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April 27, 2020

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Secretary DeVos Reiterates Learning Must Continue for All Students, Declines to Seek Congressional Waivers to FAPE, LRE Requirements of IDEA

WASHINGTON — U.S. Secretary of Education Betsy DeVos today reaffirmed her long-held position that individualized education must take place for all students, including students with disabilities. As a result, the Secretary is not recommending Congress pass any additional waiver authority concerning the Free Appropriate Public Education (FAPE) and Least Restrictive Environment (LRE) requirements of the Individuals with Disabilities Education Act (IDEA), reiterating that learning must continue for all students during the COVID-19 national emergency.

As requested by Congress in the *Coronavirus Aid, Relief, and Economic Security (CARES) Act*, Secretary DeVos examined certain federal education laws to determine what, if any, additional waiver authority the Secretary believes is necessary to provide limited flexibility to state and local education agencies during this unprecedented time. The Secretary determined there is no reason that a student's access to FAPE cannot continue online, through distance education or other alternative strategies.

"We undertook this task acknowledging the reality that most students and teachers are at home today; yet, America's teachers want to keep teaching and students need to keep learning," said Secretary DeVos. "While the Department has provided extensive flexibility to help schools transition, there is no reason for Congress to waive any provision designed to keep students learning. With ingenuity, innovation, and grit, I know this nation's educators and schools can continue to faithfully educate every one of its students."

As the Department reviewed applicable federal law, it did so with these core principles in mind:

1. The health and safety of America's students, teachers, parents, and administrators is a top priority.
2. Learning must continue for all students.
3. Decision-making must be based on what is best for students, not the "system."
4. Parents must be informed about the impact waivers will have on their children's education and consent to those changes.
5. Services typically or historically provided in person must naturally occur differently.

While not advising any waivers to the core tenets of IDEA, the Department is requesting that Congress consider additional flexibilities on administrative requirements under the Perkins Act, the Rehabilitation Act of 1973, and the IDEA.

The Secretary requested that Congress defer the work or repayment requirements or allow credit to be given for the service obligation for recipients of IDEA personnel preparation grants (personnel development scholarships) if employment was interrupted by COVID-19.

Regarding the Perkins Act, the Secretary is also recommending a waiver that would allow local education agencies (LEAs) to keep any funds allotted to them for the 2019-2020 academic year that they have not spent during the COVID-19 national emergency. Without this waiver, LEAs would otherwise lose this money and have to return it to the state.

The Secretary also requested Congress to permit Vocational Rehabilitation funds to be used to replace expired or spoiled food products at Randolph-Sheppard vending sites required to close due to COVID-19, thus providing support to vendors and allowing facilities to reopen more efficiently following the COVID-19 pandemic.

The Secretary recommended several additional waiver authorities relating to the Perkins Act, the Adult Education and Family Literacy Act, the IDEA, and the Rehabilitation Act of 1973. For a complete list of waiver recommendations and to access the full Recommendation of Waiver Authority report to Congress, click [here](#).

The Department continues to update ed.gov/coronavirus with information on COVID-19 for students, parents, educators and local leaders.

For more information about COVID-19, please visit the following

websites: coronavirus.gov, cdc.gov/coronavirus/2019-ncov/index.html, and usa.gov/coronavirus.

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