guard to make testing available for staff and students. She added that the State is working to provide free PPE and thermometers to districts and schools.

Sen. Alexander asked Schwinn about the estimated per-school district cost in Tennessee for reopening schools in the fall.

Schwinn responded that the cost for materials (such as PPE or disinfectants) aimed at preventing the spread of COVID-19 is roughly \$100-\$150 per student. She said added costs related to transportation and nutrition, combined with the referenced per-student cost, means that a district with 3,000 to 4,000 students would have to spend an additional \$1-\$1.75 million for the upcoming school year.

Sen. Alexander followed up and asked what the total cost might be for Tennessee.

Schwinn answered that the estimated cost is between \$100 to \$175 million, but that some of the CARES Act funding would help address those costs.

Sen. Alexander asked Schwinn and Blomstedt to report back to him about how much of the funding Congress has already appropriated to K-12 schools could be used to help reopen

schools in the fall and how much additional funding States will need. He then asked Schwinn what the Federal government should do by way of liability protection for schools and teachers.

Schwinn replied that Tennessee teachers are already protected under State law and that the State legislature is considering whether additional protections are needed.

Sen. Alexander asked Blomstedt to submit to the HELP Committee a report on how much it would cost to allow all schools in the U.S. to go back to school safely, and how much could be covered by funding provided under the CARES Act.

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Sen. Murray asked King about the lessons learned from the successes and failures of distance learning over the past several months, and about what States and districts should be doing to plan for the potential need for distance learning in the fall.

King responded that access to devices and broadband for students remains a challenge, so addressing the digital divide is essential. He added that there needs to be an investment in teacher professional development for online learning. He also noted that, with students who are at greater health risk due to preexisting conditions and other factors, it is almost certain that every school district will need to implement some degree of hybrid online and in-person learning.

Sen. Murray asked King what policies States, districts and schools should implement to measure learning loss and what promising practices could help address growing achievement gaps resulting from COVID-19.

King said that diagnostic assessments are necessary, and that States could consider opening schools early for the highest-need students, as well as offering summer distant learning and extensive tutoring during the school year. He went on to say that next school year students will need more time to make up the learning they have lost, which will mean adapting school schedules to allow for extended learning time.

Sen. Murray asked Blomstedt what steps States and school districts should take to ensure that all educators feel safe returning to school.

Blomstedt said it is critical that schools work with all of their educators on their reopening plans.

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Sen. Bill Cassidy (R-LA) asked Cordova how DPS will accommodate students who do not physically go into school two or three days each week but have parents who work full-time jobs during the week.

Cordova responded that DPS is considering how to deal with the issue and noted that Colorado is currently only allowing businesses to have 50 percent of their workforce in-person. She continued that DPS is hoping that the combination of the 50 percent capacity order and

partnerships with childcare providers will help address the issue. She added that DPS' goal is to get as many students into school as safely possible.

Sen. Cassidy asked Cordova who would pay for the childcare provided for parents that have to work in-person on the days their children learn remotely.

Cordova reiterated that DPS is working with local partners to see how it can provide childcare.

Sen. Cassidy asked Blomstedt whether there would be any disruption to Nebraska schools in areas that have yet to have a COVID-19 case.

Blomstedt responded that Nebraska is developing an indicator to assess the risk of COVID-19 in certain areas, so that those areas can implement protocols as needed. Specifically regarding areas without cases, he said the State believes masks and other accommodations will still be necessary in those areas.

Sen. Cassidy disagreed with Blomstedt on the necessity of masks in those areas, and then asked the panel whether their schools have the financial capacity to execute their reopening plans.

Cordova replied that DPS does not have the financial capacity to do everything it would like to do and is looking at significant budget cuts.

Schwinn stated that Tennessee is continuing to fully fund its school funding formula and is looking for additional investments as the State's economy recovers.

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Sen. Bob Casey (D-PA) asked King how to combat the disparities in learning for students with disabilities and provide them with the services they need through distance learning.

King said the distance learning infrastructure needs to be a focus, so that low-income students with disabilities have access to devices and internet service. He added that schools need resources to provide compensatory services to those who missed learning this past spring, as well as resources for additional interventions for students with disabilities.

Sen. Casey asked King how to assess learning loss and close achievement gaps.

King reiterated the need for diagnostic assessments and highlighted the need to reassess Individualized Education Program (IEP) goals for students with disabilities. He went on to express his concern over considerations to set aside certain protections under IDEA. He stated that States and school districts must honor students' IEPs and provide the services students may have missed this past spring.

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Sen. Lisa Murkowski (R-AK) highlighted the need to expand broadband access and described the limitations of the E-Rate program. She then asked King what the Committee could do to help expand broadband access.

King responded that the Schools, Health and Libraries Broadband (SHLB) coalition has suggested a comprehensive, \$5.25 billion strategy to connect all students to broadband. He added that the FCC has an important role to play in making it as simple as possible for individuals to access internet service and for school districts to make bulk purchases of internet service for families. He went on to say that broadband access is not only about providing distance learning to students, but also about helping students post-COVID-19 in areas such as closing the homework gap and accessing postsecondary education and job opportunities. He added that there is a need for digital infrastructure investment as well.

Sen. Murkowski expressed her concern over the lack of services for students experiencing homelessness and asked Cordova to discuss this issue more with her at a later date.

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Sen. Tammy Baldwin (D-WI) asked Blomstedt how Nebraska identified professional development for distance learning as a priority for the State and what additional Federal funding the State needs in order to support such professional development.

Blomstedt said Nebraska needed to identify its weaknesses in the distance learning environment, and found issues related to broadband access, access to devices and quality online educational content, especially content that meets the needs of all students. He continued that, in addressing these challenges, teachers needed to be able to use content and delivery methods effectively. He added that Nebraska has already had a series of professional development training sessions for teachers.

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Sen. Mike Braun (R-IN) asked Schwinn, Blomstedt and Cordova whether potential liability issues over reopening schools is a concern in their States.

Blomstedt replied that the State is discussing the issue and that he does not want individuals waiving their rights to general liability protections. He said he does not know how the State would provide some sort of liability protections for schools, but thinks it is a worthwhile discussion.

Schwinn stated that teachers are covered for tort liability through State law and that the State wants to make sure teachers are focused on keeping students safe and providing an education when they return to the classroom.

Cordova responded that DPS is also discussing liability issues related to implementing the health guidance for re-entry into schools, as well as related to providing compensatory services for students.

Sen. Braun asked King whether school closings in the spring should have gone differently, given recent discoveries of the transmissibility of COVID-19, and asked how to protect teachers and staff who may be at higher risk for COVID-19.

King stated that the U.S. should have moved more quickly in response to the COVID-19 pandemic, particularly to put in place testing and contact tracing, which is still an issue looking ahead to the fall. He highlighted best practices schools can implement, such as ensuring physical distancing, wearing masks, improving school sanitation, isolating students who contract COVID-19, conducting contact tracing and using temperature checks. He added that all of these interventions would require additional resources and that school districts should implement these measures in close consultation with local public health experts. He also said that there are students who may be particularly vulnerable to COVID-19, due to preexisting conditions, and students who live with family members who are vulnerable as well.

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Sen. Chris Murphy (D-CT) asked that Secretary DeVos testify before the Committee and expressed concern over not appropriating additional funding for schools before the July 4 recess. He then asked King about the need for schools to be able to plan and hire now, in order to be able to set up the support services necessary for students in the fall. He also asked about the impact of a 25 percent budget cut for a school district on students with disabilities.

King said a 20 to 30 percent cut would be devastating for school districts, leading to layoffs and program eliminations. Therefore, he said, districts are stuck waiting to see whether Congress will help States with stabilization funds for education that might prevent budget cuts. He went on to say that students with disabilities will need particularly intensive supports when they return to school, and teachers will need support in planning for addressing learning loss. He added that many students with disabilities have unique social-emotional needs as well, and that schools already have too few counselors and mental health professionals, who will be critical in supporting students with disabilities and their families.

Sen. Murphy asked Cordova about DPS' decision to consider removing police officers from schools.

Cordova replied that the school board is voting on the issue, which is part of the conversation about making students feel safe, nurtured, welcomed and affirmed of their identities.

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Sen. Kelly Loeffler (R-GA) asked the panel how States and districts are preparing to support the nutritional needs of students in the fall, especially as students may still be at home during the school day.

Schwinn responded that Tennessee is committed to providing students with nutrition but that, because of school closures, it has been giving out fewer meals at the same cost as before, so the State is using CARES Act funding to address this issue.

Blomstedt replied that Nebraska has been working with community partners to understand food security at the community level and that programs established in the spring to provide food security need to remain in place for the fall.

Cordova said that DPS will provide students with meals even on the days they are not in school and are instead engaged in remote learning.

King stated that the EBT card through the Pandemic EBT program has the potential to be useful in addressing student nutritional needs.

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Sen. Maggie Hassan (D-NH) asked King whether Congress should prioritize giving States and local governments support to meet the needs of educators and students.

King answered yes, it is essential that Congress put additional resources toward State stabilization, dedicated for education. He said The Education Trust has called for at least \$175 billion just to ensure districts do not have to make devastating cuts to personnel and programs. He stated that additional funds will be needed to address learning loss and social-emotional needs.

Sen. Hassan asked King to talk about the potential benefit of Congress providing additional funding for IDEA programs.

King responded that many school districts are already not receiving the Federal funding they need to provide IDEA services, relying on local funding instead, so State budget cuts will make providing those services more challenging. He added that school districts will need assistive technology to serve students with disabilities through distance learning, as well as additional staff and support for parents.

Sen. Hassan asked Schwinn and Blomstedt how their States will address the needs of students who may request continued remote learning due to ongoing health concerns.

Blomstedt said Nebraska wants schools to be accommodating for any students who do not want to or cannot return to the classroom due to health concerns, which will mean finding unique ways to meet student needs, such as adjusting IEP plans.

Schwinn replied that Tennessee put out guidance for districts and schools to address this issue, and has provided additional funding for compensatory services, assistive technology and innovative grants for students who are unable to return to school.

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Sen. Tina Smith (D-MN) asked King how to address the mental health challenges students, and particularly students of color, will face returning to school in the fall.

King stated that there are a lot of social-emotional challenges kids are dealing with as a result of COVID-19 that will need to be addressed when they return to school. He highlighted the lack of school counselors around the country and also expressed his concern about the mental health state of parents. He stated the need for additional mental health support and reiterated the challenge of providing such services while States and districts are facing budget cuts.

Sen. Smith expressed her support for additional congressional funding for education.

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Sen. Murray asked Blomstedt and Schwinn how their States are in regular contact with students and families experiencing homelessness and what schools are doing to ensure that they have the capacity to provide high-quality instructional services to these students in the fall.

Blomstedt responded that Nebraska schools worked to contact each family experiencing homelessness and held food drops for those families. He said he was not sure the State had implemented every possible strategy, but that schools have made an intentional effort to reach every student.

Schwinn replied that Tennessee has a task force to address the needs that students are experiencing while schools are closed and put out a toolkit specifically to support students experiencing homelessness or who are in foster care. She added that the State is working to make sure learning plans for next year require and support frequent contact with students.

Sen. Murray asked Cordova whether DPS has a McKinney-Vento liaison with the capacity to make sure students who experience homelessness receive equitable access to education.

Cordova answered yes and stressed the intensive effort that DPS teachers and support staff have had to put in during the period of remote learning in the spring. She said students experiencing homelessness were some of the hardest students to reach, which was why an intensive effort was required to continue to educate those students.

Closing Remarks:

Sen. Murray stated that schools and districts are not only dealing with how to provide students with a high-quality public education, whether in-person or virtually, but also dealing with big cuts to State and local revenue. She said that school districts need a massive investment in support and resources from the Federal government, as well as in-depth and actionable public health guidance on best practices for ensuring the safety of students and educators. She reiterated her request that Secretary DeVos testify before the Committee.

Sen. Alexander highlighted the importance of returning students to school safely, noting the potential emotional, intellectual and physical damage to students if schools are not reopened. He asked the witnesses, and particularly the Council of State School Officers, to provide the Committee with specifics about how much funding it would take to reopen all schools safely. He also asked the witnesses for analysis of what level of CARES Act funding can be used to meet

some of the costs to reopen schools. He emphasized the importance of COVID-19 testing in reopening schools and said that schools should be a part of each State's overall plan for COVID-19 testing.