



UNITED STATES DEPARTMENT OF EDUCATION

June 11, 2021

Ms. Christine H. Monahan
American Oversight
1030 15th Street, NW
Suite B255
Washington, DC 20005

Re: Appeal 21-00024-A (FOIA Request No. 20-01173-F)

Dear Ms. Monahan:

I am writing in response to your letter that you submitted on behalf of American Oversight, dated February 2, 2021, appealing the U.S. Department of Education's (Department) November 23, 2020 response to American Oversight's March 6, 2020 request for records submitted pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 522.

Background

American Oversight's FOIA request sought access to the following records:

All email communications (including email, complete email chains, email attachments, calendar invitations, calendar invitation attachments) between (a) the U.S. Department of Education (Ed) officials listed in Column A, and (b) the Executive Office of the President (EOP) officials listed in Column B with potential to shed light on how the administration is handling COVID-19.

Column A: Ed Officials	Column B: EOP Officials
i) Secretary DeVos ii) Deputy Secretary Mick Zais iii) Anyone serving as White House Liaison or Agency point of contact for the coronavirus task force	i) Vice President Mike Pence ii) National Security Advisor Robert O'Brien iii) Assistant to the President and Deputy National Security Advisor Matthew Pottinger iv) Assistant to the President and Senior Advisor to the Chief of Staff Robert Blair v) Assistant to the President and Director of the Domestic Policy Council Joseph Grogan vi) Assistant to the President and Deputy Chief of Staff for Policy Coordination Christopher Liddell

	vii) Director of the National Economic Council Larry Kudlow viii) White House Coronavirus Response Coordinator Deborah Birx ix) Press Secretary Katie Miller (formerly Katie Waldman) x) Director of the White House Office of Science and Technology Policy Kelvin Droegemeier
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American Oversight requested records from January 30, 2020, through the date of the search.

By letter dated November 23, 2020, the Department advised American Oversight that, after a search of its files, the Office of the Secretary (OS) was unable to locate any documents that were responsive to its request. Your appeal challenging the description of the Department's search ensued.

Determination on Appeal

Based on careful review of correspondence between the parties, the information at issue in your appeal, and the applicable legal precedent, I have decided to grant your appeal. The reasons for my determination are discussed below.

Discussion

Your appeal challenges the description of the Department's search. You argue that "[t]he only information that Education has provided to American Oversight regarding its search is that the staff in the Office of the Secretary conducted 'a search of their files' and 'informed' the FSC that they were unable to locate responsive records." You also argue that this description of the search was deficient in that it did not provide any information on the methods used to conduct the search, such as:

- Whether records were searched centrally through a database or e-discovery tool or whether individual custodians were asked to conduct their own searches;
 - What instructions, if any, individual custodians were given;
 - What search terms, if any, were used to conduct the searches; or
- Whether any email searches were subject to restrictions, such as proximity-based searches or Boolean operators.

FOIA requires that the Department search locations where records are reasonably likely to be found. *Oglesby v. U.S. Dep't of the Army*, 920 F.2d 57, 68 (D.C. Cir. 1990). The adequacy of a FOIA search is determined not by the fruits of the search, but by the appropriateness of the methods used to carry out the search. *Iturralde v. Comptroller of Currency*, 315 F.3d 311, 315 (D.C. Cir. 2003). To ensure the Department's search was described and to ensure the search encompassed all locations where responsive records were reasonably likely to be located, I

remanded the request back to OS to describe the search conducted and to conduct an additional search for records responsive to the request. Below are the parameters for the initial search conducted.

Search Parameters

Custodians:

Betsy DeVos (Private Ed Account)

Mick Zais

Eric Ventimiglia

Rebekah Clark

Search Terms:

*eop.gov

This broad search term covered *who.eop.gov and *ovp.eop.gov and *nsc.eop.gov. Once this search was run, staff searched for the names of the individuals listed in Column B in the email participants field using, separately, last names, first names, and portions of last names. A general search was then conducted on, separately, the last names and first names.

After remand, OS conducted an additional search with seven additional custodians:

Tracey St. Pierre, Kent Talbert, Tom Wilson, Noah Mitchel, James Rogers, Martha Davis, and Carly Robb. After conducting this additional search, OS located 334 pages of documents responsive to this request, which are now being released to you in full.

Conclusion:

For these reasons, I am granting your appeal.

Notice of Further Rights

You have the right to seek assistance and/or dispute resolution services from the Department's FOIA Public Liaison or the Office of Government Information Services (OGIS). The FOIA Public Liaison is responsible, among other duties, for assisting in the resolution of FOIA disputes. OGIS, which is outside the Department of Education, offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to appeals or litigation.

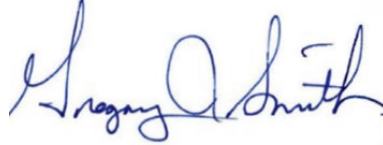
They can be contacted by:

Mail	FOIA Public Liaison Office of the Executive Secretariat U.S. Department of Education 400 Maryland Ave., SW Washington, DC 20202-4536	Office of Government Information Services National Archives and Records Administration 8601 Adelphi Road Room 2510 College Park, MD 20740-6001
E-mail	robert.wehausen@ed.gov	OGIS@nara.gov
Phone	202-205-0733	301-837-1996; toll free at 1-877-684-6448
Fax	202-401-0920	301-837-0348

Christine H. Monahan
Appeal 21-00024-A (FOIA Request No. 20-01173-F)
Page 4

If you are dissatisfied with my action on your appeal, you may file a lawsuit in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,



Gregory Smith
Director, FOIA Service Center
Signed on behalf of
Tracey St. Pierre
Chief FOIA Officer

Enclosure

Talbert, Kent

From: Talbert, Kent
Sent: Sunday, March 15, 2020 4:51 PM
To: DL OMB Dir Office OMB_COVID19OPS; Cassell, Mary I. EOP/OMB; Nevins, Kristan K. EOP/WHO; Ninio.J.Fetalvo@ovp.eop.gov; Katie.R.Miller@ovp.eop.gov; Devin.M.O'Malley@ovp.eop.gov; Kelly.A.Love@ovp.eop.gov
Subject: Department of Education daily report on COVID-19
Attachments: OMB rept 3.15.20.docx

Attached please find the Department of Education's daily report for March 15, 2020.

Please let me know if questions.

Kent Talbert
202-403-4206

COVID-19—Agency Response
March 15, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **K-12 Guidance (Office of Elementary and Secondary Education).** On March 12, the Department posted to its [Coronavirus website](#) and distributed to stakeholders a [Fact Sheet](#) on testing and other accountability flexibilities available to States and school districts under the Elementary and Secondary Education Act (ESEA).

During the week of March 16, the Department expects to finalize, clear, post, and distribute a detailed Question and Answer document titled “Non-Regulatory Guidance on Flexibility and Waivers for Grantees and Program Participants.” The scope covers multiple programs in the Department.

During the week of March 23 or March 30, the Department expects to finalize, clear, post, and distribute Continuity of Learning Guidance under elementary and secondary education programs.

- **Disabilities Guidance (Office of Special Education and Rehabilitative Services).** On March 12, the Department posted to its Coronavirus website and distributed to stakeholders, [Frequently Asked Questions](#) Guidance on Providing Services to Children With Disabilities During the Coronavirus Outbreak.
- **Office for Civil Rights Guidance.** Early in the week of March 16, the Department expects to post to its Coronavirus website a Fact Sheet “Addressing the Risk of COVID-19 in Schools While Protecting the Civil Rights of Students,” as well as a webinar video on the same topic. Both will be distributed to education stakeholders.
- **Higher Education (Office of Postsecondary Education and Federal Student Aid) Guidance.** Early during the week of March 16, the Department expects to receive final clearance from OMB of draft guidance titled “Information for Accrediting Agencies Regarding Temporary Flexibilities Provided to Coronavirus-Impacted Institutions or Accrediting Agencies.” This will be posted to the Department’s Coronavirus website and distributed to institutions of higher education and other stakeholders.

Guidance, Communication and Outreach with Stakeholders

- **See Guidance referenced above.**
- **Conference Call with Chief State School Officers.** The Deputy Secretary and other senior Department officers hosted a one-hour, multi-agency (Department of Education, Centers for Disease Control and Prevention, Department of Agriculture, and Federal Communications Commission) briefing/question and answer conference call with State Superintendents of Education and their staffs on March 12.
- **National Association of State Boards of Education and National School Boards Association.** During the week of March 16, the Department intends to host additional multi-agency conference calls with the National Association of State Boards of Education and National School Boards Association.

Actions That Affect Federal Facilities and Personnel

- **Communication to all Department Employees:** On March 11, Deputy Secretary Mick Zais communicated via email to all employees the actions the Department had taken to help ensure the health and wellness of staff. The notice advised of coordination with the Office of Management and Budget and other partner agencies, the refinement of principal office Business Continuity Plans, guidance of the Office of Personnel Management and the Centers for Disease Control and Prevention, the need to be telework ready, and business travel.

On March 13, the Deputy Secretary provided updated telework guidance based on the most recent OMB guidance. The update focused on telework for older adults, those with chronic underlying health conditions, CDC-identified special populations, those affected by school closings and mass transportation changes, and further advised of the importance of performance management and record keeping.

- **Travel Communication to all Department Employees on March 16.** The Deputy Secretary will communicate the latest employee travel guidance from OMB on March 16 as well as any additional forthcoming guidance from OMB on telework.

Other Notable Responses

- **Student Loan Interest Waiver.** In accord with President Trump's announcement of the waiver of interest on student loans, the Office of Federal Student Aid convened a team of internal subject matter experts as well as representatives of each of FSA's servicing platforms to determine how to best effect this change.

The new policy will affect 40.8 million borrowers with Department-managed loans.

While the term "waiving interest" implies that interest accrues and then is forgiven, the most effective way to achieve the stated objective is to reset borrower interest rates to zero, as opposed to assessing interest or allowing interest to accrue, and then forgive it.

While interest will be eliminated effective March 13, 2020 until further notice, borrower payments will not be reduced. Rather, the entirety of borrowers' monthly payments will be applied to principal once any outstanding interest has been satisfied.

On Friday evening, March 13, the FSA team drafted requirements to present to the loan servicers. FSA is also working on scheduling a conference call with all servicers on March 16 to discuss the plan and respond to any questions.

FSA expects to finalize the technical requirements on March 16 and issue formal guidance to loan servicers early in the week to make changes to all Department-held loans, regardless of status (e.g. in-school, grace, repayment, default, etc.), program (Direct Loans, Federal Family Education Loans, Perkins Loans), or repayment plan, retroactive to March 13.

Talbert, Kent

From: Talbert, Kent
Sent: Tuesday, March 17, 2020 5:08 PM
To: Cassell, Mary I. EOP/OMB
Cc: Redstone, James J. EOP/WHO; Katie.R.Miller@ovp.eop.gov; Nevins, Kristan K. EOP/WHO; McGuire, Denzel E. EOP/OMB; Satya.P.Thallam@omb.eop.gov
Subject: ED Daily Report
Attachments: ED_3.17.20_COVID19 daily report.pdf

Attached is the ED COVID-19 daily report.

Please let me know if questions.

Kent Talbert
202-403-4206

COVID-19—Agency Response
March 17, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Higher Education Accreditation Guidance (Office of Postsecondary Education and Federal Student Aid).** On today, March 17, the Department will post its guidance titled “Information for Accrediting Agencies Regarding Temporary Flexibilities Provided to Coronavirus-Impacted Institutions or Accrediting Agencies” to our Coronavirus webpage. It will be distributed to accreditors, as well as posted on the Department’s accreditation webpage for review by accrediting agencies, institutions of higher education, and other stakeholders.
- **Technical Assistance (Office of Postsecondary Education and Federal Student Aid).** On today, March 17, the Department shared technical assistance with institutions of higher education and financial aid administrators in response to ten commonly asked questions arising out of the Department’s earlier higher education guidance of March 5, 2020.
- **Flexibility and Waiver Guidance (Office of Elementary and Secondary Education).** Within the next two days, the Department expects to circulate to OMB a guidance document titled “Information on Flexibility and Waivers for Schools, SEAs, LEAs, Postsecondary Institutions, and other Grantee and Program Participants Responding to Coronavirus Disease 2019 (COVID-19).” We anticipate posting it to our Coronavirus website no later than the end of the week. We will distribute it to stakeholders.
- **Testing Waiver Form (Office of Elementary and Secondary Education).** By the end of the week, the Department expects to share a short, simple waiver form and related instructions that states may use to apply for waivers of their testing requirements under the Elementary and Secondary Education Act.

Guidance, Communication and Outreach with Stakeholders

- **See Guidance referenced above.**
- **Office of Communications and Outreach.** Today, a press release was distributed, and social media content posted. The release and social media related to the new Office for Civil Rights webinar and fact sheet on Protecting Students’ Rights During the COVID-19 Response. The webinar addresses web accessibility for students with disabilities enrolled in schools using online learning. The fact sheet provides key information for education leaders on how to protect students’ civil rights during the outbreak. Social media content was also pushed out through the Secretary’s Twitter account.

- **White House Indian Country COVID-19 Conference Call.** Assistant Secretary for Postsecondary Education Bob King will participate in a White House-initiated conference call for Tribal leaders and others on Wednesday, March 18 at 2:00 PM.
- **Virtual Town Hall Listening Sessions.** On Wednesday, March 18, Assistant Secretary for Career, Technical and Adult Education, Scott Stump, is hosting two virtual townhall listening sessions for adult education stakeholders.
- **National Governors Association, National Association of State Boards of Education, National School Boards Association and Others.** The Department continues preparations for a March 20 multi-agency conference call (ED, CDC, AG, FCC) with the National Governors Association, the National Association of State Boards of Education, the National School Boards Association and other K-12 stakeholders.

Actions That Affect Federal Facilities and Personnel

- **Telework.** On today, March 17, Secretary DeVos reiterated to all employees that all telework-eligible employees (unless critical to report to the office) should telework through April 10, 2020.
- **Co-Tenant COVID-19 Case in New York City.** The Department notified ED's New York regional office employees of a confirmed positive COVID-19 test of an employee of a co-tenant in the commercial building wherein ED leases space at 32 Old Slip, New York, New York. The co-tenant occupies space on a floor different from ED. The landlord indicated the affected space will be deep cleaned.

Other Notable Responses

- **Student Loan Interest Waiver.** In accord with President Trump's announcement of the waiver of interest on student loans, the Office of Federal Student Aid continues in its implementation.

Talbert, Kent

From: Talbert, Kent
Sent: Wednesday, March 18, 2020 4:48 PM
To: 'Cassell, Mary I. EOP/OMB'
Cc: 'Redstone, James J. EOP/WHO'; 'Katie.R.Miller@ovp.eop.gov'; 'Nevins, Kristan K. EOP/WHO'; 'McGuire, Denzel E. EOP/OMB'; 'Satya.P.Thallam@omb.eop.gov'
Subject: RE: ED Daily Report
Attachments: ED_3.18.20_ COVID19 daily report.pdf

Attached is the daily Department of Education report for March 18. This will be posted to Max.gov.

Kent Talbert
202-403-4206

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Sent: Tuesday, March 17, 2020 5:08 PM
To: Cassell, Mary I. EOP/OMB <Mary_I._Cassell@omb.eop.gov>
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COVID-19—Agency Response
March 18, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Waiver of Assessment, Accountability, and Other Provisions for One Year (Office of Elementary and Secondary Education).** Later today, the Department expects to circulate for OMB clearance a testing and related waiver form for use by each Chief State School Officer, along with an explanatory letter from Assistant Secretary Frank Brogan of the Office of Elementary and Secondary Education. This will assist states that are unable to administer their statewide assessments and other provisions of the Elementary and Secondary Education Act as a result of COVID-19.
- **Additional Flexibility Guidance for Institutions of Higher Education (Office of Postsecondary Education).** The Department expects to send to OMB by no later than early next week draft higher education flexibility guidance based on President Trump's declaration of a national emergency.

Guidance, Communication and Outreach with Stakeholders

- **See Guidance referenced above.**
- **White House Indian Country COVID-19 Conference Call.** Assistant Secretary Bob King of the Office of Postsecondary Education participated today in a White House-initiated conference call for Tribal leaders.
- **Virtual Town Hall Listening Sessions.** On Thursday, March 19, Assistant Secretary for Career, Technical and Adult Education, Scott Stump, will host a virtual townhall listening sessions for State Directors of Career and Technical Education. Earlier today, he hosted two listening sessions for adult education stakeholders. The sessions were well-received.
- **Conference Call with Council of Chief State School Officers.** On Thursday, March 19, Assistant Secretary Frank Brogan of the Office of Elementary and Secondary Education will participate in a conference call with the membership of the Council of Chief State School Officers. He will discuss testing and related waivers under the Elementary and Secondary Education Act.
- **National Governors Association, National Association of State Boards of Education, National School Boards Association and Others.** The Department continues preparations for a March 20 multi-agency conference call (ED, CDC, AG, FCC) with the

National Governors Association, the National Association of State Boards of Education, the National School Boards Association and other K-12 stakeholders.

Actions That Affect Federal Facilities and Personnel

- **Response to OMB Operations Memo M-20-16 of March 17.** The Department held several meetings today to discuss implementation of additional changes to minimize face-to-face interactions of ED employees, as well as contractors. These include suspending the health unit, fitness center, shuttle, motor pool, audio visual, and general logistics services' contracts in addition to reducing mailroom, security, and cleaning services. The Department will also provide employees with updated telework guidance for telework-eligible and non-eligible employees to minimize the number of staff entering agency facilities.

Other Notable Responses

- **None**

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COVID-19—Agency Response
March 19, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Waiver of Assessment, Accountability, and Other Provisions for One Year (Office of Elementary and Secondary Education).** Today, the Department expects to finalize a testing and related waiver form for use by each Chief State School Officer, along with an explanatory letter from Secretary Betsy DeVos. This will assist states that are unable to administer their statewide assessments as a result of COVID-19 and the national emergency. The announcement will be on Friday, March 20.
- **Additional Flexibility Guidance for Institutions of Higher Education (Office of Postsecondary Education).** The Department expects to send to OMB by no later than early next week draft higher education flexibility guidance based on President Trump's declaration of a national emergency.
- **Ten Financial Aid Community Questions and Answers (Federal Student Aid and Office of Postsecondary Education).** Federal Student Aid expects to post no later than Friday, March 20, ten key COVID-19 financial aid community questions and answers on its school community website, the Information for Financial Aid Professionals (IFAP).

Guidance, Communication and Outreach with Stakeholders

- **See Guidance referenced above.**
- **Virtual Town Hall Listening Sessions.** On today, March 19, Assistant Secretary for Career, Technical and Adult Education, Scott Stump, hosted a virtual townhall listening session for State Directors of Career and Technical Education. The session was well-received.
- **Conference Call with Council of Chief State School Officers.** Assistant Secretary Frank Brogan of the Office of Elementary and Secondary Education will participate in a conference call with the membership of the Council of Chief State School Officers tomorrow, March 20. He will discuss testing and related waivers under the Elementary and Secondary Education Act. (Note: This was rescheduled from today, March 19).
- **National Governors Association, National Association of State Boards of Education, National School Boards Association and Others.** The Department continues preparations for a March 20 multi-agency conference call (ED, CDC, AG, FCC) with the National Governors Association, the National Association of State Boards of Education, the National School Boards Association and other K-12 stakeholders.

Actions That Affect Federal Facilities and Personnel

- **Response to OMB Operations Memo M-20-16 of March 17.** In accord with the OMB M-20-16, earlier today the Department provided a notice to all employees and contractors advising of updated telework guidance for telework-eligible and non-eligible employees, to further minimize the number of staff entering agency facilities.

Other Notable Responses

- **None**

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COVID-19—Agency Response
March 20, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Waiver of Assessment, Accountability, and Other Provisions for One Year (Office of Elementary and Secondary Education) and Student Loan Relief (Federal Student Aid and Office of Postsecondary Education).** In coordination with President Trump’s announcement of statewide testing waivers and student loan borrower relief, Secretary DeVos transmitted a [letter](#) to each State Superintendent of Education advising of the testing relief, as well as of a simplified [waiver form](#) for completion. This relief is available to states unable to administer their statewide assessments as a result of the COVID-19 national emergency.

In further follow-up to the President’s announcement, the Office of Federal Student Aid (FSA) posted to its web page several questions and answers addressing the waiver of student loan interest on federally held student loans, as well as the availability of administrative forbearance. Instructions have been provided to loan servicers to implement the 0% interest and 31-day automatic forbearance relief retroactively to March 13.

- **Ten Financial Aid Community Questions and Answers (Federal Student Aid and Office of Postsecondary Education).** On today, March 20, Federal Student Aid posted [ten key COVID-19 financial aid community questions and answers](#) on its school community website, the Information for Financial Aid Professionals (IFAP).
- **Joint Supplemental Fact Sheet on Serving Students with Disabilities.** The Department expects to release later today a Supplemental Fact Sheet on Addressing the Risk of COVID-19 in Preschool and Elementary and Secondary Schools While Serving Children with Disabilities. The Fact Sheet emphasizes that compliance with the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act, and Title II of the Americans with Disabilities Act should not prevent any school from offering educational programs through distance instruction.
- **Additional Flexibility Guidance for Institutions of Higher Education (Office of Postsecondary Education).** The Department expects to send to OMB by no later than next week further higher education flexibility guidance based on President Trump’s declaration of a national emergency.

Guidance, Communication and Outreach with Stakeholders

- See Guidance referenced above.

- **Press release on student loan payment holiday.** President Trump announced today that federal-student loan borrowers would have interest automatically waived for the next 60 days. The President announced that anyone who would like to go into forbearance and not make a payment for at least 60 days could do so without penalty.
- **Press release on waivers for federally mandated state assessments for K-12 students.** President Trump also announced states that are experiencing school closures can skip high-stakes, statewide assessments for the 2019-2020 school year.
- **Conference Call with Council of Chief State School Officers.** Secretary Betsy DeVos, Assistant Secretary Frank Brogan of the Office of Elementary and Secondary Education, and Assistant Secretary Scott Stump of the Office of Career, Technical and Adult Education, participated in a conference call with the Council of Chief State School Officers today to discuss statewide testing waivers and other flexibility the Department will provide to states under the Elementary and Secondary Education Act. Secretary DeVos also provided updates on the President's announcement of student loan relief from earlier in the day.
- **National Governors Association, National Association of State Boards of Education, National School Boards Association and Others.** Earlier today, Secretary DeVos, Deputy Secretary Zais, and other senior officers hosted a multi-agency conference call (ED, CDC, AG) with the National Governors Association, the National Association of State Boards of Education, the Council of Chief State School Officers, and others to discuss the approval process for statewide testing waivers, meal delivery for students during school closures, lengths of closures during the outbreak, and requirements to provide services to students with disabilities.

Actions That Affect Federal Facilities and Personnel

- **Cancellations of Department-sponsored Conferences.** On March 20, the Department notified all employees and contractors that it will be taking steps to cancel all Department-sponsored conferences and in-person training sessions scheduled to be held on or before May 15, 2020.
- **Department Identification Card Office.** The Department's Identification Card office will close at the end of its operating hours today for an indeterminate time.

Other Notable Responses

- **None**

Talbert, Kent

From: Talbert, Kent
Sent: Saturday, March 21, 2020 5:00 PM
To: 'Cassell, Mary I. EOP/OMB'
Cc: 'Redstone, James J. EOP/WHO'; 'Katie.R.Miller@ovp.eop.gov'; 'Nevins, Kristan K. EOP/WHO'; 'McGuire, Denzel E. EOP/OMB'; 'Satya.P.Thallam@omb.eop.gov'
Subject: RE: ED Daily Report
Attachments: ED_3.21.20_COVID19 daily report.pdf

Daily ED report attached for March 21.

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202-403-4206

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Subject: ED Daily Report

Attached is the ED COVID-19 daily report.

Please let me know if questions.

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202-403-4206

COVID-19—Agency Response
March 21, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Joint Supplemental Fact Sheet on Serving Students with Disabilities (Office of Special Education and Rehabilitative Services and Office for Civil Rights).** Today, the Department released a Supplemental Fact Sheet on Addressing the Risk of COVID-19 in Preschool, Elementary, and Secondary Schools While Serving Children with Disabilities. The Fact Sheet reminds school officials that compliance with the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act, and Title II of the Americans with Disabilities Act should not prevent any school from offering educational programs through distance instruction.
- **Frequently Asked Questions (Office of Career, Technical and Adult Education).** Early next week, the Department expects to send to OMB draft flexibility guidance (Frequently Asked Questions) for career, technical and adult education programs. The guidance is based upon comments received at last week's listening sessions.
- **Additional Flexibility Guidance for Institutions of Higher Education (Office of Postsecondary Education).** The Department expects to send to OMB by no later than next week further higher education flexibility guidance based on President Trump's declaration of a national emergency.
- **Private Collection Agencies (Office of Federal Student Aid).** In accord with the President's announcement of student loan relief on March 20, the Office of Federal Student Aid (FSA) directed Private Collection Agencies (PCAs) to temporarily cease all collection actions. PCAs comprise most of the "small business spend" for the Department; they are paid from FSA's mandatory account, not the discretionary account. Some companies may go out of business given the halt of collections. In the past, PCAs have expressed their concerns through Congress and through the Small Business Administration.

Guidance, Communication and Outreach with Stakeholders

- **See Guidance referenced above.**
- **Press release on Serving Students with Disabilities.** Secretary DeVos announced new resources (*see above*, Joint Supplemental Fact Sheet) on accessibility and distance learning options for students with disabilities. The new fact sheet provides additional information to school districts and schools on how distance learning can be used to meet students' needs during the COVID-19 national emergency.

Actions That Affect Federal Facilities and Personnel

- **None**

Other Notable Responses

- **None**

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Attachments: ED_3.22.20_COVID19 daily report.pdf

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202-403-4206

COVID-19—Agency Response
March 22, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Frequently Asked Questions (Office of Career, Technical and Adult Education).** Early next week, the Department expects to send to OMB draft flexibility guidance (Frequently Asked Questions) for career, technical and adult education programs. The guidance is based upon comments received at last week's listening session hosted by the Office of Career, Technical and Adult Education.
- **Additional Flexibility Guidance for Institutions of Higher Education (Office of Postsecondary Education).** The Department expects to send to OMB by no later than next week further higher education flexibility guidance based on President Trump's declaration of a national emergency.

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Guidance, Communication and Outreach with Stakeholders

- See Guidance referenced above.
- **Communication with Student Loan Servicers (Office of Federal Student Aid).** Chief Operating Officer Mark Brown of the Office of Federal Student Aid (FSA) will host a Quarterly Loan Servicer Quality Assurance meeting via videoconference with the Chief Executive Officers of student loan servicers on March 26 in Washington, DC. This is the second quarterly Loan Servicer Quality Assurance meeting. The agenda includes an analysis and review of compliance by the servicers with President Trump's student loan relief announcement, and the corresponding FSA guidance regarding relief for students impacted by the COVID-19 national emergency.

Actions That Affect Federal Facilities and Personnel

- **Telework Data.** Throughout the week of March 16th, Department employees teleworking ranged between 95% and 98%. Those working in Department facilities (Washington, DC and regional) ranged between 3% and 5%.

Other Notable Responses

- None

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Attachments: ED_3.23.20_COVID19 daily report.pdf

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202-403-4206

COVID-19—Agency Response
March 23, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Additional Flexibility Guidance for Institutions of Higher Education (Office of Postsecondary Education).** The Department expects to send to OMB later this week higher education guidance that will provide additional flexibility regarding reporting on waivers, Title IV programs, institutional participation, and distance learning. More expansive than the guidance of March 5, this guidance will incorporate flexibility provided by the Robert T. Stafford Disaster Relief and Emergency Assistance Act. In effect, the new guidance will tailor past natural disaster guidance to the COVID-19 national emergency.
- **Frequently Asked Questions (Office of Career, Technical and Adult Education).** This week the Department expects to send to OMB draft flexibility guidance (Frequently Asked Questions) for career, technical and adult education programs. The guidance is based upon comments received at last week's listening sessions hosted by the Office of Career, Technical and Adult Education.
- **Testing and Accountability Waiver Data (Office of Elementary and Secondary Education).** As of 8:00 PM on March 22, the Department had received 26 state requests for waivers of assessments, accountability, school identification, and reporting requirements under the Elementary and Secondary Education Act. The Department has given initial approval to 25 waiver applications, and so notified the states.

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Guidance, Communication and Outreach with Stakeholders

- See Guidance referenced above.
- **Stopping Treasury Offsets (Office of Federal Student Aid (FSA)).** At the direction of Secretary DeVos, the Department will announce today, March 23, that it has stopped all requests to the U.S. Treasury to withhold money from defaulted borrowers' federal income tax refunds, Social Security payments, and other federal payments. The withholding, known as "Treasury Offset," is authorized by federal law and applied toward the repayment of defaulted federal student loans. The Secretary has also directed all wage garnishments to stop; garnished wages received by the Department since March 13 will be refunded to borrowers. FSA is working with its defaulted loan servicer and 13 private collection agencies to implement the changes and will begin the process of refunding approximately

\$1.8 billion in offsets to more than 830,000 borrowers. Additionally, FSA will provide relevant information regarding the changes to its contact centers, servicers and partners, and will post questions and answers on its customer-facing website, StudentAid.gov.

- **Listening Session with Vocational Rehabilitation Agencies and Grantees (Office of Special Education and Rehabilitative Services (OSERS)).** On March 25, Acting Assistant Secretary Mark Schultz of OSERS will host a listening session with vocational rehabilitation agencies and grantees to hear their questions and concerns about challenges presented by COVID-19 in operating such agencies and delivering services. Information gathered will help ensure the Rehabilitation Services Administration develops and provides timely and comprehensive technical assistance.
- **Communication with Student Loan Servicers (Office of Federal Student Aid).** Chief Operating Officer Mark Brown of the Office of Federal Student Aid (FSA) will host a Quarterly Loan Servicer Quality Assurance meeting via videoconference with the Chief Executive Officers of student loan servicers on March 26 in Washington, DC. This is the second quarterly Loan Servicer Quality Assurance meeting. The agenda includes an analysis and review of compliance by the servicers with President Trump's student loan relief announcement, and the corresponding FSA guidance regarding relief for students impacted by the COVID-19 national emergency.

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- **Telework Data.** Throughout the week of March 16th, Department employees teleworking ranged between 95% and 98%. Those working in Department facilities (Washington, DC and regional) ranged between 3% and 5%. On Friday, March 20, the percentage of employees working onsite decreased to 2%.

Other Notable Responses

- **None**

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From: Talbert, Kent
Sent: Tuesday, March 24, 2020 3:28 PM
To: 'Cassell, Mary I. EOP/OMB'
Cc: 'Redstone, James J. EOP/WHO'; 'Katie.R.Miller@ovp.eop.gov'; 'Nevins, Kristan K. EOP/WHO'; 'McGuire, Denzel E. EOP/OMB'; 'Satya.P.Thallam@omb.eop.gov'
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Daily Department of Education report of March 24 attached.

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Cc: Redstone, James J. EOP/WHO <James.J.Redstone@who.eop.gov>; Katie.R.Miller@ovp.eop.gov; Nevins, Kristan K. EOP/WHO <Kristan.K.Nevins@who.eop.gov>; McGuire, Denzel E. EOP/OMB <Denzel.E.McGuire@omb.eop.gov>; Satya.P.Thallam@omb.eop.gov

Subject: ED Daily Report

Attached is the ED COVID-19 daily report.

Please let me know if questions.

Kent Talbert
202-403-4206

Talbert, Kent

From: Talbert, Kent
Sent: Wednesday, March 25, 2020 4:53 PM
To: 'Cassell, Mary I. EOP/OMB'
Cc: 'Redstone, James J. EOP/WHO'; 'Katie.R.Miller@ovp.eop.gov'; 'Nevins, Kristan K. EOP/WHO'; 'McGuire, Denzel E. EOP/OMB'; 'Satya.P.Thallam@omb.eop.gov'
Subject: RE: ED Daily Report
Attachments: ED_3.25.20_ COVID19 daily report.pdf

Daily Department of Education report for March 25 is attached.

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From: Talbert, Kent
Sent: Tuesday, March 24, 2020 3:29 PM
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Note the item on Treasury Offsets.

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Subject: RE: ED Daily Report

Daily ED report for March 22 attached

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COVID-19—Agency Response
March 25, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Additional Flexibility Guidance for Institutions of Higher Education (Office of Postsecondary Education).** The Department expects to send to OMB this week higher education guidance that will provide additional flexibility regarding reporting on waivers, Title IV programs, institutional participation, and distance learning. More expansive than the guidance of March 5, this guidance will incorporate flexibility provided by the Robert T. Stafford Disaster Relief and Emergency Assistance Act. In effect, the new guidance will tailor past natural disaster guidance to the COVID-19 national emergency.
- **Frequently Asked Questions (Office of Career, Technical and Adult Education).** This week the Department expects to send to OMB draft flexibility guidance (Frequently Asked Questions) for career, technical and adult education programs. The guidance is based upon comments received at last week's listening sessions hosted by the Office of Career, Technical and Adult Education.
- **Testing and Accountability Waiver Data (Office of Elementary and Secondary Education).** As of 11:00 AM on today, March 25, the Department had received 45 state requests for waivers of assessments, accountability, school identification, and reporting requirements under the Elementary and Secondary Education Act. The Department has given initial approval to 44 waiver applications, and so notified the states.
- **Flexibility for Institutions of Higher Education Receiving Funds Under Title III (Institutional Aid) of the Higher Education Act ("HEA") (Office of Postsecondary Education).** The Department expects to send to OMB later this week or early next week flexibility guidance that would affect several grant programs, including programs under Title III. Grantees under Title III include Historically Black Colleges and Universities and others. The guidance will enable Title III grant recipients to expedite a reprogramming of their funds, if the use is to support a current need. The guidance will also include questions and answers for large programs within the Institutional Services Group and Student Support Services Group.

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Guidance, Communication and Outreach with Stakeholders

- See Guidance referenced above.
- **Vice President Pence and Secretary DeVos Conference Call with Stakeholders.** Today, Secretary DeVos joined Vice President Mike Pence for a call with K-12 education stakeholders to answer their questions and to provide them with an update on Department actions to support students, parents, and educators during the COVID-19 national emergency.

- **National Technical Assistance Center on Transition (“Center”) (Office of Special Education and Rehabilitative Services).** Yesterday, this ED-funded Center hosted a webinar focused on “Providing Transition-Focused Activities Online and At Home.” Over 3,000 people participated. The webinar was live streamed on Facebook where it is available for viewing, <https://transitionta.org>.
- **Early Childhood Technical Assistance Center (“Center”) (Office of Special Education and Rehabilitative Services).** Yesterday, this ED-funded Center hosted a webinar and explored policy and infrastructure issues under the infants and toddlers with disabilities part (Part C) of the Individuals with Disabilities Education Act. The purpose was to help states think about how they might establish and fund early intervention services through video-based tele-intervention.
- **Communication with Student Loan Servicers (Office of Federal Student Aid).** Chief Operating Officer Mark Brown of the Office of Federal Student Aid (FSA) will host a Quarterly Loan Servicer Quality Assurance meeting via videoconference with the Chief Executive Officers of student loan servicers on March 26 in Washington, DC. This is the second quarterly Loan Servicer Quality Assurance meeting. The agenda includes an analysis and review of compliance by the servicers with President Trump’s student loan relief announcement, and the corresponding FSA guidance regarding relief for students impacted by the COVID-19 national emergency.
- **Listening Session with Vocational Rehabilitation Agencies and Grantees (Office of Special Education and Rehabilitative Services (OSERS)).** *New date:* On March 30, Acting Assistant Secretary Mark Schultz of OSERS will host a listening session with vocational rehabilitation agencies and grantees to hear their questions and concerns about challenges presented by COVID-19 in operating such agencies and delivering services. Information gathered will help ensure the Rehabilitation Services Administration develops and provides timely and comprehensive technical assistance.
- **Family Educational Rights and Privacy Act (“FERPA”) Webinar (Office of Planning, Evaluation and Policy Development).** The Student Privacy Policy Office of the Office of Planning, Evaluation and Policy Development will host a webinar on March 30 to review Frequently Asked Questions about FERPA and implications for distance learning due to school closures.

Actions That Affect Federal Facilities and Personnel

- **Access to Parking.** The Department has provided the Federal Emergency Management Agency access to 100 parking spots at the Lyndon B. Johnson building (ED Headquarters) to support emergency operations efforts.

Other Notable Responses

- **None**

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Subject: RE: ED Daily Report
Attachments: ED_3.26.20_COVID19 daily report.pdf

Daily Department of Education report for March 26 is attached.

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March 26, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Additional Flexibility Guidance for Institutions of Higher Education (Office of Postsecondary Education).** The Department expects to send to OMB tomorrow or early next week higher education guidance that will provide additional flexibility regarding reporting on waivers, Title IV programs, institutional participation, and distance learning. More expansive than the guidance of March 5, this guidance will incorporate flexibility provided by the Robert T. Stafford Disaster Relief and Emergency Assistance Act. In effect, the new guidance will tailor past natural disaster guidance to the COVID-19 national emergency. The CARES Act will necessitate adjustments to this guidance and may create additional delays.
- **Frequently Asked Questions (Office of Career, Technical and Adult Education and Office of Special Education and Rehabilitative Services).** Today the Department sent to OMB draft flexibility guidance (Frequently Asked Questions) for adult education and vocational rehabilitation programs. Tomorrow, the Department expects to send to OMB similar guidance for career and technical education programs. The guidance is based upon comments received at last week's listening sessions hosted by the Office of Career, Technical and Adult Education.
- **Testing and Accountability Waiver Data (Office of Elementary and Secondary Education).** As of 5:00 PM on March 25, the Department had received 46 state requests for waivers of assessments, accountability, school identification, and reporting requirements under the Elementary and Secondary Education Act. The Department has given initial approval to 45 waiver applications, and so notified the states.
- **Flexibility for Institutions of Higher Education Receiving Funds Under Title III (Institutional Aid) and Title V (Developing Institutions) of the Higher Education Act ("HEA") (Office of Postsecondary Education).** The Department expects to send to OMB tomorrow or early next week flexibility guidance that would affect several grant programs, including programs under Titles III and V. Grantees under Title III include Historically Black Colleges and Universities and others; grantees under Title V include Hispanic Serving Institutions. The guidance will enable Title III and Title V grant recipients to expedite a reprogramming of their funds, if the use is to support a current need. The guidance will also include questions and answers for large programs within the Institutional Services Group and Student Support Services Group.

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Guidance, Communication and Outreach with Stakeholders

- See Guidance referenced above.

- **Communication with Educational Testing Service (ETS).** Today, Deputy Secretary Mick Zais, Assistant Secretary Bob King of the Office of Postsecondary Education, and Director Mark Schneider of the Institute of Education Sciences held a listening session with representatives of the Educational Testing Service to hear of their concerns about the impact of COVID-19 upon tests they administer or in which they are otherwise involved (e.g., Scholastic Aptitude Test (SAT), Advanced Placement (AP) exams, Graduate Record Exam (GRE), National Assessment of Educational Progress (NAEP), Program for International Student Assessment (PISA), Test of English as a Foreign Language (TOEFL), Test of English for International Communication (TOEIC), and state assessments).
- **Communication with Student Loan Servicers (Office of Federal Student Aid).** Chief Operating Officer Mark Brown of the Office of Federal Student Aid (FSA) is hosting a Quarterly Loan Servicer Quality Assurance meeting via videoconference with the Chief Executive Officers of student loan servicers today in Washington, DC. This is the second quarterly Loan Servicer Quality Assurance meeting. The agenda includes an analysis and review of compliance by the servicers with President Trump’s student loan relief announcement, and the Secretary’s guidance, as well as the impact of the pending CARES Act (H.R. 748). The discussion also will include the corresponding FSA guidance regarding relief for students impacted by the COVID-19 national emergency.
- **Secretary DeVos to Participate in White House COVID-19 Briefing.** Secretary DeVos will participate in tomorrow’s (March 27) White House COVID-19 podium briefing to discuss the Department’s efforts to provide financial relief to student loan borrowers, as well as discuss the Department’s efforts to provide guidance and flexibility to both K-12 and higher education institutions.
- **Federal Student Aid and Others Participation in Hill Conference Call, and Call with the Higher Education Community.** On April 1, FSA will join Department leaders in participating in a call with the staff of Senate Majority Leader McConnell, Senate Minority Leader Schumer, Speaker of the House Pelosi, and House Minority Leader McCarthy. On March 31, FSA and Department leaders will participate in a conference call with institutions of higher education, related trade associations, and other stakeholders interested in the Department’s response to COVID-19.
- **Listening Session with Vocational Rehabilitation Agencies and Grantees (Office of Special Education and Rehabilitative Services (OSERS)).** *New date:* On March 30, Acting Assistant Secretary Mark Schultz of OSERS will host a listening session with vocational rehabilitation agencies and grantees to hear their questions and concerns about challenges presented by COVID-19 in operating such agencies and delivering services. Also, representatives of the Workforce Innovation Technical Assistance Center will talk about the technical assistance they are providing to vocational rehabilitation agencies as they engage in distance communication and virtual service delivery to individuals with disabilities.
- **Family Educational Rights and Privacy Act (“FERPA”) Webinar (Office of Planning, Evaluation and Policy Development).** The Student Privacy Policy Office of the Office of Planning, Evaluation and Policy Development will host a webinar on March 30 to review Frequently Asked Questions about FERPA and implications for distance learning due to school closures.

Actions That Affect Federal Facilities and Personnel

- None

Other Notable Responses

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From: Talbert, Kent

Sent: Monday, March 23, 2020 1:04 PM

To: 'Cassell, Mary I. EOP/OMB' <Mary_I._Cassell@omb.eop.gov>

Cc: 'Redstone, James J. EOP/WHO' <James.J.Redstone@who.eop.gov>; 'Katie.R.Miller@ovp.eop.gov' <Katie.R.Miller@ovp.eop.gov>; 'Nevins, Kristan K. EOP/WHO' <Kristan.K.Nevins@who.eop.gov>; 'McGuire, Denzel E. EOP/OMB' <Denzel.E.McGuire@omb.eop.gov>; 'Satya.P.Thallam@omb.eop.gov' <Satya.P.Thallam@omb.eop.gov>

Subject: RE: ED Daily Report

Daily Dept. of Education report for March 23 attached.

Note the item on Treasury Offsets.

Kent Talbert
202-403-4206

From: Talbert, Kent

Sent: Sunday, March 22, 2020 3:02 PM

To: 'Cassell, Mary I. EOP/OMB' <Mary_I._Cassell@omb.eop.gov>

Cc: 'Redstone, James J. EOP/WHO' <James.J.Redstone@who.eop.gov>; 'Katie.R.Miller@ovp.eop.gov' <Katie.R.Miller@ovp.eop.gov>; 'Nevins, Kristan K. EOP/WHO' <Kristan.K.Nevins@who.eop.gov>; 'McGuire, Denzel E. EOP/OMB' <Denzel.E.McGuire@omb.eop.gov>; 'Satya.P.Thallam@omb.eop.gov' <Satya.P.Thallam@omb.eop.gov>

Subject: RE: ED Daily Report

Daily ED report for March 22 attached

For those cc'd and given the report goes to Max.gov, let me know if you would like me to stop cc'ing you.

Kent Talbert

From: Talbert, Kent

Sent: Saturday, March 21, 2020 5:00 PM

To: 'Cassell, Mary I. EOP/OMB' <Mary_I._Cassell@omb.eop.gov>

Cc: 'Redstone, James J. EOP/WHO' <James.J.Redstone@who.eop.gov>; 'Katie.R.Miller@ovp.eop.gov' <Katie.R.Miller@ovp.eop.gov>; 'Nevins, Kristan K. EOP/WHO' <Kristan.K.Nevins@who.eop.gov>; 'McGuire, Denzel E. EOP/OMB' <Denzel.E.McGuire@omb.eop.gov>; 'Satya.P.Thallam@omb.eop.gov' <Satya.P.Thallam@omb.eop.gov>

Subject: RE: ED Daily Report

Daily ED report attached for March 21.

Kent Talbert

From: Talbert, Kent

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EOP/OMB' <Denzel.E.McGuire@omb.eop.gov>; 'Satya.P.Thallam@omb.eop.gov' <Satya.P.Thallam@omb.eop.gov>

Subject: RE: ED Daily Report

Daily ED report attached for March 20.

Kent Talbert

From: Talbert, Kent

Sent: Thursday, March 19, 2020 4:49 PM

To: 'Cassell, Mary I. EOP/OMB' <Mary_I._Cassell@omb.eop.gov>

Cc: 'Redstone, James J. EOP/WHO' <James.J.Redstone@who.eop.gov>; 'Katie.R.Miller@ovp.eop.gov' <Katie.R.Miller@ovp.eop.gov>; 'Nevins, Kristan K. EOP/WHO' <Kristan.K.Nevins@who.eop.gov>; 'McGuire, Denzel E. EOP/OMB' <Denzel.E.McGuire@omb.eop.gov>; 'Satya.P.Thallam@omb.eop.gov' <Satya.P.Thallam@omb.eop.gov>

Subject: RE: ED Daily Report

Attached is the Department of Education's daily report for March 19. This will be posted to Max.gov.

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Subject: RE: ED Daily Report

Attached is the daily Department of Education report for March 18. This will be posted to Max.gov.

Kent Talbert
202-403-4206

From: Talbert, Kent

Sent: Tuesday, March 17, 2020 5:08 PM

To: Cassell, Mary I. EOP/OMB <Mary_I._Cassell@omb.eop.gov>

Cc: Redstone, James J. EOP/WHO <James.J.Redstone@who.eop.gov>; Katie.R.Miller@ovp.eop.gov; Nevins, Kristan K. EOP/WHO <Kristan.K.Nevins@who.eop.gov>; McGuire, Denzel E. EOP/OMB <Denzel.E.McGuire@omb.eop.gov>; Satya.P.Thallam@omb.eop.gov

Subject: ED Daily Report

Attached is the ED COVID-19 daily report.

Please let me know if questions.

Kent Talbert
202-403-4206

COVID-19—Agency Response
March 27, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Frequently Asked Questions (Office of Career, Technical and Adult Education (OCTAE)).** Today, OCTAE released flexibility guidance (Frequently Asked Questions) for adult education programs. The Department expects to send to OMB similar guidance for career and technical education programs either over the weekend or early next week. The guidance is based upon comments received at last week’s listening sessions hosted by the Office of Career, Technical and Adult Education.
- **Frequently Asked Questions (Office of Special Education and Rehabilitative Services (OSERS)).** Today, OSERS’ Rehabilitation Services Administration released flexibility guidance (Frequently Asked Questions) related to implementing performance accountability provisions under Title I of the Workforce Innovation and Opportunity Act (WIOA). State Vocational Rehabilitation agencies continue to seek out various means to provide services to individuals with disabilities during the COVID-19 national emergency.
- **Testing and Accountability Waiver Data (Office of Elementary and Secondary Education).** As of 5:00 PM on March 26, the Department had received 47 state requests for waivers of assessments, accountability, school identification, and reporting requirements under the Elementary and Secondary Education Act. The Department has given initial approval to all 47 waiver applications, and so notified the states.
- **Additional Flexibility Guidance for Institutions of Higher Education (Office of Postsecondary Education).** The Department expects to send to OMB over the weekend or early next week higher education guidance that will provide additional flexibility regarding reporting on waivers, Title IV programs, institutional participation, and distance learning. More expansive than the guidance of March 5, this guidance will incorporate flexibility provided by the Robert T. Stafford Disaster Relief and Emergency Assistance Act. In effect, the new guidance will tailor past natural disaster guidance to the COVID-19 national emergency. The CARES Act will necessitate adjustments to this guidance and may create additional delays.
- **Flexibility for Institutions of Higher Education Receiving Funds Under Title III (Institutional Aid) and Title V (Developing Institutions) of the Higher Education Act (“HEA”) (Office of Postsecondary Education).** The Department expects to send to OMB over the weekend or early next week flexibility guidance that would affect several grant programs, including programs under Titles III and V. Grantees under Title III include Historically Black Colleges and Universities and others; grantees under Title V include Hispanic Serving Institutions. The guidance will enable Title III and Title V grant recipients to expedite a reprogramming of their funds, if the use is to support a current need. The guidance will also include questions and answers for large programs within the Institutional Services Group and Student Support Services Group.

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Guidance, Communication and Outreach with Stakeholders

- See Guidance referenced above.
- **Secretary DeVos to Participate in White House COVID-19 Briefing.** Today, Secretary DeVos will participate in the White House COVID-19 podium briefing to discuss the Department's efforts to provide financial relief to student loan borrowers, as well as discuss the Department's efforts to provide guidance and flexibility to both K-12 and higher education institutions.
- **Communication with the Council of Chief State School Officers (CCSSO).** Today, ED staff from the Office of Elementary and Secondary Education hosted a listening session with CCSSO staff and other members of the organization to answer COVID-19-related questions arising under the Elementary and Secondary Education Act.
- **Communication with Student Loan Servicers and Private Collection Agency Vendors (PCAs).** Over the past two weeks, federal loan servicers and PCAs have raised concerns about the impact of current and proposed COVID-19 relief efforts on their business models, including downsizing. Our Office of Federal Student Aid (FSA) has met with both communities and is analyzing options.
- **Status of Federal Student Aid (FSA) Outreach Efforts.** To date, FSA's efforts (providing outreach to student loan borrowers and guidance to institutions of higher education) have included sending emails to more than 5,000 partners (institutions of higher education, higher education associations, and others) that assist students and borrowers. Additionally, there have been over 300,000 visits to studentaid.gov/coronavirus in just 13 days (60,000 visits yesterday).
- **Listening Session with Vocational Rehabilitation Agencies and Grantees (Office of Special Education and Rehabilitative Services (OSERS)).** On March 30, Acting Assistant Secretary Mark Schultz of OSERS will host a listening session with vocational rehabilitation agencies and grantees to hear their questions and concerns about challenges presented by COVID-19 in operating such agencies and delivering services. Also, representatives of the Workforce Innovation Technical Assistance Center will talk about the technical assistance they are providing to vocational rehabilitation agencies as they engage in distance communication and virtual service delivery to individuals with disabilities.
- **Family Educational Rights and Privacy Act ("FERPA") Webinar (Office of Planning, Evaluation and Policy Development).** The Student Privacy Policy Office of the Office of Planning, Evaluation and Policy Development will host a webinar on March 30 to review Frequently Asked Questions about FERPA and implications for distance learning due to school closures.

- **Federal Student Aid and Others to Participate in Conference Call with Higher Education Community and with the Hill.** On March 31, FSA and Department leaders will participate in a conference call with institutions of higher education, related trade associations, and other stakeholders interested in the Department's response to COVID-19. On April 1, FSA will join Department leaders in a call with the staff of the Committees on Education and Labor in the House and Health, Education, Labor and Pensions in the Senate.

Actions That Affect Federal Facilities and Personnel

- **None**

Other Notable Responses

- **Forbearance Processing.** With the soon-expected enactment of The CARES Act, and the inclusion in the Act of the provision to place all borrowers in FSA's portfolio into automatic forbearance for six months, FSA has stopped the development of its earlier "one-stop" capability that would have enabled certain borrowers to easily request an administrative forbearance.

Talbert, Kent

From: Talbert, Kent
Sent: Saturday, March 28, 2020 4:42 PM
To: 'Cassell, Mary I. EOP/OMB'
Cc: 'Redstone, James J. EOP/WHO'; 'Katie.R.Miller@ovp.eop.gov'; 'Nevins, Kristan K. EOP/WHO'; 'McGuire, Denzel E. EOP/OMB'; 'Satya.P.Thallam@omb.eop.gov'
Subject: RE: ED Daily Report
Attachments: ED_3.28.20_COVID19 daily report.pdf

Daily Department of Education report of March 28 is attached.

Kent Talbert

From: Talbert, Kent
Sent: Friday, March 27, 2020 4:50 PM
To: 'Cassell, Mary I. EOP/OMB' <Mary_I._Cassell@omb.eop.gov>
Cc: 'Redstone, James J. EOP/WHO' <James.J.Redstone@who.eop.gov>; 'Katie.R.Miller@ovp.eop.gov' <Katie.R.Miller@ovp.eop.gov>; 'Nevins, Kristan K. EOP/WHO' <Kristan.K.Nevins@who.eop.gov>; 'McGuire, Denzel E. EOP/OMB' <Denzel.E.McGuire@omb.eop.gov>; 'Satya.P.Thallam@omb.eop.gov' <Satya.P.Thallam@omb.eop.gov>
Subject: RE: ED Daily Report

Daily Department of Education Report for March 27 is attached.

Kent Talbert

From: Talbert, Kent
Sent: Thursday, March 26, 2020 4:50 PM
To: 'Cassell, Mary I. EOP/OMB' <Mary_I._Cassell@omb.eop.gov>
Cc: 'Redstone, James J. EOP/WHO' <James.J.Redstone@who.eop.gov>; 'Katie.R.Miller@ovp.eop.gov' <Katie.R.Miller@ovp.eop.gov>; 'Nevins, Kristan K. EOP/WHO' <Kristan.K.Nevins@who.eop.gov>; 'McGuire, Denzel E. EOP/OMB' <Denzel.E.McGuire@omb.eop.gov>; 'Satya.P.Thallam@omb.eop.gov' <Satya.P.Thallam@omb.eop.gov>
Subject: RE: ED Daily Report

Daily Department of Education report for March 26 is attached.

Kent Talbert
202-403-4206

From: Talbert, Kent
Sent: Wednesday, March 25, 2020 4:53 PM
To: 'Cassell, Mary I. EOP/OMB' <Mary_I._Cassell@omb.eop.gov>
Cc: 'Redstone, James J. EOP/WHO' <James.J.Redstone@who.eop.gov>; 'Katie.R.Miller@ovp.eop.gov' <Katie.R.Miller@ovp.eop.gov>; 'Nevins, Kristan K. EOP/WHO' <Kristan.K.Nevins@who.eop.gov>; 'McGuire, Denzel E. EOP/OMB' <Denzel.E.McGuire@omb.eop.gov>; 'Satya.P.Thallam@omb.eop.gov' <Satya.P.Thallam@omb.eop.gov>
Subject: RE: ED Daily Report

Daily Department of Education report for March 25 is attached.

Kent Talbert
202-403-4206

From: Talbert, Kent
Sent: Tuesday, March 24, 2020 3:29 PM
To: 'Cassell, Mary I. EOP/OMB' <Mary_I._Cassell@omb.eop.gov>
Cc: 'Redstone, James J. EOP/WHO' <James.J.Redstone@who.eop.gov>; 'Katie.R.Miller@ovp.eop.gov' <Katie.R.Miller@ovp.eop.gov>; 'Nevins, Kristan K. EOP/WHO' <Kristan.K.Nevins@who.eop.gov>; 'McGuire, Denzel E. EOP/OMB' <Denzel.E.McGuire@omb.eop.gov>; 'Satya.P.Thallam@omb.eop.gov' <Satya.P.Thallam@omb.eop.gov>
Subject: RE: ED Daily Report

Daily Department of Education report of March 24 attached.

Kent Talbert
202-403-4206

From: Talbert, Kent
Sent: Monday, March 23, 2020 1:04 PM
To: 'Cassell, Mary I. EOP/OMB' <Mary_I._Cassell@omb.eop.gov>
Cc: 'Redstone, James J. EOP/WHO' <James.J.Redstone@who.eop.gov>; 'Katie.R.Miller@ovp.eop.gov' <Katie.R.Miller@ovp.eop.gov>; 'Nevins, Kristan K. EOP/WHO' <Kristan.K.Nevins@who.eop.gov>; 'McGuire, Denzel E. EOP/OMB' <Denzel.E.McGuire@omb.eop.gov>; 'Satya.P.Thallam@omb.eop.gov' <Satya.P.Thallam@omb.eop.gov>
Subject: RE: ED Daily Report

Daily Dept. of Education report for March 23 attached.

Note the item on Treasury Offsets.

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Subject: RE: ED Daily Report

Daily ED report for March 22 attached

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K. EOP/WHO <Kristan.K.Nevins@who.eop.gov>; McGuire, Denzel E. EOP/OMB <Denzel.E.McGuire@omb.eop.gov>;
Satya.P.Thallam@omb.eop.gov

Subject: ED Daily Report

Attached is the ED COVID-19 daily report.

Please let me know if questions.

Kent Talbert
202-403-4206

COVID-19—Agency Response
March 28, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Frequently Asked Questions (Office of Career, Technical and Adult Education (OCTAE)).** The Department expects to send to OMB Frequently Asked Questions regarding state and local plans for career and technical education programs (Perkins V) either tomorrow or early next week. The guidance is based upon comments received at last week’s listening sessions hosted by the Office of Career, Technical and Adult Education.
- **Testing and Accountability Waiver Data (Office of Elementary and Secondary Education).** As of 5:00 PM on March 27, the Department had received 48 state requests for waivers of assessments, accountability, school identification, and reporting requirements under the Elementary and Secondary Education Act. The Department has given initial approval to 47 waiver applications, and so notified the states.
- **Additional Flexibility Guidance for Institutions of Higher Education (Office of Postsecondary Education).** The Department expects to send to OMB tomorrow or early next week higher education guidance that will provide additional flexibility regarding reporting on waivers, Title IV programs, institutional participation, and distance learning. More expansive than the guidance of March 5, this guidance will incorporate flexibility provided by the Robert T. Stafford Disaster Relief and Emergency Assistance Act. In effect, the new guidance will tailor past natural disaster guidance to the COVID-19 national emergency. The CARES Act will necessitate adjustments to this guidance and may create additional delays.
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Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- **None**

Guidance, Communication and Outreach with Stakeholders

- **See Guidance referenced above.**
- **Communication with Student Loan Servicers and Private Collection Agency Vendors (PCAs).** Over the past two weeks, federal loan servicers and PCAs have raised concerns about the impact of current and

proposed COVID-19 relief efforts on their business models, including downsizing. Our Office of Federal Student Aid (FSA) has met with both communities and is analyzing options.

- **Status of Federal Student Aid (FSA) Outreach Efforts.** To date, FSA’s efforts (providing outreach to student loan borrowers and guidance to institutions of higher education) have included sending emails to more than 5,000 partners (institutions of higher education, higher education associations, and others) that assist students and borrowers. Additionally, there have been over 300,000 visits to studentaid.gov/coronavirus in just 13 days (60,000 visits yesterday).

With enactment of the CARES Act, FSA immediately initiated discussions with its loan servicers and is finalizing instructions to implement necessary changes. Additionally, FSA is updating its public-facing websites and Questions and Answers to reflect the new relief in the Act.

- **Listening Session with Vocational Rehabilitation Agencies and Grantees (Office of Special Education and Rehabilitative Services (OSERS)).** On March 30, Acting Assistant Secretary Mark Schultz of OSERS will host a listening session with vocational rehabilitation agencies and grantees to hear their questions and concerns about challenges presented by COVID-19 in operating such agencies and delivering services. Also, representatives of the Workforce Innovation Technical Assistance Center will talk about the technical assistance they are providing to vocational rehabilitation agencies as they engage in distance communication and virtual service delivery to individuals with disabilities.
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- **Federal Student Aid and Others to Participate in Conference Call with Higher Education Community and with the Hill.** On March 31, FSA and Department leaders will participate in a conference call with institutions of higher education, related trade associations, and other stakeholders interested in the Department’s response to COVID-19. On April 1, FSA will join Department leaders in a call with the staff of the Committees on Education and Labor in the House and Health, Education, Labor and Pensions in the Senate.
- **Conference Call with Western State Superintendents of Education (Office of Communications and Outreach).** On March 31, the Office of Communications and Outreach will host a conference call with several Western State Superintendents of Education (Montana, Wyoming, Idaho, North Dakota, South Dakota, Alaska) on “Informal/Best Practices” in light of COVID-19. Deputy Secretary Mick Zais will facilitate the call. Other key participants from the Department will include Assistant Secretary Frank Brogan of the Office of Elementary and Secondary Education and Acting Assistant Secretary Mark Schultz of the Office of Special Education and Rehabilitative Services.

Actions That Affect Federal Facilities and Personnel

- None

Other Notable Responses

- None

Talbert, Kent

From: Talbert, Kent
Sent: Sunday, March 29, 2020 3:41 PM
To: 'Cassell, Mary I. EOP/OMB'
Cc: 'Redstone, James J. EOP/WHO'; 'Katie.R.Miller@ovp.eop.gov'; 'Nevins, Kristan K. EOP/WHO'; 'McGuire, Denzel E. EOP/OMB'; 'Satya.P.Thallam@omb.eop.gov'
Subject: RE: ED Daily Report
Attachments: ED_3.29.20_COVID19 daily report.pdf

Daily Department of Education report of March 29 is attached.

Kent Talbert

From: Talbert, Kent
Sent: Saturday, March 28, 2020 4:42 PM
To: 'Cassell, Mary I. EOP/OMB' <Mary_I._Cassell@omb.eop.gov>
Cc: 'Redstone, James J. EOP/WHO' <James.J.Redstone@who.eop.gov>; 'Katie.R.Miller@ovp.eop.gov' <Katie.R.Miller@ovp.eop.gov>; 'Nevins, Kristan K. EOP/WHO' <Kristan.K.Nevins@who.eop.gov>; 'McGuire, Denzel E. EOP/OMB' <Denzel.E.McGuire@omb.eop.gov>; 'Satya.P.Thallam@omb.eop.gov' <Satya.P.Thallam@omb.eop.gov>
Subject: RE: ED Daily Report

Daily Department of Education report of March 28 is attached.

Kent Talbert

From: Talbert, Kent
Sent: Friday, March 27, 2020 4:50 PM
To: 'Cassell, Mary I. EOP/OMB' <Mary_I._Cassell@omb.eop.gov>
Cc: 'Redstone, James J. EOP/WHO' <James.J.Redstone@who.eop.gov>; 'Katie.R.Miller@ovp.eop.gov' <Katie.R.Miller@ovp.eop.gov>; 'Nevins, Kristan K. EOP/WHO' <Kristan.K.Nevins@who.eop.gov>; 'McGuire, Denzel E. EOP/OMB' <Denzel.E.McGuire@omb.eop.gov>; 'Satya.P.Thallam@omb.eop.gov' <Satya.P.Thallam@omb.eop.gov>
Subject: RE: ED Daily Report

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Sent: Thursday, March 26, 2020 4:50 PM
To: 'Cassell, Mary I. EOP/OMB' <Mary_I._Cassell@omb.eop.gov>
Cc: 'Redstone, James J. EOP/WHO' <James.J.Redstone@who.eop.gov>; 'Katie.R.Miller@ovp.eop.gov' <Katie.R.Miller@ovp.eop.gov>; 'Nevins, Kristan K. EOP/WHO' <Kristan.K.Nevins@who.eop.gov>; 'McGuire, Denzel E. EOP/OMB' <Denzel.E.McGuire@omb.eop.gov>; 'Satya.P.Thallam@omb.eop.gov' <Satya.P.Thallam@omb.eop.gov>
Subject: RE: ED Daily Report

Daily Department of Education report for March 26 is attached.

Kent Talbert
202-403-4206

From: Talbert, Kent
Sent: Wednesday, March 25, 2020 4:53 PM
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Note the item on Treasury Offsets.

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Subject: RE: ED Daily Report

Attached is the daily Department of Education report for March 18. This will be posted to Max.gov.

Kent Talbert
202-403-4206

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Sent: Tuesday, March 17, 2020 5:08 PM

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Cc: Redstone, James J. EOP/WHO <James.J.Redstone@who.eop.gov>; Katie.R.Miller@ovp.eop.gov; Nevins, Kristan K. EOP/WHO <Kristan.K.Nevins@who.eop.gov>; McGuire, Denzel E. EOP/OMB <Denzel.E.McGuire@omb.eop.gov>; Satya.P.Thallam@omb.eop.gov

Subject: ED Daily Report

Attached is the ED COVID-19 daily report.

Please let me know if questions.

Kent Talbert
202-403-4206

COVID-19—Agency Response
March 29, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Frequently Asked Questions (Office of Career, Technical and Adult Education (OCTAE)).** The Department expects to send to OMB Frequently Asked Questions regarding state and local plans for career and technical education programs (Perkins V) today or early in the week. The guidance is based upon comments received at last week's listening sessions hosted by the Office of Career, Technical and Adult Education.
- **Testing and Accountability Waiver Data (Office of Elementary and Secondary Education).** As of 5:00 PM on March 27, the Department had received 48 state requests for waivers of assessments, accountability, school identification, and reporting requirements under the Elementary and Secondary Education Act. The Department has given initial approval to 47 waiver applications, and so notified the states.
- **Additional Flexibility Guidance for Institutions of Higher Education (Office of Postsecondary Education).** The Department expects to send to OMB tonight or tomorrow higher education guidance that will provide additional flexibility regarding reporting on waivers, Title IV programs, institutional participation, and distance learning. More expansive than the guidance of March 5, this guidance will incorporate flexibility provided by the Robert T. Stafford Disaster Relief and Emergency Assistance Act. In effect, the new guidance will tailor past natural disaster guidance to the COVID-19 national emergency. The CARES Act will necessitate adjustments to this guidance and may create additional delays.
- **Flexibility for Institutions of Higher Education Receiving Funds Under Title III (Institutional Aid) and Title V (Developing Institutions) of the Higher Education Act ("HEA") (Office of Postsecondary Education).** During the week of March 30, the Department expects to send to OMB flexibility guidance that would affect several grant programs, including programs under Titles III and V. Grantees under Title III include Historically Black Colleges and Universities and others; grantees under Title V include Hispanic Serving Institutions. The guidance will enable Title III and Title V grant recipients to expedite a reprogramming of their funds, if the use is to support a current need. The guidance will also include questions and answers for large programs within the Institutional Services Group and Student Support Services Group. The CARES Act will necessitate adjustments to this guidance and may create additional delays.

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Guidance, Communication and Outreach with Stakeholders

- See Guidance referenced above.

- **Listening Session with Vocational Rehabilitation Agencies and Grantees (Office of Special Education and Rehabilitative Services (OSERS)).** On March 30, Acting Assistant Secretary Mark Schultz of OSERS will host a listening session with vocational rehabilitation agencies and grantees to hear their questions and concerns about challenges presented by COVID-19 in operating such agencies and delivering services. Also, representatives of the Workforce Innovation Technical Assistance Center will talk about the technical assistance they are providing to vocational rehabilitation agencies as they engage in distance communication and virtual service delivery to individuals with disabilities.
- **Family Educational Rights and Privacy Act (“FERPA”) Webinar (Office of Planning, Evaluation and Policy Development).** The Student Privacy Policy Office of the Office of Planning, Evaluation and Policy Development will host a webinar on March 30 to review Frequently Asked Questions about FERPA and implications for distance learning due to school closures.
- **Conference Call with Higher Education Community (Office of Postsecondary Education and Federal Student Aid).** On March 31, Secretary Betsy DeVos, Principal Deputy Under Secretary Diane Jones, FSA Chief Operating Officer Mark Brown, Assistant Secretary Bob King of the Office of Postsecondary Education, and Assistant Secretary Scott Stump of the Office of Career, Technical and Adult Education will participate in a conference call with stakeholders (institutions of higher education, related trade associations, and others) to discuss flexibility under higher education, career and technical education, and adult education programs.
- **Conference Call with Hill Staff on Federal Student Aid (Office of Federal Student Aid).** On April 1, Principal Deputy Under Secretary Diane Jones, FSA Chief Operating Officer Mark Brown, and Assistant Secretary Bob King of the Office of Postsecondary Education will participate in a conference call with staff from the Committees on Education and Labor in the House, and Health, Education, Labor and Pensions in the Senate, regarding implementation of the student loan provisions of the CARES Act.
- **Conference Call with Western State Superintendents of Education (Office of Communications and Outreach).** On March 31, the Office of Communications and Outreach will host a conference call with several Western State Superintendents of Education (Montana, Wyoming, Idaho, North Dakota, South Dakota, Alaska) on “Informal/Best Practices” in light of COVID-19. Deputy Secretary Mick Zais will facilitate the call. Other key participants from the Department will include Assistant Secretary Frank Brogan of the Office of Elementary and Secondary Education and Acting Assistant Secretary Mark Schultz of the Office of Special Education and Rehabilitative Services.

Actions That Affect Federal Facilities and Personnel

- None

Other Notable Responses

- None

Talbert, Kent

From: Talbert, Kent
Sent: Monday, March 30, 2020 5:11 PM
To: 'Cassell, Mary I. EOP/OMB'
Cc: 'Redstone, James J. EOP/WHO'; 'Katie.R.Miller@ovp.eop.gov'; 'Nevins, Kristan K. EOP/WHO'; 'McGuire, Denzel E. EOP/OMB'; 'Satya.P.Thallam@omb.eop.gov'
Subject: RE: ED Daily Report
Attachments: ED_3.30.20_ COVID19 daily report.pdf

Department of Education daily report for March 30 attached.

Kent Talbert

From: Talbert, Kent
Sent: Sunday, March 29, 2020 3:41 PM
To: 'Cassell, Mary I. EOP/OMB' <Mary_I._Cassell@omb.eop.gov>
Cc: 'Redstone, James J. EOP/WHO' <James.J.Redstone@who.eop.gov>; 'Katie.R.Miller@ovp.eop.gov' <Katie.R.Miller@ovp.eop.gov>; 'Nevins, Kristan K. EOP/WHO' <Kristan.K.Nevins@who.eop.gov>; 'McGuire, Denzel E. EOP/OMB' <Denzel.E.McGuire@omb.eop.gov>; 'Satya.P.Thallam@omb.eop.gov' <Satya.P.Thallam@omb.eop.gov>
Subject: RE: ED Daily Report

Daily Department of Education report of March 29 is attached.

Kent Talbert

From: Talbert, Kent
Sent: Saturday, March 28, 2020 4:42 PM
To: 'Cassell, Mary I. EOP/OMB' <Mary_I._Cassell@omb.eop.gov>
Cc: 'Redstone, James J. EOP/WHO' <James.J.Redstone@who.eop.gov>; 'Katie.R.Miller@ovp.eop.gov' <Katie.R.Miller@ovp.eop.gov>; 'Nevins, Kristan K. EOP/WHO' <Kristan.K.Nevins@who.eop.gov>; 'McGuire, Denzel E. EOP/OMB' <Denzel.E.McGuire@omb.eop.gov>; 'Satya.P.Thallam@omb.eop.gov' <Satya.P.Thallam@omb.eop.gov>
Subject: RE: ED Daily Report

Daily Department of Education report of March 28 is attached.

Kent Talbert

From: Talbert, Kent
Sent: Friday, March 27, 2020 4:50 PM
To: 'Cassell, Mary I. EOP/OMB' <Mary_I._Cassell@omb.eop.gov>
Cc: 'Redstone, James J. EOP/WHO' <James.J.Redstone@who.eop.gov>; 'Katie.R.Miller@ovp.eop.gov' <Katie.R.Miller@ovp.eop.gov>; 'Nevins, Kristan K. EOP/WHO' <Kristan.K.Nevins@who.eop.gov>; 'McGuire, Denzel E. EOP/OMB' <Denzel.E.McGuire@omb.eop.gov>; 'Satya.P.Thallam@omb.eop.gov' <Satya.P.Thallam@omb.eop.gov>
Subject: RE: ED Daily Report

Daily Department of Education Report for March 27 is attached.

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From: Talbert, Kent

Sent: Thursday, March 26, 2020 4:50 PM

To: 'Cassell, Mary I. EOP/OMB' <Mary_I._Cassell@omb.eop.gov>

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Daily Department of Education report for March 26 is attached.

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Sent: Wednesday, March 25, 2020 4:53 PM

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Subject: ED Daily Report

Attached is the ED COVID-19 daily report.

Please let me know if questions.

Kent Talbert
202-403-4206

COVID-19—Agency Response
March 30, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

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Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Guidance, Communication and Outreach with Stakeholders

- See Guidance referenced above.
- **Press Release on Distance Learning and Innovation Notice of Proposed Rulemaking.** On April 1, the Department will issue a press release noting that its Notice of Proposed Rulemaking on Distance Learning and Innovation will be available for public inspection on April 1 at the Federal Register. While work on the proposed Distance Learning and Innovation regulation started more than a year ago, the COVID-19 national emergency underscores the need for reform, as well as for all educational institutions to have robust capacity to teach remotely. Crafted by a diverse group of experts during the Department's 2019 negotiated rulemaking, the proposed Distance Education and Innovation regulation will enhance educational quality and reduce barriers to innovation while maintaining safeguards for students and taxpayers.
- **Panel Discussion with Vocational Rehabilitation Agencies and Grantees (Office of Special Education and Rehabilitative Services (OSERS)).** Today, Acting Assistant Secretary Mark Schultz of OSERS held a panel discussion with vocational rehabilitation agencies and grantees to pass along best practices and fiscal guidance to help meet challenges presented by COVID-19 in operating such agencies and delivering services. Also, representatives of the Workforce Innovation Technical Assistance Center spoke about technical assistance they are providing to vocational rehabilitation agencies as they engage in distance communication and virtual service delivery to individuals with disabilities.
- **Family Educational Rights and Privacy Act ("FERPA") Webinar (Office of Planning, Evaluation and Policy Development).** The Student Privacy Policy Office of the Office of Planning, Evaluation and Policy Development hosted a [webinar](#) today to review Frequently Asked Questions about FERPA and implications for distance learning due to school closures.
- **Conference Call with Higher Education Community (Office of Postsecondary Education and Federal Student Aid).** Tomorrow afternoon, Secretary Betsy DeVos, Principal Deputy Under Secretary Diane Jones, FSA Chief Operating Officer Mark Brown, Assistant Secretary Bob King of the Office of Postsecondary Education, and Assistant Secretary Scott Stump of the Office of Career, Technical and Adult Education will participate in a conference call with stakeholders (institutions of higher education, related trade associations, and others) to discuss flexibility under higher education, career and technical education, and adult education programs.

- **Conference Call with Western State Superintendents of Education (Office of Communications and Outreach).** Tomorrow, the Office of Communications and Outreach will host a conference call with several Western State Superintendents of Education (Montana, Wyoming, Idaho, North Dakota, South Dakota, Alaska) on “Informal/Best Practices” in light of COVID-19. Deputy Secretary Mick Zais will facilitate the call. Other key participants from the Department will include Assistant Secretary Frank Brogan of the Office of Elementary and Secondary Education and Acting Assistant Secretary Mark Schultz of the Office of Special Education and Rehabilitative Services.
- **Conference Call with Hill Staff on Federal Student Aid (Office of Federal Student Aid).** On April 1, Principal Deputy Under Secretary Diane Jones, FSA Chief Operating Officer Mark Brown, and Assistant Secretary Bob King of the Office of Postsecondary Education will participate in a conference call with staff from the Committees on Education and Labor in the House, and Health, Education, Labor and Pensions in the Senate.

Actions That Affect Federal Facilities and Personnel

- **None**

Other Notable Responses

- **Personal Protective Equipment (Office of Federal Student Aid (FSA)).** FSA and the Department are working with the District’s Homeland Security Emergency Group to arrange for the potential distribution to health care facilities of approximately 5,500 N95 surgical/face masks that were part of FSA’s “9/11” excess inventory.

Talbert, Kent

From: Talbert, Kent
Sent: Tuesday, March 31, 2020 4:29 PM
To: 'Cassell, Mary I. EOP/OMB'
Cc: 'Redstone, James J. EOP/WHO'; 'Katie.R.Miller@ovp.eop.gov'; 'Nevins, Kristan K. EOP/WHO'; 'McGuire, Denzel E. EOP/OMB'; 'Satya.P.Thallam@omb.eop.gov'
Subject: RE: ED Daily Report
Attachments: ED_3.31.20_ COVID19 daily report.pdf

Attached is the daily Department of Education report for Tuesday, March 31.

Kent Talbert

From: Talbert, Kent
Sent: Sunday, March 29, 2020 3:41 PM
To: 'Cassell, Mary I. EOP/OMB' <Mary_I._Cassell@omb.eop.gov>
Cc: 'Redstone, James J. EOP/WHO' <James.J.Redstone@who.eop.gov>; 'Katie.R.Miller@ovp.eop.gov' <Katie.R.Miller@ovp.eop.gov>; 'Nevins, Kristan K. EOP/WHO' <Kristan.K.Nevins@who.eop.gov>; 'McGuire, Denzel E. EOP/OMB' <Denzel.E.McGuire@omb.eop.gov>; 'Satya.P.Thallam@omb.eop.gov' <Satya.P.Thallam@omb.eop.gov>
Subject: RE: ED Daily Report

Daily Department of Education report of March 29 is attached.

Kent Talbert

From: Talbert, Kent
Sent: Saturday, March 28, 2020 4:42 PM
To: 'Cassell, Mary I. EOP/OMB' <Mary_I._Cassell@omb.eop.gov>
Cc: 'Redstone, James J. EOP/WHO' <James.J.Redstone@who.eop.gov>; 'Katie.R.Miller@ovp.eop.gov' <Katie.R.Miller@ovp.eop.gov>; 'Nevins, Kristan K. EOP/WHO' <Kristan.K.Nevins@who.eop.gov>; 'McGuire, Denzel E. EOP/OMB' <Denzel.E.McGuire@omb.eop.gov>; 'Satya.P.Thallam@omb.eop.gov' <Satya.P.Thallam@omb.eop.gov>
Subject: RE: ED Daily Report

Daily Department of Education report of March 28 is attached.

Kent Talbert

From: Talbert, Kent
Sent: Friday, March 27, 2020 4:50 PM
To: 'Cassell, Mary I. EOP/OMB' <Mary_I._Cassell@omb.eop.gov>
Cc: 'Redstone, James J. EOP/WHO' <James.J.Redstone@who.eop.gov>; 'Katie.R.Miller@ovp.eop.gov' <Katie.R.Miller@ovp.eop.gov>; 'Nevins, Kristan K. EOP/WHO' <Kristan.K.Nevins@who.eop.gov>; 'McGuire, Denzel E. EOP/OMB' <Denzel.E.McGuire@omb.eop.gov>; 'Satya.P.Thallam@omb.eop.gov' <Satya.P.Thallam@omb.eop.gov>
Subject: RE: ED Daily Report

Daily Department of Education Report for March 27 is attached.

Kent Talbert

From: Talbert, Kent

Sent: Thursday, March 26, 2020 4:50 PM

To: 'Cassell, Mary I. EOP/OMB' <Mary_I._Cassell@omb.eop.gov>

Cc: 'Redstone, James J. EOP/WHO' <James.J.Redstone@who.eop.gov>; 'Katie.R.Miller@ovp.eop.gov' <Katie.R.Miller@ovp.eop.gov>; 'Nevins, Kristan K. EOP/WHO' <Kristan.K.Nevins@who.eop.gov>; 'McGuire, Denzel E. EOP/OMB' <Denzel.E.McGuire@omb.eop.gov>; 'Satya.P.Thallam@omb.eop.gov' <Satya.P.Thallam@omb.eop.gov>

Subject: RE: ED Daily Report

Daily Department of Education report for March 26 is attached.

Kent Talbert
202-403-4206

From: Talbert, Kent

Sent: Wednesday, March 25, 2020 4:53 PM

To: 'Cassell, Mary I. EOP/OMB' <Mary_I._Cassell@omb.eop.gov>

Cc: 'Redstone, James J. EOP/WHO' <James.J.Redstone@who.eop.gov>; 'Katie.R.Miller@ovp.eop.gov' <Katie.R.Miller@ovp.eop.gov>; 'Nevins, Kristan K. EOP/WHO' <Kristan.K.Nevins@who.eop.gov>; 'McGuire, Denzel E. EOP/OMB' <Denzel.E.McGuire@omb.eop.gov>; 'Satya.P.Thallam@omb.eop.gov' <Satya.P.Thallam@omb.eop.gov>

Subject: RE: ED Daily Report

Daily Department of Education report for March 25 is attached.

Kent Talbert
202-403-4206

From: Talbert, Kent

Sent: Tuesday, March 24, 2020 3:29 PM

To: 'Cassell, Mary I. EOP/OMB' <Mary_I._Cassell@omb.eop.gov>

Cc: 'Redstone, James J. EOP/WHO' <James.J.Redstone@who.eop.gov>; 'Katie.R.Miller@ovp.eop.gov' <Katie.R.Miller@ovp.eop.gov>; 'Nevins, Kristan K. EOP/WHO' <Kristan.K.Nevins@who.eop.gov>; 'McGuire, Denzel E. EOP/OMB' <Denzel.E.McGuire@omb.eop.gov>; 'Satya.P.Thallam@omb.eop.gov' <Satya.P.Thallam@omb.eop.gov>

Subject: RE: ED Daily Report

Daily Department of Education report of March 24 attached.

Kent Talbert
202-403-4206

From: Talbert, Kent

Sent: Monday, March 23, 2020 1:04 PM

To: 'Cassell, Mary I. EOP/OMB' <Mary_I._Cassell@omb.eop.gov>

Cc: 'Redstone, James J. EOP/WHO' <James.J.Redstone@who.eop.gov>; 'Katie.R.Miller@ovp.eop.gov' <Katie.R.Miller@ovp.eop.gov>; 'Nevins, Kristan K. EOP/WHO' <Kristan.K.Nevins@who.eop.gov>; 'McGuire, Denzel E. EOP/OMB' <Denzel.E.McGuire@omb.eop.gov>; 'Satya.P.Thallam@omb.eop.gov' <Satya.P.Thallam@omb.eop.gov>

Subject: RE: ED Daily Report

Daily Dept. of Education report for March 23 attached.

Note the item on Treasury Offsets.

Kent Talbert
202-403-4206

From: Talbert, Kent
Sent: Sunday, March 22, 2020 3:02 PM
To: 'Cassell, Mary I. EOP/OMB' <Mary_I._Cassell@omb.eop.gov>
Cc: 'Redstone, James J. EOP/WHO' <James.J.Redstone@who.eop.gov>; 'Katie.R.Miller@ovp.eop.gov' <Katie.R.Miller@ovp.eop.gov>; 'Nevins, Kristan K. EOP/WHO' <Kristan.K.Nevins@who.eop.gov>; 'McGuire, Denzel E. EOP/OMB' <Denzel.E.McGuire@omb.eop.gov>; 'Satya.P.Thallam@omb.eop.gov' <Satya.P.Thallam@omb.eop.gov>
Subject: RE: ED Daily Report

Daily ED report for March 22 attached

For those cc'd and given the report goes to Max.gov, let me know if you would like me to stop cc'ing you.

Kent Talbert

From: Talbert, Kent
Sent: Saturday, March 21, 2020 5:00 PM
To: 'Cassell, Mary I. EOP/OMB' <Mary_I._Cassell@omb.eop.gov>
Cc: 'Redstone, James J. EOP/WHO' <James.J.Redstone@who.eop.gov>; 'Katie.R.Miller@ovp.eop.gov' <Katie.R.Miller@ovp.eop.gov>; 'Nevins, Kristan K. EOP/WHO' <Kristan.K.Nevins@who.eop.gov>; 'McGuire, Denzel E. EOP/OMB' <Denzel.E.McGuire@omb.eop.gov>; 'Satya.P.Thallam@omb.eop.gov' <Satya.P.Thallam@omb.eop.gov>
Subject: RE: ED Daily Report

Daily ED report attached for March 21.

Kent Talbert

From: Talbert, Kent
Sent: Friday, March 20, 2020 4:58 PM
To: 'Cassell, Mary I. EOP/OMB' <Mary_I._Cassell@omb.eop.gov>
Cc: 'Redstone, James J. EOP/WHO' <James.J.Redstone@who.eop.gov>; 'Katie.R.Miller@ovp.eop.gov' <Katie.R.Miller@ovp.eop.gov>; 'Nevins, Kristan K. EOP/WHO' <Kristan.K.Nevins@who.eop.gov>; 'McGuire, Denzel E. EOP/OMB' <Denzel.E.McGuire@omb.eop.gov>; 'Satya.P.Thallam@omb.eop.gov' <Satya.P.Thallam@omb.eop.gov>
Subject: RE: ED Daily Report

Daily ED report attached for March 20.

Kent Talbert

From: Talbert, Kent
Sent: Thursday, March 19, 2020 4:49 PM
To: 'Cassell, Mary I. EOP/OMB' <Mary_I._Cassell@omb.eop.gov>
Cc: 'Redstone, James J. EOP/WHO' <James.J.Redstone@who.eop.gov>; 'Katie.R.Miller@ovp.eop.gov' <Katie.R.Miller@ovp.eop.gov>; 'Nevins, Kristan K. EOP/WHO' <Kristan.K.Nevins@who.eop.gov>; 'McGuire, Denzel E. EOP/OMB' <Denzel.E.McGuire@omb.eop.gov>; 'Satya.P.Thallam@omb.eop.gov' <Satya.P.Thallam@omb.eop.gov>

Subject: RE: ED Daily Report

Attached is the Department of Education's daily report for March 19. This will be posted to Max.gov.

Kent Talbert

From: Talbert, Kent

Sent: Wednesday, March 18, 2020 4:48 PM

To: 'Cassell, Mary I. EOP/OMB' <Mary_I._Cassell@omb.eop.gov>

Cc: 'Redstone, James J. EOP/WHO' <James.J.Redstone@who.eop.gov>; 'Katie.R.Miller@ovp.eop.gov' <Katie.R.Miller@ovp.eop.gov>; 'Nevins, Kristan K. EOP/WHO' <Kristan.K.Nevins@who.eop.gov>; 'McGuire, Denzel E. EOP/OMB' <Denzel.E.McGuire@omb.eop.gov>; 'Satya.P.Thallam@omb.eop.gov' <Satya.P.Thallam@omb.eop.gov>

Subject: RE: ED Daily Report

Attached is the daily Department of Education report for March 18. This will be posted to Max.gov.

Kent Talbert
202-403-4206

From: Talbert, Kent

Sent: Tuesday, March 17, 2020 5:08 PM

To: Cassell, Mary I. EOP/OMB <Mary_I._Cassell@omb.eop.gov>

Cc: Redstone, James J. EOP/WHO <James.J.Redstone@who.eop.gov>; Katie.R.Miller@ovp.eop.gov; Nevins, Kristan K. EOP/WHO <Kristan.K.Nevins@who.eop.gov>; McGuire, Denzel E. EOP/OMB <Denzel.E.McGuire@omb.eop.gov>; Satya.P.Thallam@omb.eop.gov

Subject: ED Daily Report

Attached is the ED COVID-19 daily report.

Please let me know if questions.

Kent Talbert
202-403-4206

COVID-19—Agency Response
March 31, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Frequently Asked Questions (Office of Career, Technical and Adult Education (OCTAE)).** Today, the Department released Frequently Asked Questions regarding state and local plans for career and technical education programs (Perkins V). The guidance is based upon comments received at last week’s listening sessions hosted by the Office of Career, Technical and Adult Education.
- **Testing and Accountability Waiver Data (Office of Elementary and Secondary Education).** As of 4:00 PM today, the Department had received 53 requests from states and others (Bureau of Indian Education, District of Columbia, and Puerto Rico) for waivers of assessments, accountability, school identification, and reporting requirements under the Elementary and Secondary Education Act. The Department has given initial approval to all waiver applications, and so notified the states and others.
- **Additional Flexibility Guidance for Institutions of Higher Education (Office of Postsecondary Education).** The Department expects to send to OMB later this week higher education guidance that will provide additional flexibility regarding reporting on waivers, Title IV programs, institutional participation, and distance learning. More expansive than the guidance of March 5, this guidance will incorporate flexibility provided by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as previously published in Dear Colleague Letter GEN-17-08). In effect, the new guidance will tailor past natural disaster guidance to the COVID-19 national emergency. Where possible, the Department integrated policy changes created by the CARES Act into the draft guidance, but in many instances, we have included notification in the document that additional guidance will follow.
- **Flexibility for Institutions of Higher Education Receiving Funds Under Title III (Institutional Aid) and Title V (Developing Institutions) of the Higher Education Act (“HEA”) (Office of Postsecondary Education).** Later this week, the Department expects to send to OMB flexibility guidance that would affect several grant programs, including programs under Titles III and V. Grantees under Title III include Historically Black Colleges and Universities and others; grantees under Title V include Hispanic Serving Institutions. The guidance will enable Title III and Title V grant recipients to expedite a reprogramming of their funds, if the use is to support a current need. The guidance will also include questions and answers for large programs within the Institutional Services Group and Student Support Services Group. The CARES Act will necessitate adjustments to this guidance and may create additional delays.

- **Flexibility in Fiscal Management of Vocational Rehabilitation Programs.** Later this week, the Department expects to send to OMB a Questions and Answers guidance document in response to inquiries from state vocational rehabilitation agencies. The guidance will focus on fiscal management of the vocational rehabilitation programs as the state agencies continue serving individuals with disabilities.

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Guidance, Communication and Outreach with Stakeholders

- See Guidance referenced above.
- **Conference Call with Higher Education Community (Office of Postsecondary Education and Federal Student Aid).** Today, Secretary Betsy DeVos, FSA Chief Operating Officer Mark Brown, and Assistant Secretary Scott Stump of the Office of Career, Technical and Adult Education participated in a conference call with stakeholders (institutions of higher education, related trade associations, and others) to discuss flexibility under higher education, career and technical education, and adult education programs.
- **Conference Call with Western State Superintendents of Education (Office of Communications and Outreach).** Today, the Office of Communications and Outreach hosted a conference call with several Western State Superintendents of Education (Montana, Wyoming, Idaho, North Dakota, South Dakota, Alaska) on “Informal/Best Practices” in light of COVID-19. Deputy Secretary Mick Zais facilitated the call. Other key participants from the Department included Assistant Secretary Frank Brogan of the Office of Elementary and Secondary Education and Acting Assistant Secretary Mark Schultz of the Office of Special Education and Rehabilitative Services.
- **Conference Call with Hill Staff on Federal Student Aid (Office of Federal Student Aid).** On April 1, Principal Deputy Under Secretary Diane Jones, FSA Chief Operating Officer Mark Brown, and Assistant Secretary Bob King of the Office of Postsecondary Education will participate in a conference call with staff from the Committees on Education and Labor in the House, and Health, Education, Labor and Pensions in the Senate.
- **Press Release on Distance Learning and Innovation Notice of Proposed Rulemaking.** On April 1, the Department will issue a press release noting that its Notice of Proposed Rulemaking on Distance Learning and Innovation will be available for public inspection on April 1 at the Federal Register. While work on the proposed Distance Learning and Innovation regulation started more than a year ago, the COVID-19 national emergency underscores the need for reform, as well as for all educational institutions to have robust capacity to teach remotely. Crafted by a diverse group of experts during the Department’s 2019 negotiated rulemaking, the proposed Distance Education and Innovation regulation will enhance educational quality and reduce barriers to innovation while maintaining safeguards for students and taxpayers.

Actions That Affect Federal Facilities and Personnel

- **None**

Other Notable Responses

- **CARES Act Changes to the Fostering Undergraduate Talent by Unlocking Resources for Education Act (“FUTURE Act”) (Office of Federal Student Aid (FSA)).** The Office of Federal Student Aid and the Department are working closely with the IRS to revise the FUTURE Act’s 90-day report to Congress. The new version of the report will reflect changes from the CARES Act. The CARES Act amends the FUTURE Act to remove the stringent standards required by Internal Revenue Code § 6103 and Publication 1075 from the Department’s partners (i.e., nearly 6,000 institutions of higher education, state agencies, and certain scholarship organizations).

Talbert, Kent

From: Talbert, Kent
Sent: Wednesday, April 1, 2020 4:59 PM
To: Cassell, Mary I. EOP/OMB
Cc: Redstone, James J. EOP/WHO; Miller, Katie R. EOP/OVP; Nevins, Kristan K. EOP/WHO; McGuire, Denzel E. EOP/OMB; 'Satya.P.Thallam@omb.eop.gov'
Subject: Daily ED report to OMB for Wed., April 1
Attachments: ED_4.1.20_ COVID19 daily report.pdf

COVID-19—Agency Response
April 1, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Questions and Answers Guidance on Forbearance Information for Students, Borrowers, and Parents (Office of Federal Student Aid (FSA)).** Today, the Office of Federal Student Aid will post updated Questions and Answers to its StudentAid.gov/coronavirus website. The guidance provides answers to common questions arising under the CARES Act, including questions about student loan forbearance and related matters.
- **Additional Flexibility Guidance for Institutions of Higher Education (Office of Postsecondary Education).** The Department expects to send to OMB later this week higher education guidance that will provide additional flexibility regarding reporting on waivers, Title IV programs, institutional participation, and distance learning. More expansive than the guidance of March 5, this guidance will incorporate flexibility provided by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as previously published in Dear Colleague Letter GEN-17-08). In effect, the new guidance will tailor past natural disaster guidance to the COVID-19 national emergency. Where possible, the Department integrated policy changes created by the CARES Act into the draft guidance, but in many instances, we have included notification in the document that additional guidance will follow.
- **Flexibility for Institutions of Higher Education Receiving Funds Under Title III (Institutional Aid) and Title V (Developing Institutions) of the Higher Education Act (“HEA”) (Office of Postsecondary Education).** Later this week or early next week, the Department expects to send to OMB flexibility guidance that would affect several grant programs, including programs under Titles III and V. Grantees under Title III include Historically Black Colleges and Universities and others; grantees under Title V include Hispanic Serving Institutions. The guidance will enable Title III and Title V grant recipients to expedite a reprogramming of their funds, if the use is to support a current need. The guidance will also include questions and answers for large programs within the Institutional Services Group and Student Support Services Group. The CARES Act will necessitate adjustments to this guidance and may create additional delays.
- **Flexibility in Fiscal Management of Vocational Rehabilitation Programs.** Later this week or early next week, the Department expects to send to OMB a Questions and Answers guidance document in response to inquiries from state vocational rehabilitation agencies. The guidance will focus on fiscal management of the vocational rehabilitation programs as the state agencies continue serving individuals with disabilities.

During the week of April 6, the Rehabilitation Services Administration expects to send to OMB a Questions and Answers guidance document addressing the delivery of services through American Indian Vocational Rehabilitation Service Projects and the Randolph Sheppard Act programs.

- **Testing and Accountability Waiver Data (Office of Elementary and Secondary Education).** The Department has sent official approval letters to all 50 states and three others (Bureau of Indian Education, District of Columbia, and Puerto Rico)—all of whom previously had been given initial approval for waivers of assessments, accountability, school identification, and reporting requirements under the Elementary and Secondary Education Act.

CARES Act Implementation—Key Activities and Milestones

- **Establishment and Initial Actions of CARES Act Implementation Team.** The Department has created a cross-office team to facilitate implementation of the new Education Stabilization Fund grant programs (Governor’s Emergency Education Relief Fund, Elementary and Secondary School Emergency Relief Fund, and Higher Education Emergency Relief Fund), as well as other education-related provisions of the Act. The team has begun its work to determine allocations, and to develop notices and applications for grants. The Department continues to receive questions from the field; it continues to provide answers, and to develop guidance, as warranted.

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Actions That Affect Federal Facilities and Personnel

- None

Other Notable Responses

- None

Talbert, Kent

From: Talbert, Kent
Sent: Thursday, April 2, 2020 4:48 PM
To: Cassell, Mary I. EOP/OMB
Cc: McGuire, Denzel E. EOP/OMB; Redstone, James J. EOP/WHO; Miller, Katie R. EOP/OVP; Nevins, Kristan K. EOP/WHO; 'Satya.P.Thallam@omb.eop.gov'
Subject: ED daily report for Thursday, April 2
Attachments: ED_4.2.20_ COVID19 daily report.pdf

COVID-19—Agency Response
April 2, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Federal Student Aid’s (FSA) Work with Default Loan Servicer.** Federal Student Aid is working closely with its default loan servicer to develop mitigation strategies to manage increased call volume and abandonment rates as a result of the COVID-19 national emergency. In addition to leveraging the default loan servicer’s Small Business Subcontracting Plan to engage three select FSA Small Business Private Collection Agency contractors, the default loan servicer is: (1) extending call center hours; (2) modifying the Debt Resolution Portal (myeddebt.ed.gov) to include additional frequently asked questions and adding an address validation feature; and (3) adjusting the interactive voice response system (IVR) to direct customers to myeddebt.ed.gov.

On March 31 and as a follow-up action to enactment of the CARES Act, FSA provided instruction to its loan servicers to suspend all payments due for Department-held loans made through September 30, 2020, and extended the waiver of interest accrual on such loans for the same period. The instructions included stopping all outgoing collection-related calls, billing notices, and ongoing auto-debit agreements. After receiving instructions, the loan servicers immediately began operationalizing the changes.

- **Additional Flexibility Guidance for Institutions of Higher Education (Office of Postsecondary Education).** The Department expects to send to OMB today or tomorrow higher education guidance that will provide additional flexibility regarding reporting on waivers, Title IV programs, institutional participation, and distance learning. More expansive than the guidance of March 5, this guidance will incorporate flexibility provided by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as previously published in Dear Colleague Letter GEN-17-08). In effect, the new guidance will tailor past natural disaster guidance to the COVID-19 national emergency. Where possible, the Department integrated policy changes created by the CARES Act into the draft guidance, but in many instances, we have included notification in the document that additional guidance will follow.
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Group and Student Support Services Group. The CARES Act will necessitate adjustments to this guidance and may create additional delays.

- **Flexibility in Fiscal Management of Vocational Rehabilitation Programs.** Later this week or early next week, the Department expects to send to OMB a Questions and Answers guidance document in response to inquiries from state vocational rehabilitation agencies. The guidance will focus on fiscal management of the vocational rehabilitation programs as the state agencies continue serving individuals with disabilities.

During the week of April 6, the Rehabilitation Services Administration expects to send to OMB a Questions and Answers guidance document addressing the delivery of services through American Indian Vocational Rehabilitation Service Projects and the Randolph Sheppard Act programs.

CARES Act Implementation—Key Activities and Milestones

- **Establishment and Initial Actions of CARES Act Implementation Team.** The Department has created a cross-office team to facilitate implementation of the new Education Stabilization Fund grant programs (Governor’s Emergency Education Relief Fund, Elementary and Secondary School Emergency Relief Fund, and Higher Education Emergency Relief Fund), as well as other education-related provisions of the Act. The team has begun its work to determine allocations, and to develop notices and applications for grants. The Department continues to receive questions from the field; it continues to provide answers, and to develop guidance, as warranted.

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Actions That Affect Federal Facilities and Personnel

- **Workplace Flexibilities Communication (Office of Finance and Operations).** Today, the Department issued an all-employee communication “Guidance for Employees Expanding Workplace Flexibilities During COVID-19” which temporarily expands existing work schedule flexibilities to help employees balance work and other family care responsibilities. Key changes include expanding the range of days that may constitute the work week, and expanding the range of work hours and core hours.

Other Notable Responses

- None

Talbert, Kent

From: Talbert, Kent
Sent: Friday, April 3, 2020 5:00 PM
To: 'Cassell, Mary I. EOP/OMB'
Cc: 'McGuire, Denzel E. EOP/OMB'; 'Redstone, James J. EOP/WHO'; 'Miller, Katie R. EOP/OVP'; 'Nevins, Kristan K. EOP/WHO'; 'Satya.P.Thallam@omb.eop.gov'
Subject: RE: ED daily report for Thursday, April 2
Attachments: ED_4.3.20_ COVID19 daily report.pdf

Department of Education daily report for April 3.

Kent Talbert

From: Talbert, Kent
Sent: Thursday, April 2, 2020 4:48 PM
To: Cassell, Mary I. EOP/OMB <Mary_I._Cassell@omb.eop.gov>
Cc: McGuire, Denzel E. EOP/OMB <Denzel.E.McGuire@omb.eop.gov>; Redstone, James J. EOP/WHO <James.J.Redstone@who.eop.gov>; Miller, Katie R. EOP/OVP <Katie.R.Miller@ovp.eop.gov>; Nevins, Kristan K. EOP/WHO <Kristan.K.Nevins@who.eop.gov>; 'Satya.P.Thallam@omb.eop.gov' <Satya.P.Thallam@omb.eop.gov>
Subject: ED daily report for Thursday, April 2

COVID-19—Agency Response
April 3, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Waivers Permitting Flexibility in Fiscal Management of Federal K-12 Programs (Office of Elementary and Secondary Education).** Today, the Department issued a letter (as well as a sample waiver template) inviting states to submit waiver requests for flexibility in the use of funds under the Elementary and Secondary Education Act, the General Education Provisions Act, and the McKinney-Vento Homeless Assistance Act. These national emergency education waivers are authorized under section 3511 of the CARES Act.
- **Additional Flexibility Guidance for Institutions of Higher Education (Office of Postsecondary Education).** The Department expects to publish on its [Information for Financial Aid Professionals website](#) later today higher education guidance that will provide additional flexibility regarding reporting on waivers, Title IV programs, institutional participation, and distance learning. More expansive than the guidance of March 5, this guidance will incorporate flexibility provided by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as previously published in Dear Colleague Letter GEN-17-08). In effect, the new guidance will tailor past natural disaster guidance to the COVID-19 national emergency. Where possible, the Department integrated policy changes created by the CARES Act into the draft guidance, but in many instances, we have included notification in the document that additional guidance will follow.
- **Flexibility for Institutions of Higher Education Receiving Funds Under Title III (Institutional Aid) and Title V (Developing Institutions) of the Higher Education Act (“HEA”) (Office of Postsecondary Education).** Assistant Secretary Bob King of the Office of Postsecondary Education is leading the development of guidance that would affect several higher education grant programs, including programs under Titles III and V of the Higher Education Act. The guidance has not yet been placed into Departmental clearance. Grantees under Title III include Historically Black Colleges and Universities and others; grantees under Title V include Hispanic Serving Institutions. The guidance will enable Title III and Title V grant recipients to expedite a reprogramming of their funds, if the use is to support a current need. The guidance will also include questions and answers for large programs within the Institutional Services Group and Student Support Services Group. The CARES Act will necessitate adjustments to this guidance and may create additional delays.
- **Flexibility in Fiscal Management of Vocational Rehabilitation Programs (Office of Special Education and Rehabilitative Services).** Assistant Secretary Mark Schultz of the Office Special Education and Rehabilitative Services (OSERS) is leading the drafting of a Questions and Answers guidance document in response to inquiries from state

vocational rehabilitation agencies. The guidance has not yet been placed into Departmental clearance. The guidance will focus on fiscal management of the vocational rehabilitation programs as the state agencies continue serving individuals with disabilities.

Assistant Secretary Mark Schultz of OSERS is overseeing the development of a Questions and Answers guidance document addressing the delivery of services through American Indian Vocational Rehabilitation Service Projects and the Randolph Sheppard Act programs. The document has not yet been placed into Departmental clearance.

CARES Act Implementation—Key Activities and Milestones

- **Establishment and Initial Actions of CARES Act Implementation Team.** The Department has created a cross-office team to facilitate implementation of the new Education Stabilization Fund grant programs (Governor’s Emergency Education Relief Fund, Elementary and Secondary School Emergency Relief Fund, and Higher Education Emergency Relief Fund), as well as other education-related provisions of the Act. The team has begun its work to determine allocations, and to develop notices and applications for grants. The Department continues to receive questions from the field; it continues to provide answers, and to develop guidance, as warranted.
- **Waivers Permitting Flexibility in the Fiscal Management of K-12 Programs (Office of Elementary and Secondary Education).** See discussion above under “Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing).”

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Actions That Affect Federal Facilities and Personnel

- None

Other Notable Responses

- None

Talbert, Kent

From: Talbert, Kent
Sent: Saturday, April 4, 2020 3:31 PM
To: 'Cassell, Mary I. EOP/OMB'
Cc: 'McGuire, Denzel E. EOP/OMB'; 'Redstone, James J. EOP/WHO'; 'Miller, Katie R. EOP/OVP'; 'Nevins, Kristan K. EOP/WHO'; 'Satya.P.Thallam@omb.eop.gov'
Subject: RE: ED daily report for Thursday, April 2
Attachments: ED_4.4.20_ COVID19 daily report.pdf

Department of Education daily report for Saturday, April 4 is attached.

Kent Talbert

From: Talbert, Kent
Sent: Friday, April 3, 2020 5:00 PM
To: 'Cassell, Mary I. EOP/OMB' <Mary_I._Cassell@omb.eop.gov>
Cc: 'McGuire, Denzel E. EOP/OMB' <Denzel.E.McGuire@omb.eop.gov>; 'Redstone, James J. EOP/WHO' <James.J.Redstone@who.eop.gov>; 'Miller, Katie R. EOP/OVP' <Katie.R.Miller@ovp.eop.gov>; 'Nevins, Kristan K. EOP/WHO' <Kristan.K.Nevins@who.eop.gov>; 'Satya.P.Thallam@omb.eop.gov' <Satya.P.Thallam@omb.eop.gov>
Subject: RE: ED daily report for Thursday, April 2

Department of Education daily report for April 3.

Kent Talbert

From: Talbert, Kent
Sent: Thursday, April 2, 2020 4:48 PM
To: Cassell, Mary I. EOP/OMB <Mary_I._Cassell@omb.eop.gov>
Cc: McGuire, Denzel E. EOP/OMB <Denzel.E.McGuire@omb.eop.gov>; Redstone, James J. EOP/WHO <James.J.Redstone@who.eop.gov>; Miller, Katie R. EOP/OVP <Katie.R.Miller@ovp.eop.gov>; Nevins, Kristan K. EOP/WHO <Kristan.K.Nevins@who.eop.gov>; 'Satya.P.Thallam@omb.eop.gov' <Satya.P.Thallam@omb.eop.gov>
Subject: ED daily report for Thursday, April 2

COVID-19—Agency Response
April 4, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Additional Flexibility Guidance for Institutions of Higher Education (Office of Postsecondary Education).** Yesterday evening the Department published on its [Information for Financial Aid Professionals website](#), higher education [guidance](#) that provides additional flexibility regarding reporting on waivers, Title IV programs, institutional participation, and distance learning. More expansive than the guidance of March 5, 2020 this guidance incorporates flexibility provided by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as previously referenced in past natural disaster guidance [Dear Colleague Letter GEN-17-08](#)). In short, the new guidance tailors the Department's past natural disaster guidance to the COVID-19 national emergency. Where possible, the Department integrated policy changes created by the CARES Act into the new guidance; however, at several places the new guidance notes additional guidance will follow.
- **Loan Servicers, Forbearance, and Cessation of Billing of Borrowers (Office of Federal Student Aid (FSA)).** The Office of Federal Student Aid (FSA) recently provided guidance to loan servicers on the implementation of the suspension of student loan payments, with no interest penalties, as previously directed by the President for all eligible ED-held student loans, regardless of status, program, or repayment plan, retroactive to March 13, 2020. As of April 4, for 100% of the ED-held portfolio, there is no billing. This is the first and main effect of forbearance. There are some remaining administrative actions required to complete forbearance that will be tracked throughout the coming week. Approximately 71% of the portfolio has been placed in 0% interest.
- **Flexibility for Institutions of Higher Education Receiving Funds Under Title III (Institutional Aid) and Title V (Developing Institutions) of the Higher Education Act ("HEA") (Office of Postsecondary Education).** Assistant Secretary Bob King of the Office of Postsecondary Education is leading the development of guidance that would affect several higher education grant programs, including programs under Titles III and V of the Higher Education Act. The guidance has not yet been placed into Departmental clearance. Grantees under Title III include Historically Black Colleges and Universities and others; grantees under Title V include Hispanic Serving Institutions. The guidance will enable Title III and Title V grant recipients to expedite a reprogramming of their funds, if the use is to support a current need. The guidance will also include questions and answers for large programs within the Institutional Services Group and Student Support Services Group.

- **Flexibility in Fiscal Management of Vocational Rehabilitation Programs (Office of Special Education and Rehabilitative Services).** Assistant Secretary Mark Schultz of the Office Special Education and Rehabilitative Services (OSERS) is leading the drafting of a Questions and Answers guidance document in response to inquiries from state vocational rehabilitation agencies. The guidance has not yet been placed into Departmental clearance. The guidance will focus on fiscal management of the vocational rehabilitation programs as the state agencies continue serving individuals with disabilities.

Assistant Secretary Mark Schultz is also overseeing the development of a Questions and Answers guidance document addressing the delivery of services through state vocational rehabilitation agencies, American Indian Vocational Rehabilitation Services' programs, and the Randolph Sheppard Act. The document has not yet been placed into Departmental clearance.

- **Frequently Asked Questions (Office of Career, Technical and Adult Education (OCTAE)).** Next week the Department expects to send to OMB a second round of draft flexibility guidance (Frequently Asked Questions) for career, technical and adult education programs. Assistant Secretary Scott Stump is leading the development of the guidance which is based on questions received via email and during listening sessions hosted by OCTAE. The guidance has not yet been placed into Departmental clearance.

CARES Act Implementation—Key Activities and Milestones

- **Establishment and Initial Actions of CARES Act Implementation Team.** The Department has created a cross-office team to facilitate implementation of the new Education Stabilization Fund grant programs (Governor's Emergency Education Relief Fund, Elementary and Secondary School Emergency Relief Fund, and Higher Education Emergency Relief Fund), as well as other education-related provisions of the Act. The team continues its work to determine allocations, and to develop notices and applications for grants. The Department continues to receive questions from the field and continues to provide answers, and to develop guidance, as warranted.

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Actions That Affect Federal Facilities and Personnel

- None

Other Notable Responses

- None

Talbert, Kent

From: Talbert, Kent
Sent: Sunday, April 5, 2020 3:58 PM
To: 'Cassell, Mary I. EOP/OMB'
Cc: 'McGuire, Denzel E. EOP/OMB'; 'Redstone, James J. EOP/WHO'; 'Miller, Katie R. EOP/OVP'; 'Nevins, Kristan K. EOP/WHO'; 'Satya.P.Thallam@omb.eop.gov'
Subject: RE: ED daily report for Thursday, April 2
Attachments: ED_4.5.20_ COVID19 daily report.pdf

Department of Education daily report for Sunday, April 5 attached.

Kent Talbert

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Sent: Saturday, April 4, 2020 3:31 PM
To: 'Cassell, Mary I. EOP/OMB' <Mary_I._Cassell@omb.eop.gov>
Cc: 'McGuire, Denzel E. EOP/OMB' <Denzel.E.McGuire@omb.eop.gov>; 'Redstone, James J. EOP/WHO' <James.J.Redstone@who.eop.gov>; 'Miller, Katie R. EOP/OVP' <Katie.R.Miller@ovp.eop.gov>; 'Nevins, Kristan K. EOP/WHO' <Kristan.K.Nevins@who.eop.gov>; 'Satya.P.Thallam@omb.eop.gov' <Satya.P.Thallam@omb.eop.gov>
Subject: RE: ED daily report for Thursday, April 2

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Subject: RE: ED daily report for Thursday, April 2

Department of Education daily report for April 3.

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Subject: ED daily report for Thursday, April 2

COVID-19—Agency Response
April 5, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Flexibility for Institutions of Higher Education Receiving Funds Under Title III (Institutional Aid) and Title V (Developing Institutions) of the Higher Education Act (“HEA”) (Office of Postsecondary Education).** Assistant Secretary Bob King of the Office of Postsecondary Education is leading the development of guidance that would affect several higher education grant programs, including programs under Titles III and V of the Higher Education Act. The guidance has not yet been placed into Departmental clearance. Grantees under Title III include Historically Black Colleges and Universities and others; grantees under Title V include Hispanic Serving Institutions. The guidance will enable Title III and Title V grant recipients to expedite a reprogramming of their funds, if the use is to support a current need. The guidance will also include questions and answers for large programs within the Institutional Services Group and Student Support Services Group.
- **Flexibility in Fiscal Management of Vocational Rehabilitation Programs (Office of Special Education and Rehabilitative Services).** Assistant Secretary Mark Schultz of the Office Special Education and Rehabilitative Services (OSERS) is leading the drafting of a Questions and Answers guidance document in response to inquiries from state vocational rehabilitation agencies. The guidance has not yet been placed into Departmental clearance. The guidance will focus on fiscal management of the vocational rehabilitation programs as the state agencies continue serving individuals with disabilities.

Assistant Secretary Mark Schultz is also overseeing the development of a Questions and Answers guidance document addressing the delivery of services through state vocational rehabilitation agencies, American Indian Vocational Rehabilitation Services’ programs, and the Randolph Sheppard Act. The document has not yet been placed into Departmental clearance.

- **Frequently Asked Questions (Office of Career, Technical and Adult Education (OCTAE)).** Within the next few days, the Department expects to send to OMB a second round of draft flexibility guidance (Frequently Asked Questions) for career, technical and adult education programs. Assistant Secretary Scott Stump is leading the development of the guidance which is based on questions received via email and during listening sessions hosted by OCTAE. The guidance has not yet been placed into Departmental clearance.

CARES Act Implementation—Key Activities and Milestones

- **Establishment and Initial Actions of CARES Act Implementation Team.** The Department has created a cross-office team to facilitate implementation of the new

Education Stabilization Fund grant programs (Governor’s Emergency Education Relief Fund, Elementary and Secondary School Emergency Relief Fund, and Higher Education Emergency Relief Fund), as well as other education-related provisions of the Act. The team continues its work to determine allocations, and to develop notices and applications for grants. The Department continues to receive questions from the field and continues to provide answers, and to develop guidance, as warranted.

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Actions That Affect Federal Facilities and Personnel

- None

Other Notable Responses

- None

Talbert, Kent

From: Talbert, Kent
Sent: Monday, April 6, 2020 3:10 PM
To: 'Cassell, Mary I. EOP/OMB'
Cc: 'McGuire, Denzel E. EOP/OMB'; 'Redstone, James J. EOP/WHO'; 'Miller, Katie R. EOP/OVP'; 'Nevins, Kristan K. EOP/WHO'; 'Satya.P.Thallam@omb.eop.gov'
Subject: RE: ED daily report for Thursday, April 2
Attachments: ED_4.6.20_ COVID19 daily report.pdf

Department of Education daily report for Monday, April 6 is attached.

Kent Talbert

From: Talbert, Kent
Sent: Sunday, April 5, 2020 3:58 PM
To: 'Cassell, Mary I. EOP/OMB' <Mary_I._Cassell@omb.eop.gov>
Cc: 'McGuire, Denzel E. EOP/OMB' <Denzel.E.McGuire@omb.eop.gov>; 'Redstone, James J. EOP/WHO' <James.J.Redstone@who.eop.gov>; 'Miller, Katie R. EOP/OVP' <Katie.R.Miller@ovp.eop.gov>; 'Nevins, Kristan K. EOP/WHO' <Kristan.K.Nevins@who.eop.gov>; 'Satya.P.Thallam@omb.eop.gov' <Satya.P.Thallam@omb.eop.gov>
Subject: RE: ED daily report for Thursday, April 2

Department of Education daily report for Sunday, April 5 attached.

Kent Talbert

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To: 'Cassell, Mary I. EOP/OMB' <Mary_I._Cassell@omb.eop.gov>
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Subject: RE: ED daily report for Thursday, April 2

Department of Education daily report for Saturday, April 4 is attached.

Kent Talbert

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Sent: Friday, April 3, 2020 5:00 PM
To: 'Cassell, Mary I. EOP/OMB' <Mary_I._Cassell@omb.eop.gov>
Cc: 'McGuire, Denzel E. EOP/OMB' <Denzel.E.McGuire@omb.eop.gov>; 'Redstone, James J. EOP/WHO' <James.J.Redstone@who.eop.gov>; 'Miller, Katie R. EOP/OVP' <Katie.R.Miller@ovp.eop.gov>; 'Nevins, Kristan K. EOP/WHO' <Kristan.K.Nevins@who.eop.gov>; 'Satya.P.Thallam@omb.eop.gov' <Satya.P.Thallam@omb.eop.gov>
Subject: RE: ED daily report for Thursday, April 2

Department of Education daily report for April 3.

Kent Talbert

From: Talbert, Kent

Sent: Thursday, April 2, 2020 4:48 PM

To: Cassell, Mary I. EOP/OMB <Mary_I_Cassell@omb.eop.gov>

Cc: McGuire, Denzel E. EOP/OMB <Denzel.E.McGuire@omb.eop.gov>; Redstone, James J. EOP/WHO <James.J.Redstone@who.eop.gov>; Miller, Katie R. EOP/OVP <Katie.R.Miller@ovp.eop.gov>; Nevins, Kristan K. EOP/WHO <Kristan.K.Nevins@who.eop.gov>; 'Satya.P.Thallam@omb.eop.gov' <Satya.P.Thallam@omb.eop.gov>

Subject: ED daily report for Thursday, April 2

COVID-19—Agency Response
April 6, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Flexibility for Institutions of Higher Education Receiving Funds Under Title III (Institutional Aid) and Title V (Developing Institutions) of the Higher Education Act (“HEA”) (Office of Postsecondary Education).** Assistant Secretary Bob King of the Office of Postsecondary Education is leading the development of guidance that would affect several higher education grant programs, including programs under Titles III and V of the Higher Education Act. The guidance has not yet been placed into Departmental clearance. Grantees under Title III include Historically Black Colleges and Universities and others; grantees under Title V include Hispanic Serving Institutions. The guidance will enable Title III and Title V grant recipients to expedite a reprogramming of their funds, if the use is to support a current need. The guidance will also include questions and answers for large programs within the Institutional Services Group and Student Support Services Group.
- **Flexibility in the Operation and Fiscal Management of Vocational Rehabilitation and Other Programs (Office of Special Education and Rehabilitative Services).** During the week of April 6, the Department expects to send to OMB two Questions and Answers guidance documents in response to inquiries from state vocational rehabilitation agencies and other grantees. One guidance document will focus on fiscal management of the vocational rehabilitation program as state agencies continue to service individuals with disabilities. The other guidance document will address flexibilities in service delivery for the Vocational Rehabilitation, American Indian Vocational rehabilitation Services, Randolph-Sheppard Act, and Rehabilitation Long-Term Training programs.

Assistant Secretary Mark Schultz of the Office Special Education and Rehabilitative Services (OSERS) is leading the drafting of these guidance documents which have not yet been placed into Departmental clearance.

- **Individuals with Disabilities Education Act (IDEA) Topic Briefs (Office of Special Education and Rehabilitative Services (OSERS)).** During the week of April 6, OSERS expects to send to OMB three “topic briefs” on flexibility in the IDEA Part B and Part C Dispute Resolution Timelines, and IDEA Part B Fiscal Flexibility. Assistant Secretary Mark Schultz is leading the development of these guidance briefs which have not yet been placed into Departmental clearance.
- **Frequently Asked Questions (Office of Career, Technical and Adult Education (OCTAE)).** Within the next few days, the Department expects to send to OMB a second round of draft flexibility guidance (Frequently Asked Questions) for career, technical and adult education programs. Assistant Secretary Scott Stump is leading the development of

the guidance which is based on questions received via email and during listening sessions hosted by OCTAE. The guidance has not yet been placed into Departmental clearance.

- **Waivers Permitting Flexibility in Fiscal Management of Federal Career and Technical Education (CTE) and Adult Education Programs (Office of Career, Technical, and Adult Education (OCTAE)).** In the next few days, the Department expects to send to OMB a letter (as well as a sample template) inviting states to submit waiver requests for flexibility in the use of funds under the Carl D. Perkins Act of 2006 and the Adult Education and Family Literacy Act, and the General Education Provisions Act. These national emergency “Tydings” waivers (i.e., to extend the period of availability of funds to be spent) are authorized under section 3511 of the CARES Act, but limited to those states where the State Educational Agency (SEA) is the eligible agency for purposes of the CTE and adult education programs (i.e., the programs are a part of the SEA and not another state agency).

Assistant Secretary Scott Stump of OCTAE is leading the development of the letter and template, both of which are in Departmental clearance.

CARES Act Implementation—Key Activities and Milestones

- **Establishment and Initial Actions of CARES Act Implementation Team.** The Department has created a cross-office team to facilitate implementation of the new Education Stabilization Fund grant programs (Governor’s Emergency Education Relief Fund, Elementary and Secondary School Emergency Relief Fund, and Higher Education Emergency Relief Fund), as well as other education-related provisions of the Act. The team continues its work to determine allocations, and to develop notices and applications for grants. The Department continues to receive questions from the field and continues to provide answers, and to develop guidance, as warranted.

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Actions That Affect Federal Facilities and Personnel

- None

Other Notable Responses

- **Federal Student Aid (FSA) and Peace Corps Volunteers.** Over 7,000 Peace Corps volunteers have been recalled due to the COVID-19 emergency and have returned to the United States. The Department’s Office of Human Resources is hosting a hiring webinar for the volunteers on April 8; the webinar will include remarks by FSA’s Chief Operating Officer, Mark Brown, and a “Welcome to FSA” video.

Talbert, Kent

From: Talbert, Kent
Sent: Tuesday, April 7, 2020 4:20 PM
To: 'Cassell, Mary I. EOP/OMB'
Cc: 'McGuire, Denzel E. EOP/OMB'; 'Redstone, James J. EOP/WHO'; 'Miller, Katie R. EOP/OVP'; 'Nevins, Kristan K. EOP/WHO'; 'Satya.P.Thallam@omb.eop.gov'
Subject: RE: ED daily report for Tuesday, April 7
Attachments: ED_4.7.20_ COVID19 daily report.pdf

Department of Education daily report for Tuesday, April 7 is attached.

Kent Talbert

From: Talbert, Kent
Sent: Monday, April 6, 2020 3:10 PM
To: 'Cassell, Mary I. EOP/OMB' <Mary_I._Cassell@omb.eop.gov>
Cc: 'McGuire, Denzel E. EOP/OMB' <Denzel.E.McGuire@omb.eop.gov>; 'Redstone, James J. EOP/WHO' <James.J.Redstone@who.eop.gov>; 'Miller, Katie R. EOP/OVP' <Katie.R.Miller@ovp.eop.gov>; 'Nevins, Kristan K. EOP/WHO' <Kristan.K.Nevins@who.eop.gov>; 'Satya.P.Thallam@omb.eop.gov' <Satya.P.Thallam@omb.eop.gov>
Subject: RE: ED daily report for Thursday, April 2

Department of Education daily report for Monday, April 6 is attached.

Kent Talbert

From: Talbert, Kent
Sent: Sunday, April 5, 2020 3:58 PM
To: 'Cassell, Mary I. EOP/OMB' <Mary_I._Cassell@omb.eop.gov>
Cc: 'McGuire, Denzel E. EOP/OMB' <Denzel.E.McGuire@omb.eop.gov>; 'Redstone, James J. EOP/WHO' <James.J.Redstone@who.eop.gov>; 'Miller, Katie R. EOP/OVP' <Katie.R.Miller@ovp.eop.gov>; 'Nevins, Kristan K. EOP/WHO' <Kristan.K.Nevins@who.eop.gov>; 'Satya.P.Thallam@omb.eop.gov' <Satya.P.Thallam@omb.eop.gov>
Subject: RE: ED daily report for Thursday, April 2

Department of Education daily report for Sunday, April 5 attached.

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To: 'Cassell, Mary I. EOP/OMB' <Mary_I._Cassell@omb.eop.gov>
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Department of Education daily report for April 3.

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Subject: ED daily report for Thursday, April 2

COVID-19—Agency Response
April 7, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Waiver Data Reflecting Flexibility on K-12 Fiscal Issues (Office of Elementary and Secondary Education).** As of 3:00 PM on April 7, the Department had received 25 waiver requests from states for flexibility in the use of funds under the Elementary and Secondary Education Act (ESEA), the General Education Provisions Act, and the McKinney-Vento Homeless Assistance Act. The subject matter of the waivers includes certain limitations on the carryover of funds from one year to the next, the period of availability of funds, and, under Title IV of ESEA certain needs-based assessments, content area spending requirements, and technology infrastructure limitations, as well as the definition of “professional development” under Title VIII of ESEA. The Department has granted initial approval to 23 states, and so notified the states. These national emergency education waivers are authorized under section 3511 of the CARES Act.
- **Flexibility for Institutions of Higher Education Receiving Funds Under Title III (Institutional Aid) and Title V (Developing Institutions) of the Higher Education Act (“HEA”) (Office of Postsecondary Education).** Assistant Secretary Bob King of the Office of Postsecondary Education is leading the development of guidance that would affect several higher education grant programs, including programs under Titles III and V of the Higher Education Act. The guidance will likely be placed into Departmental clearance today or tomorrow.

Grantees under Title III include Historically Black Colleges and Universities and others; grantees under Title V include Hispanic Serving Institutions. The guidance will enable Title III and Title V grant recipients to expedite a reprogramming of their funds, if the use is to support a current need. The guidance also includes questions and answers for large programs within the Institutional Services Group and Student Support Services Group.

- **Flexibility in the Operation and Fiscal Management of Vocational Rehabilitation and Other Programs (Office of Special Education and Rehabilitative Services).** Within the next few days, the Department expects to send to OMB two Question and Answer guidance documents in response to inquiries from state vocational rehabilitation agencies and other grantees. One guidance document will focus on fiscal management of the vocational rehabilitation program as state agencies continue to service individuals with disabilities. The other guidance document will address flexibilities in service delivery for the Vocational Rehabilitation, American Indian Vocational rehabilitation Services, Randolph-Sheppard Act, and Rehabilitation Long-Term Training programs.

Assistant Secretary Mark Schultz of the Office Special Education and Rehabilitative Services (OSERS) is leading the drafting of these two documents which have not yet been placed into Departmental clearance.

- **Individuals with Disabilities Education Act (IDEA) “Topic Briefs” (Office of Special Education and Rehabilitative Services (OSERS)).** Later this week, OSERS expects to send to OMB three “topic briefs” on flexibility in the IDEA Part B and Part C Dispute Resolution Timelines, and IDEA Part B Fiscal Flexibility. Assistant Secretary Mark Schultz is leading the development of these guidance briefs which have not yet been placed into Departmental clearance.
- **Frequently Asked Questions (Office of Career, Technical and Adult Education (OCTAE)).** Within the next few days, the Department expects to send to OMB a second round of draft flexibility guidance (Frequently Asked Questions) for career, technical and adult education programs. Assistant Secretary Scott Stump is leading the development of the guidance which is based on questions received via email and during listening sessions hosted by OCTAE. The guidance has not yet been placed into Departmental clearance.
- **Waivers Permitting Flexibility in Fiscal Management of Federal Career and Technical Education (CTE) and Adult Education Programs (Office of Career, Technical, and Adult Education (OCTAE)).** Within the next few days, the Department expects to send to OMB a letter (as well as a sample template) inviting states to submit waiver requests for flexibility in the use of funds under the Carl D. Perkins Act of 2006 and the Adult Education and Family Literacy Act, and the General Education Provisions Act. These national emergency “Tydings” waivers (i.e., to extend the period of availability of funds to be spent) are authorized under section 3511 of the CARES Act, but limited to those states where the State Educational Agency (SEA) is the eligible agency for purposes of the CTE and adult education programs (i.e., the programs are a part of the SEA and not another state agency).

Assistant Secretary Scott Stump of OCTAE is leading the development of the letter and template, both of which are in Departmental clearance.

CARES Act Implementation—Key Activities and Milestones

- **Establishment and Initial Actions of CARES Act Implementation Team.** The Department has created a cross-office team to facilitate implementation of the new Education Stabilization Fund grant programs (Governor’s Emergency Education Relief Fund, Elementary and Secondary School Emergency Relief Fund, and Higher Education Emergency Relief Fund), as well as other education-related provisions of the Act. The team continues its work to determine allocations, and to develop notices and applications for grants. The Department continues to receive questions from the field and continues to provide answers, and to develop guidance, as warranted.

- **Waiver Data Reflecting Flexibility on K-12 Fiscal Issues (Office of Elementary and Secondary Education).** See above entry under “Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing).”

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- **None**

Actions That Affect Federal Facilities and Personnel

- **None**

Other Notable Responses

- **Federal Student Aid (FSA) and Peace Corps Volunteers.** Over 7,000 Peace Corps volunteers have been recalled due to the COVID-19 emergency and have returned to the United States. Tomorrow, the Department’s Office of Human Resources will host a hiring webinar for the volunteers; the webinar will include remarks by FSA’s Chief Operating Officer, Mark Brown, and a “Welcome to FSA” video.

Talbert, Kent

From: Talbert, Kent
Sent: Wednesday, April 8, 2020 4:46 PM
To: 'Cassell, Mary I. EOP/OMB'
Cc: 'McGuire, Denzel E. EOP/OMB'; 'Redstone, James J. EOP/WHO'; 'Miller, Katie R. EOP/OVP'; 'Nevins, Kristan K. EOP/WHO'; 'Satya.P.Thallam@omb.eop.gov'
Subject: RE: ED daily report for Wednesday, April 8
Attachments: ED_4.8.20_ COVID19 daily report.pdf

Department of Education daily report for Wednesday, April 8.

Kent Talbert

From: Talbert, Kent
Sent: Tuesday, April 7, 2020 4:20 PM
To: 'Cassell, Mary I. EOP/OMB' <Mary_I._Cassell@omb.eop.gov>
Cc: 'McGuire, Denzel E. EOP/OMB' <Denzel.E.McGuire@omb.eop.gov>; 'Redstone, James J. EOP/WHO' <James.J.Redstone@who.eop.gov>; 'Miller, Katie R. EOP/OVP' <Katie.R.Miller@ovp.eop.gov>; 'Nevins, Kristan K. EOP/WHO' <Kristan.K.Nevins@who.eop.gov>; 'Satya.P.Thallam@omb.eop.gov' <Satya.P.Thallam@omb.eop.gov>
Subject: RE: ED daily report for Tuesday, April 7

Department of Education daily report for Tuesday, April 7 is attached.

Kent Talbert

From: Talbert, Kent
Sent: Monday, April 6, 2020 3:10 PM
To: 'Cassell, Mary I. EOP/OMB' <Mary_I._Cassell@omb.eop.gov>
Cc: 'McGuire, Denzel E. EOP/OMB' <Denzel.E.McGuire@omb.eop.gov>; 'Redstone, James J. EOP/WHO' <James.J.Redstone@who.eop.gov>; 'Miller, Katie R. EOP/OVP' <Katie.R.Miller@ovp.eop.gov>; 'Nevins, Kristan K. EOP/WHO' <Kristan.K.Nevins@who.eop.gov>; 'Satya.P.Thallam@omb.eop.gov' <Satya.P.Thallam@omb.eop.gov>
Subject: RE: ED daily report for Thursday, April 2

Department of Education daily report for Monday, April 6 is attached.

Kent Talbert

From: Talbert, Kent
Sent: Sunday, April 5, 2020 3:58 PM
To: 'Cassell, Mary I. EOP/OMB' <Mary_I._Cassell@omb.eop.gov>
Cc: 'McGuire, Denzel E. EOP/OMB' <Denzel.E.McGuire@omb.eop.gov>; 'Redstone, James J. EOP/WHO' <James.J.Redstone@who.eop.gov>; 'Miller, Katie R. EOP/OVP' <Katie.R.Miller@ovp.eop.gov>; 'Nevins, Kristan K. EOP/WHO' <Kristan.K.Nevins@who.eop.gov>; 'Satya.P.Thallam@omb.eop.gov' <Satya.P.Thallam@omb.eop.gov>
Subject: RE: ED daily report for Thursday, April 2

Department of Education daily report for Sunday, April 5 attached.

Kent Talbert

From: Talbert, Kent

Sent: Saturday, April 4, 2020 3:31 PM

To: 'Cassell, Mary I. EOP/OMB' <Mary_I._Cassell@omb.eop.gov>

Cc: 'McGuire, Denzel E. EOP/OMB' <Denzel.E.McGuire@omb.eop.gov>; 'Redstone, James J. EOP/WHO' <James.J.Redstone@who.eop.gov>; 'Miller, Katie R. EOP/OVP' <Katie.R.Miller@ovp.eop.gov>; 'Nevins, Kristan K. EOP/WHO' <Kristan.K.Nevins@who.eop.gov>; 'Satya.P.Thallam@omb.eop.gov' <Satya.P.Thallam@omb.eop.gov>

Subject: RE: ED daily report for Thursday, April 2

Department of Education daily report for Saturday, April 4 is attached.

Kent Talbert

From: Talbert, Kent

Sent: Friday, April 3, 2020 5:00 PM

To: 'Cassell, Mary I. EOP/OMB' <Mary_I._Cassell@omb.eop.gov>

Cc: 'McGuire, Denzel E. EOP/OMB' <Denzel.E.McGuire@omb.eop.gov>; 'Redstone, James J. EOP/WHO' <James.J.Redstone@who.eop.gov>; 'Miller, Katie R. EOP/OVP' <Katie.R.Miller@ovp.eop.gov>; 'Nevins, Kristan K. EOP/WHO' <Kristan.K.Nevins@who.eop.gov>; 'Satya.P.Thallam@omb.eop.gov' <Satya.P.Thallam@omb.eop.gov>

Subject: RE: ED daily report for Thursday, April 2

Department of Education daily report for April 3.

Kent Talbert

From: Talbert, Kent

Sent: Thursday, April 2, 2020 4:48 PM

To: Cassell, Mary I. EOP/OMB <Mary_I._Cassell@omb.eop.gov>

Cc: McGuire, Denzel E. EOP/OMB <Denzel.E.McGuire@omb.eop.gov>; Redstone, James J. EOP/WHO <James.J.Redstone@who.eop.gov>; Miller, Katie R. EOP/OVP <Katie.R.Miller@ovp.eop.gov>; Nevins, Kristan K. EOP/WHO <Kristan.K.Nevins@who.eop.gov>; 'Satya.P.Thallam@omb.eop.gov' <Satya.P.Thallam@omb.eop.gov>

Subject: ED daily report for Thursday, April 2

COVID-19—Agency Response
April 8, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Waiver Data Reflecting Flexibility on K-12 Fiscal Issues (Office of Elementary and Secondary Education).** As of 12:00 PM on April 8, the Department had received 28 waiver requests from states for flexibility in the use of funds under the Elementary and Secondary Education Act (ESEA), the General Education Provisions Act, and the McKinney-Vento Homeless Assistance Act. The subject matter of the waivers includes certain limitations on the carryover of funds from one year to the next, the period of availability of funds, and, under Title IV of ESEA certain needs-based assessments, content area spending requirements, and technology infrastructure limitations, as well as the definition of “professional development” under Title VIII of ESEA. The Department has granted initial approval to 28 states, and so notified the states. These national emergency education waivers are authorized under section 3511 of the CARES Act.
- **Select Questions and Answers Guidance for Multiple K-12, Higher Education, and Other Programs (Office of Elementary and Secondary Education).** Today, the Department released a Question and Answer guidance document (“[Fact Sheet](#)”) applicable to multiple grant programs. The guidance provides answers to three recurring questions relating to compensation, travel, and conference costs.
- **Flexibility for Institutions of Higher Education Receiving Funds Under Title III (Institutional Aid) and Title V (Developing Institutions) of the Higher Education Act (“HEA”) (Office of Postsecondary Education).** Assistant Secretary Bob King of the Office of Postsecondary Education is leading the development of guidance that would affect several higher education grant programs, including programs under Titles III and V of the Higher Education Act. The guidance will likely be placed into Departmental clearance today.

Grantees under Title III include Historically Black Colleges and Universities and others; grantees under Title V include Hispanic Serving Institutions. The guidance will enable Title III and Title V grant recipients to expedite a reprogramming of their funds, if the use is to support a current need. The guidance also includes questions and answers for large programs within the Institutional Services Group and Student Support Services Group.

- **Flexibility in the Operation and Fiscal Management of Vocational Rehabilitation and Other Programs (Office of Special Education and Rehabilitative Services).** Within the next few days, the Department expects to send to OMB two Question and Answer guidance documents in response to inquiries from state vocational rehabilitation agencies and other grantees. One guidance document will focus on fiscal management of the vocational rehabilitation program as state agencies continue to service individuals with disabilities.

The other guidance document will address flexibilities in service delivery for the Vocational Rehabilitation, American Indian Vocational rehabilitation Services, Randolph-Sheppard Act, and Rehabilitation Long-Term Training programs.

Assistant Secretary Mark Schultz of the Office Special Education and Rehabilitative Services (OSERS) is leading the drafting of these two documents which have not yet been placed into Departmental clearance.

- **Individuals with Disabilities Education Act (IDEA) “Topic Briefs” (Office of Special Education and Rehabilitative Services (OSERS)).** Later this week, OSERS expects to send to OMB three “topic briefs” on flexibility in the IDEA Part B and Part C Dispute Resolution Timelines, and IDEA Part B Fiscal Flexibility. Assistant Secretary Mark Schultz is leading the development of these guidance briefs which have not yet been placed into Departmental clearance.
- **Frequently Asked Questions (Office of Career, Technical and Adult Education (OCTAE)).** Within the next few days, the Department expects to send to OMB a second round of draft flexibility guidance (Frequently Asked Questions) for career, technical and adult education programs. Assistant Secretary Scott Stump is leading the development of the guidance which is based on questions received via email and during listening sessions hosted by OCTAE. The guidance has not yet been placed into Departmental clearance.
- **Waivers Permitting Flexibility in Fiscal Management of Federal Career and Technical Education (CTE) and Adult Education Programs (Office of Career, Technical, and Adult Education (OCTAE)).** Later today or tomorrow, the Department expects to send to OMB a letter (as well as a sample template) inviting states to submit waiver requests for flexibility in the use of funds under the Carl D. Perkins Act of 2006 and the Adult Education and Family Literacy Act, and the General Education Provisions Act. These national emergency “Tydings” waivers (i.e., to extend the period of availability of funds to be spent) are authorized under section 3511 of the CARES Act, but limited to those states where the State Educational Agency (SEA) is the eligible agency for purposes of the CTE and adult education programs (i.e., the programs are a part of the SEA and not another state agency).

Assistant Secretary Scott Stump of OCTAE is leading the development of the letter and template, both of which are in Departmental clearance.

- **Federal Student Aid’s (FSA) Communication to Essential Service Providers.** As part of its support of continuity of operations, the Office of Federal Student Aid will send a letter today or later this week to its federal loan servicers and contact centers noting that they are essential service providers. Given the critical need for the services of these providers in support of the response to the national emergency (i.e., providing student loan relief to more than 40 million borrowers), it is expected that individuals providing such services will be afforded the freedom of movement necessary to operationalize student aid related relief efforts, and be given access to all systems and facilities supporting FSA’s ability to operate in a timely and accurate manner.

CARES Act Implementation—Key Activities and Milestones

- **Higher Education Emergency Relief Fund.** Tomorrow, Secretary DeVos will announce plans to distribute more than \$6 billion in emergency grants to postsecondary students whose lives have been disrupted by COVID-19. A part of the Education Stabilization Fund, the Higher Education Emergency Relief Fund will be used for this purpose. As part of the announcement, about 6,000 institutions of higher education will learn how much will be allotted for their students according to a statutory formula. The schools will sign a “Funding Certificate and Agreement” which essentially commits them to abiding by the relevant statutory provisions. Once received, the Department will send out checks, likely starting on Monday, April 13.
- **Waiver Data Reflecting Flexibility on K-12 Fiscal Issues (Office of Elementary and Secondary Education).** See above entry under “Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing).”

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Actions That Affect Federal Facilities and Personnel

- None

Other Notable Responses

- None

Talbert, Kent

From: Talbert, Kent
Sent: Thursday, April 9, 2020 4:39 PM
To: Cassell, Mary I. EOP/OMB
Cc: McGuire, Denzel E. EOP/OMB; Redstone, James J. EOP/WHO; Miller, Katie R. EOP/OVP; Nevins, Kristan K. EOP/WHO; 'Satya.P.Thallam@omb.eop.gov'
Subject: ED Daily Report for Thursday, April 9
Attachments: ED_4.9.20_ COVID19 daily report.pdf

COVID-19—Agency Response
April 9, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Waivers Permitting Flexibility in Fiscal Management of Federal Career and Technical Education (CTE) and Adult Education Programs (Office of Career, Technical, and Adult Education (OCTAE)).** Later this week or early next week, Assistant Secretary Scott Stump of OCTAE expects to send a letter (as well as a sample template) to State Superintendents of Education of those states where the State Educational Agency (SEA) is the eligible agency for purposes of career/technical education and adult education programs (i.e., the programs are a part of the SEA and not another state agency). The letter would invite states to submit waiver requests for flexibility in the use of funds under the Carl D. Perkins Act of 2006 and the Adult Education and Family Literacy Act, and the General Education Provisions Act. These national emergency “Tydings” waivers (i.e., to extend the period of availability of funds to be spent) are authorized under section 3511 of the CARES Act. The template and letter are under review by OMB.
- **Waiver Data Reflecting Flexibility on K-12 Fiscal Issues (Office of Elementary and Secondary Education).** As of 1:00 PM on April 9, the Department had received 42 waiver requests from states for flexibility in the use of funds under the Elementary and Secondary Education Act (ESEA), the General Education Provisions Act, and the McKinney-Vento Homeless Assistance Act. The subject matter of the waivers includes certain limitations on the carryover of funds from one year to the next, the period of availability of funds, and, under Title IV of ESEA certain needs-based assessments, content area spending requirements, and technology infrastructure limitations, as well as the definition of “professional development” under Title VIII of ESEA. The Department has granted initial approval to 35 states, and so notified the states. These national emergency education waivers are authorized under section 3511 of the CARES Act.
- **Flexibility for Institutions of Higher Education Receiving Funds Under Title III (Institutional Aid), Title V (Developing Institutions), and Title VII (Graduate and Postsecondary Improvement) of the Higher Education Act (“HEA”) (Office of Postsecondary Education).** Assistant Secretary Bob King of the Office of Postsecondary Education is leading the development of guidance that would affect several higher education grant programs, including programs under Titles III, V, and VII of the Higher Education Act. The guidance will soon be placed into Departmental clearance.

Grantees under Title III include Historically Black Colleges and Universities and others; grantees under Title V include Hispanic Serving Institutions. Title VII consists of Graduate and Postsecondary Improvement programs. The guidance will enable Title III, Title V, and Title VII grant recipients to expedite a reprogramming of their funds, if the use is to

support a current need. The guidance also includes questions and answers for large programs within the Institutional Services Group and Student Support Services Group.

- **Flexibility in the Operation and Fiscal Management of Vocational Rehabilitation and Other Programs (Office of Special Education and Rehabilitative Services).** Within the next few days, the Department expects to send to OMB two Question and Answer guidance documents in response to inquiries from state vocational rehabilitation agencies and other grantees. One guidance document will focus on fiscal management of the vocational rehabilitation program as state agencies continue to service individuals with disabilities. The other guidance document will address flexibilities in service delivery for the Vocational Rehabilitation, American Indian Vocational rehabilitation Services, Randolph-Sheppard Act, and Rehabilitation Long-Term Training programs.

Assistant Secretary Mark Schultz of the Office Special Education and Rehabilitative Services (OSERS) is leading the drafting of these two documents which have not yet been placed into Departmental clearance.

- **Individuals with Disabilities Education Act (IDEA) “Topic Briefs” (Office of Special Education and Rehabilitative Services (OSERS)).** Within the next few days, OSERS expects to send to OMB three “topic briefs” on flexibility in the IDEA Part B and Part C Dispute Resolution Timelines, and IDEA Part B Fiscal Flexibility. Assistant Secretary Mark Schultz is leading the development of these guidance briefs which have not yet been placed into Departmental clearance.
- **Frequently Asked Questions (Office of Career, Technical and Adult Education (OCTAE)).** Within the next few days, the Department expects to send to OMB a second round of draft flexibility guidance (Frequently Asked Questions) for career, technical and adult education programs. Assistant Secretary Scott Stump is leading the development of the guidance which is based on questions received via email and during listening sessions hosted by OCTAE. The guidance has not yet been placed into Departmental clearance.
- **Ongoing Social Media on Joint Supplemental Fact Sheet on Serving Students with Disabilities (Office of Special Education and Rehabilitative Services and Office for Civil Rights (OCR)).** OCR continues to promote via social media the [Supplemental Fact Sheet](#) on “Addressing the Risk of COVID-19 in Preschool, Elementary, and Secondary Schools While Serving Children with Disabilities,” which was released on March 21, 2020. The Fact Sheet reminds school officials that compliance with the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act, and Title II of the Americans with Disabilities Act should not prevent any school from offering educational programs through distance instruction.

CARES Act Implementation—Key Activities and Milestones

- **Higher Education Emergency Relief Fund.** Today, Secretary DeVos announced plans to distribute more than \$6 billion in emergency grants to postsecondary students whose lives have been disrupted by COVID-19. A part of the Education Stabilization Fund, the

Higher Education Emergency Relief Fund will be used for this purpose. As part of the announcement, about 6,000 institutions of higher education will learn how much will be allotted for their students according to a statutory formula. The schools will sign a “Funding Certificate and Agreement” which essentially commits them to abiding by the relevant statutory provisions. Once received, the Department will send out checks, likely next week.

- **Waiver Data Reflecting Flexibility on K-12 Fiscal Issues (Office of Elementary and Secondary Education).** See above entry under “Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing).”

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Actions That Affect Federal Facilities and Personnel

- None

Other Notable Responses

- **Federal Student Aid, Rehabilitated Loans and Private Collection Agencies (Office of Federal Student Aid (FSA)).** On March 20, 2020, at the direction of the Secretary, Federal Student Aid instructed its private collection agencies (PCAs)—those organizations charged with collecting debt obligations under defaulted student loans—to cease all proactive collection efforts. With enactment of the CARES Act on March 27, 2020, the Act suspended payments due for ED-held student loans through September 30, 2020 and extended the waiver of interest accrual on such loans for the same period. In addition, the months during which the payments are suspended count as credits toward loan forgiveness programs, as well as toward loan rehabilitation. Because eligible borrowers in loan rehabilitation will receive monthly credit during this waiver period, FSA is directing its PCAs to resume processing rehabilitated loans that are scheduled to be completed during this time period.

Talbert, Kent

From: Talbert, Kent
Sent: Friday, April 10, 2020 3:00 PM
To: Cassell, Mary I. EOP/OMB
Cc: McGuire, Denzel E. EOP/OMB; Redstone, James J. EOP/WHO; Miller, Katie R. EOP/OVP; Nevins, Kristan K. EOP/WHO; 'Satya.P.Thallam@omb.eop.gov'
Subject: ED Daily Report to OMB (Friday, April 10)
Attachments: ED_4.10.20_ COVID19 daily report.pdf

COVID-19—Agency Response
April 10, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Frequently Asked Questions (Office of Career, Technical and Adult Education (OCTAE)).** Today, Assistant Secretary Scott Stump of OCTAE sent to State Career and Technical Education Directors flexibility guidance (Frequently Asked Questions) regarding career and technical education programs. The guidance addresses questions arising under the Strengthening Career and Technical Education for the 21st Century Act (Perkins V) about local plans, consultation with stakeholders about local needs’ assessments, and the submission of performance data.

Similar guidance for adult education programs will be sent to OMB for review next week. This guidance is currently in Departmental clearance.

- **Waivers Permitting Flexibility in Fiscal Management of Federal Career and Technical Education (CTE) and Adult Education Programs (Office of Career, Technical, and Adult Education (OCTAE)).** Early next week, Assistant Secretary Scott Stump of OCTAE expects to send a letter (as well as a sample template) to State Superintendents of Education of those states where the State Educational Agency (SEA) is the eligible agency for purposes of career/technical education and adult education programs (i.e., the programs are a part of the SEA and not another state agency). The letter would invite states to submit waiver requests for flexibility in the use of funds under the Carl D. Perkins Act of 2006 and the Adult Education and Family Literacy Act, and the General Education Provisions Act. These national emergency “Tydings” waivers (i.e., to extend the period of availability of funds to be spent) are authorized under section 3511 of the CARES Act. Earlier today, the Department submitted the letter, waiver template, and Paperwork Reduction Act notice to OMB’s Office of Information and Regulatory Affairs.
- **Waiver Data Reflecting Flexibility on K-12 Fiscal Issues (Office of Elementary and Secondary Education).** As of 1:00 PM on April 10, the Department had received 43 waiver requests from states for flexibility in the use of funds under the Elementary and Secondary Education Act (ESEA), the General Education Provisions Act, and the McKinney-Vento Homeless Assistance Act. The subject matter of the waivers includes certain limitations on the carryover of funds from one year to the next, the period of availability of funds, and, under Title IV of ESEA certain needs-based assessments, content area spending requirements, and technology infrastructure limitations, as well as the definition of “professional development” under Title VIII of ESEA. The Department has granted initial approval to 42 states, and so notified the states. These national emergency education waivers are authorized under section 3511 of the CARES Act.

- **Flexibility for Institutions of Higher Education Receiving Funds Under Title III (Institutional Aid), Title V (Developing Institutions), and Title VII (Graduate and Postsecondary Improvement) of the Higher Education Act (“HEA”) (Office of Postsecondary Education).** Assistant Secretary Bob King of the Office of Postsecondary Education is leading the development of guidance that would affect several higher education grant programs, including programs under Titles III, V, and VII of the Higher Education Act. The guidance will soon be placed into Departmental clearance.

Grantees under Title III include Historically Black Colleges and Universities and others; grantees under Title V include Hispanic Serving Institutions. Title VII consists of Graduate and Postsecondary Improvement programs. The guidance will enable Title III, Title V, and Title VII grant recipients to expedite a reprogramming of their funds, if the use is to support a current need. The guidance also includes questions and answers for large programs within the Institutional Services Group and Student Support Services Group.

- **Flexibility in the Operation and Fiscal Management of Vocational Rehabilitation and Other Programs (Office of Special Education and Rehabilitative Services).** During the week of April 13, the Department expects to send to OMB two Question and Answer documents in response to inquiries from state vocational rehabilitation agencies and other grantees. One guidance document will focus on fiscal management of the vocational rehabilitation program as state agencies continue to service individuals with disabilities. The other guidance document will address flexibilities in service delivery for the Vocational Rehabilitation, American Indian Vocational rehabilitation Services, Randolph-Sheppard Act, and Rehabilitation Long-Term Training programs.

Assistant Secretary Mark Schultz of the Office Special Education and Rehabilitative Services (OSERS) is leading the drafting of these two documents which have not yet been placed into Departmental clearance.

- **Individuals with Disabilities Education Act (IDEA) “Topic Briefs” (Office of Special Education and Rehabilitative Services (OSERS)).** During the week of April 13, OSERS expects to send to OMB three “topic briefs” on flexibility in the IDEA Part B and Part C Dispute Resolution Timelines, and IDEA Part B Fiscal Flexibility. Assistant Secretary Mark Schultz is leading the development of these guidance briefs which have not yet been placed into Departmental clearance.

CARES Act Implementation—Key Activities and Milestones

- **Actions of the CARES Act Implementation Team.** The cross-office team continues to facilitate the implementation of the Education Stabilization Fund grant programs, as well as other education-related provisions of the Act. The team continues its work to determine allocations, to develop notices and applications, and to respond to questions from the field.

- **Waiver Data Reflecting Flexibility on K-12 Fiscal Issues (Office of Elementary and Secondary Education).** See above entry under “Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing).”

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- **None**

Actions That Affect Federal Facilities and Personnel

- **None**

Other Notable Responses

- **None**

Talbert, Kent

From: Talbert, Kent
Sent: Saturday, April 11, 2020 4:37 PM
To: Cassell, Mary I. EOP/OMB
Cc: McGuire, Denzel E. EOP/OMB; Redstone, James J. EOP/WHO; Miller, Katie R. EOP/OVP; Nevins, Kristan K. EOP/WHO; 'Satya.P.Thallam@omb.eop.gov'
Subject: ED daily report for Saturday, April 11
Attachments: ED_4.11.20_ COVID19 daily report.pdf

COVID-19—Agency Response
April 11, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Frequently Asked Questions (Office of Career, Technical and Adult Education (OCTAE)).** Within the next few days, the Department expects to send to OMB a second round of draft flexibility guidance (Frequently Asked Questions) for adult education programs. Assistant Secretary Scott Stump of OCTAE is leading the development of the guidance which is based on questions received via email and during listening sessions hosted by OCTAE. The guidance is in Departmental clearance.
- **Waivers Permitting Flexibility in Fiscal Management of Federal Career and Technical Education (CTE) and Adult Education Programs (Office of Career, Technical, and Adult Education (OCTAE)).** Early next week, Assistant Secretary Scott Stump of OCTAE expects to send a letter (as well as a sample template) to State Superintendents of Education of those states where the State Educational Agency (SEA) is the eligible agency for purposes of career/technical education and adult education programs (i.e., the programs are a part of the SEA and not another state agency). The letter would invite states to submit waiver requests for flexibility in the use of funds under the Carl D. Perkins Act of 2006 and the Adult Education and Family Literacy Act, and the General Education Provisions Act. These national emergency “Tydings” waivers (i.e., to extend the period of availability of funds to be spent) are authorized under section 3511 of the CARES Act. Yesterday, the Department submitted the letter, waiver template, and Paperwork Reduction Act notice to OMB’s Office of Information and Regulatory Affairs.
- **Waiver Data Reflecting Flexibility on K-12 Fiscal Issues (Office of Elementary and Secondary Education).** As of 1:00 PM on April 10, the Department had received 43 waiver requests from states for flexibility in the use of funds under the Elementary and Secondary Education Act (ESEA), the General Education Provisions Act, and the McKinney-Vento Homeless Assistance Act. The subject matter of the waivers includes certain limitations on the carryover of funds from one year to the next, the period of availability of funds, and, under Title IV of ESEA certain needs-based assessments, content area spending requirements, and technology infrastructure limitations, as well as the definition of “professional development” under Title VIII of ESEA. The Department has granted initial approval to 42 states, and so notified the states. These national emergency education waivers are authorized under section 3511 of the CARES Act.
- **Flexibility for Institutions of Higher Education Receiving Funds Under Title III (Institutional Aid), Title V (Developing Institutions), and Title VII (Graduate and Postsecondary Improvement) of the Higher Education Act (“HEA”) (Office of Postsecondary Education).** Assistant Secretary Bob King of the Office of Postsecondary Education is leading the development of guidance that would affect several higher

education grant programs, including programs under Titles III, V, and VII of the Higher Education Act. The guidance will soon be placed into Departmental clearance.

Grantees under Title III include Historically Black Colleges and Universities and others; grantees under Title V include Hispanic Serving Institutions. Title VII consists of Graduate and Postsecondary Improvement programs. The guidance will enable Title III, Title V, and Title VII grant recipients to expedite a reprogramming of their funds, if the use is to support a current need. The guidance also includes questions and answers for large programs within the Institutional Services Group and Student Support Services Group.

- **Flexibility in the Operation and Fiscal Management of Vocational Rehabilitation and Other Programs (Office of Special Education and Rehabilitative Services).** During the week of April 13, the Department expects to send to OMB two Question and Answer documents in response to inquiries from state vocational rehabilitation agencies and other grantees. One guidance document will focus on fiscal management of the vocational rehabilitation program as state agencies continue to service individuals with disabilities. The other guidance document will address flexibilities in service delivery for the Vocational Rehabilitation, American Indian Vocational rehabilitation Services, Randolph-Sheppard Act, and Rehabilitation Long-Term Training programs.

Assistant Secretary Mark Schultz of the Office Special Education and Rehabilitative Services (OSERS) is leading the drafting of these two documents which have not yet been placed into Departmental clearance.

- **Individuals with Disabilities Education Act (IDEA) “Topic Briefs” (Office of Special Education and Rehabilitative Services (OSERS)).** During the week of April 13, OSERS expects to send to OMB three “topic briefs” on flexibility in the IDEA Part B and Part C Dispute Resolution Timelines, and IDEA Part B Fiscal Flexibility. Assistant Secretary Mark Schultz is leading the development of these guidance briefs which have not yet been placed into Departmental clearance.

CARES Act Implementation—Key Activities and Milestones

- **Elementary and Secondary School Emergency Relief Fund (“ESSER Fund”).** On Monday, April 13, Department officials plan to contact privately each Chief State School Officer to inform him or her of their respective state’s official allocation under the \$13.2 billion ESSER Fund under the CARES Act. State Chiefs need this number so that they can calculate the allocation for each local educational agency, and generally begin planning for the effective use of these funds. Congress will also be notified of the allocations. The full application package and notice for the ESSER Fund will be posted in late April.
- **Governor’s Education Emergency Relief Fund (“GEER Fund”).** On Tuesday, April 14, the Department plans to announce to the public the release to Governors of the nearly \$3 billion GEER Fund under the CARES Act. Governors may use these funds to make emergency grants to local educational agencies, institutions of higher education, and other

education-related organizations that have been impacted by the coronavirus. Governors will need to sign a Certificate and Agreement and submit it to the Department. The Department expects to then distribute funds within a couple of business days.

- **Waiver Data Reflecting Flexibility on K-12 Fiscal Issues (Office of Elementary and Secondary Education).** See above entry under “Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing).”

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Actions That Affect Federal Facilities and Personnel

- None

Other Notable Responses

- **Federal Student Aid (FSA) Performance Evaluation Letters to Student Loan Servicers.** The Chief Operating Officer of FSA is sending letters to each of FSA’s student loan servicers providing performance information regarding each servicer’s work in support of COVID-19 emergency relief efforts. The individualized performance information is the result of FSA’s daily tracking of the servicers’ progress toward completing the requirements of the COVID-19 related change requests and toward meeting customer service expectations for all center operations. Indicators include average speed to answer calls and call abandon rates. The letters also stress the urgency for continuing to meet deliverables and time frames, and express appreciation for the servicers’ flexibility and resilience during this emergency.

Talbert, Kent

From: Talbert, Kent
Sent: Sunday, April 12, 2020 2:05 PM
To: Cassell, Mary I. EOP/OMB
Cc: McGuire, Denzel E. EOP/OMB; Redstone, James J. EOP/WHO; Miller, Katie R. EOP/OVP; Nevins, Kristan K. EOP/WHO; 'Satya.P.Thallam@omb.eop.gov'
Subject: ED daily report (Sunday, April 12)
Attachments: ED_4.12.20_ COVID19 daily report.pdf

COVID-19—Agency Response
April 12, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Frequently Asked Questions (Office of Career, Technical and Adult Education (OCTAE)).** Within the next few days, the Department expects to send to OMB a second round of draft flexibility guidance (Frequently Asked Questions) for adult education programs. Assistant Secretary Scott Stump of OCTAE is leading the development of the guidance which is based on questions received via email and during listening sessions hosted by OCTAE. The guidance is in Departmental clearance.
- **Waivers Permitting Flexibility in Fiscal Management of Federal Career and Technical Education (CTE) and Adult Education Programs (Office of Career, Technical, and Adult Education (OCTAE)).** During the week of April 13, Assistant Secretary Scott Stump of OCTAE expects to send a letter (as well as a sample template) to State Superintendents of Education of those states where the State Educational Agency (SEA) is the eligible agency for purposes of career/technical education and adult education programs (i.e., the programs are a part of the SEA and not another state agency). The letter would invite states to submit waiver requests for flexibility in the use of funds under the Carl D. Perkins Act of 2006 and the Adult Education and Family Literacy Act, and the General Education Provisions Act. These national emergency “Tydings” waivers (i.e., to extend the period of availability of funds to be spent) are authorized under section 3511 of the CARES Act. The Department submitted the letter, waiver template, and Paperwork Reduction Act notice to OMB’s Office of Information and Regulatory Affairs on April 10.
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Assistant Secretary Mark Schultz of the Office Special Education and Rehabilitative Services (OSERS) is leading the drafting of these two documents which have not yet been placed into Departmental clearance.

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CARES Act Implementation—Key Activities and Milestones

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education-related organizations that have been impacted by the coronavirus. Governors will need to sign a Certification and Agreement and submit it to the Department. The Department expects to then distribute funds within a couple of business days.

- **Waiver Data Reflecting Flexibility on K-12 Fiscal Issues (Office of Elementary and Secondary Education).** See above entry under “Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing).”

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Actions That Affect Federal Facilities and Personnel

- None

Other Notable Responses

- None

Talbert, Kent

From: Talbert, Kent
Sent: Monday, April 13, 2020 4:03 PM
To: Cassell, Mary I. EOP/OMB
Cc: McGuire, Denzel E. EOP/OMB; Redstone, James J. EOP/WHO; Miller, Katie R. EOP/OVP; Nevins, Kristan K. EOP/WHO; 'Satya.P.Thallam@omb.eop.gov'
Subject: ED Daily report for Monday, April 13
Attachments: ED_4.13.20_ COVID19 daily report.pdf

COVID-19—Agency Response
April 13, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Guidance on Donating or Loaning Personal Protective Equipment (PPE) and Other Medical Supplies and Equipment Purchased with Federal Funds (Office of Career, Technical, and Adult Education (OCTAE)).** Tomorrow morning, the Department will release guidance on how grantees and subgrantees may donate or loan much-needed PPE, other medical supplies or equipment, or equipment that may be used to produce medical supplies purchased with Department funds to local, State, Federal, Tribal, and Territorial public health agencies, as well as licensed private nonprofit hospitals and other licensed health providers. This will be done through a class exception--as authorized by OMB Memo M-20-20 and 2 C.F.R. § 200.102--to the equipment and supply disposition requirements of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance), 2 C.F.R. §§ 200.313 and 200.314.
- **Waivers Permitting Flexibility in Fiscal Management of Federal Career and Technical Education (CTE) and Adult Education Programs (Office of Career, Technical, and Adult Education (OCTAE)).** Wednesday or Thursday of this week, Assistant Secretary Scott Stump of OCTAE will send a letter (as well as a sample template) to State Superintendents of Education of those states where the State Educational Agency (SEA) is the eligible agency for purposes of career/technical education and adult education programs (i.e., the programs are a part of the SEA and not another state agency). The letter would invite states to submit waiver requests for flexibility in the use of funds under the Carl D. Perkins Act of 2006 and the Adult Education and Family Literacy Act, and the General Education Provisions Act. These national emergency “Tydings” waivers (i.e., to extend the period of availability of funds to be spent) are authorized under section 3511 of the CARES Act.
- **Frequently Asked Questions (Office of Career, Technical and Adult Education (OCTAE)).** Within the next few days, the Department expects to send to OMB a second round of draft flexibility guidance (Frequently Asked Questions) for adult education programs. Assistant Secretary Scott Stump of OCTAE is leading the development of the guidance which is based on questions received via email and during listening sessions hosted by OCTAE. The guidance is in Department clearance.
- **Waiver Data Reflecting Flexibility on K-12 Fiscal Issues (Office of Elementary and Secondary Education).** As of 1:00 PM on April 13, the Department had received 46 waiver requests from states for flexibility in the use of funds under the Elementary and Secondary Education Act (ESEA), the General Education Provisions Act, and the McKinney-Vento Homeless Assistance Act. The subject matter of the waivers includes certain limitations on the carryover of funds from one year to the next, the period of availability of funds, and, under Title IV of ESEA certain needs-based assessments, content area spending requirements, and technology

infrastructure limitations, as well as the definition of “professional development” under Title VIII of ESEA. The Department has granted initial approval to 46 states, and so notified the states. These national emergency education waivers are authorized under section 3511 of the CARES Act.

- **Flexibility for Institutions of Higher Education Receiving Funds Under Title III (Institutional Aid), Title V (Developing Institutions), and Title VII (Graduate and Postsecondary Improvement) of the Higher Education Act (“HEA”) (Office of Postsecondary Education).** Assistant Secretary Bob King of the Office of Postsecondary Education is leading the development of guidance that would affect several higher education grant programs, including programs under Titles III, V, and VII of the Higher Education Act. The guidance will soon be placed into Department clearance.

Grantees under Title III include Historically Black Colleges and Universities and others; grantees under Title V include Hispanic Serving Institutions. Title VII consists of Graduate and Postsecondary Improvement programs. The guidance will enable Title III, Title V, and Title VII grant recipients to expedite a reprogramming of their funds, if the use is to support a current need. The guidance also includes questions and answers for large programs within the Institutional Services Group and Student Support Services Group.

- **Flexibility in the Operation and Fiscal Management of Vocational Rehabilitation and Other Programs (Office of Special Education and Rehabilitative Services).** During the week of April 13, the Department expects to send to OMB two Question and Answer documents in response to inquiries from state vocational rehabilitation agencies and other grantees. One guidance document will focus on fiscal management of the vocational rehabilitation program as state agencies continue to service individuals with disabilities. The other guidance document will address flexibilities in service delivery for the Vocational Rehabilitation, American Indian Vocational rehabilitation Services, Randolph-Sheppard Act, and Rehabilitation Long-Term Training programs.

Assistant Secretary Mark Schultz of the Office Special Education and Rehabilitative Services (OSERS) is leading the drafting of these two documents which have not yet been placed into Department clearance.

- **Individuals with Disabilities Education Act (IDEA) “Topic Briefs” (Office of Special Education and Rehabilitative Services (OSERS)).** During the week of April 13, OSERS expects to send to OMB three “topic briefs” on flexibility in the IDEA Part B and Part C Dispute Resolution Timelines, and IDEA Part B Fiscal Flexibility. Assistant Secretary Mark Schultz is leading the development of these guidance briefs which have not yet been placed into Departmental clearance.

CARES Act Implementation—Key Activities and Milestones

- **Elementary and Secondary School Emergency Relief Fund (“ESSER Fund”).** Today, Department officials began privately contacting each Chief State School Officer to inform him or her of each respective state’s official allocation under the \$13.2 billion ESSER Fund under the CARES Act. It may take a couple of days to reach each State Chief, who needs the state’s allocation so that the respective State Education Agency can then calculate the allocation for each

local educational agency, and generally begin planning for the effective use of these funds. Congress will also be notified of the allocations. The full application package and notice for the ESSER Fund will be posted in late April.

- **Governor’s Education Emergency Relief Fund (“GEER Fund”).** On Tuesday, April 14, the Department plans to announce to the public the release to Governors of the nearly \$3 billion GEER Fund under the CARES Act. Governors may use these funds to make emergency grants to local educational agencies, institutions of higher education, and other education-related organizations that have been impacted by the coronavirus. Governors will need to sign a Certification and Agreement and submit it to the Department. The Department expects to then distribute funds within a couple of business days.
- **Waiver Data Reflecting Flexibility on K-12 Fiscal Issues (Office of Elementary and Secondary Education).** See above entry under “Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing).”

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Actions That Affect Federal Facilities and Personnel

- None

Other Notable Responses

- **Health Education Assistance Loans (HEAL) (Office of Federal Student Aid (FSA)).** Although the CARES Act does not mention Health Education Assistance Loans (“HEAL loans”), the Department has made a determination to use the same authority provided for ED-held Federal Family Education Loans (FFEL) to handle ED-held HEAL loans (approximately 4,000 borrowers in default) for purposes of the following actions:
 - (1) zero percent interest rate from March 13, 2020 through September 30, 2020;
 - (2) all collection efforts stopped and to include any and all phone calls, correspondence, and bills;
 - (3) the only payments that will be received are those initiated by a borrower who calls-in;
 - (4) involuntary payments made on or after March 13, 2020 will be refunded; and
 - (5) auto-debit is stopped.

FSA is currently operationalizing these changes for impacted HEAL borrowers.

Talbert, Kent

From: Talbert, Kent
Sent: Tuesday, April 14, 2020 4:19 PM
To: 'Cassell, Mary I. EOP/OMB'
Cc: 'McGuire, Denzel E. EOP/OMB'; 'Redstone, James J. EOP/WHO'; 'Miller, Katie R. EOP/OVP'; 'Nevins, Kristan K. EOP/WHO'; 'Satya.P.Thallam@omb.eop.gov'
Subject: RE: ED Daily report for Tuesday, April 14
Attachments: ED_4.14.20_ COVID19 daily report.pdf

From: Talbert, Kent
Sent: Monday, April 13, 2020 4:03 PM
To: Cassell, Mary I. EOP/OMB <Mary_I._Cassell@omb.eop.gov>
Cc: McGuire, Denzel E. EOP/OMB <Denzel.E.McGuire@omb.eop.gov>; Redstone, James J. EOP/WHO <James.J.Redstone@who.eop.gov>; Miller, Katie R. EOP/OVP <Katie.R.Miller@ovp.eop.gov>; Nevins, Kristan K. EOP/WHO <Kristan.K.Nevins@who.eop.gov>; 'Satya.P.Thallam@omb.eop.gov' <Satya.P.Thallam@omb.eop.gov>
Subject: ED Daily report for Monday, April 13

COVID-19—Agency Response
April 14, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Guidance on Donating or Loaning Personal Protective Equipment (PPE) and Other Medical Supplies and Equipment Purchased with Federal Funds (Office of Career, Technical, and Adult Education (OCTAE)).** Today, the Department announced to the public and released [guidance](#) on how grantees and subgrantees may donate or loan much-needed PPE, other medical supplies or equipment, or equipment that may be used to produce medical supplies purchased with Department funds to local, State, Federal, Tribal, and Territorial public health agencies, as well as licensed private nonprofit hospitals and other licensed health providers. This is done through a class exception--as authorized by OMB Memo M-20-20 and 2 C.F.R. § 200.102--to the equipment and supply disposition requirements of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance), 2 C.F.R. §§ 200.313 and 200.314.
- **Waivers Permitting Flexibility in Fiscal Management of Federal Career and Technical Education (CTE) and Adult Education Programs (Office of Career, Technical, and Adult Education (OCTAE)).** Wednesday or Thursday of this week, Assistant Secretary Scott Stump of OCTAE will send a letter (as well as a sample template) to State Superintendents of Education of those states where the State Educational Agency (SEA) is the eligible agency for purposes of career/technical education and adult education programs (i.e., the programs are a part of the SEA and not another state agency). The letter would invite states to submit waiver requests for flexibility in the use of funds under the Carl D. Perkins Act of 2006 and the Adult Education and Family Literacy Act, and the General Education Provisions Act. These national emergency “Tydings” waivers (i.e., to extend the period of availability of funds to be spent) are authorized under section 3511 of the CARES Act.
- **Frequently Asked Questions (Office of Career, Technical and Adult Education (OCTAE)).** Today, the Department sent to OMB a second round of draft flexibility guidance (Frequently Asked Questions) for adult education programs. Assistant Secretary Scott Stump of OCTAE has led the development of the guidance which is based on questions received via email and during listening sessions hosted by OCTAE.
- **Waiver Data Reflecting Flexibility on K-12 Fiscal Issues (Office of Elementary and Secondary Education).** As of 1:00 PM on April 14, the Department had received 47 waiver requests from states for flexibility in the use of funds under the Elementary and Secondary Education Act (ESEA), the General Education Provisions Act, and the McKinney-Vento Homeless Assistance Act. The subject matter of the waivers includes certain limitations on the carryover of funds from one year to the next, the period of availability of funds, and, under Title IV of ESEA certain needs-based assessments, content area spending requirements, and technology infrastructure limitations, as well as the definition of “professional development” under Title VIII

of ESEA. The Department has granted initial approval to 47 states, and so notified the states. These national emergency education waivers are authorized under section 3511 of the CARES Act.

- **Flexibility for Institutions of Higher Education Receiving Funds Under Title III (Institutional Aid), Title V (Developing Institutions), and Title VII (Graduate and Postsecondary Improvement) of the Higher Education Act (“HEA”) (Office of Postsecondary Education).** Assistant Secretary Bob King of the Office of Postsecondary Education is leading the development of guidance that would affect several higher education grant programs, including programs under Titles III, V, and VII of the Higher Education Act. The guidance will soon be placed into Department clearance.

Grantees under Title III include Historically Black Colleges and Universities and others; grantees under Title V include Hispanic Serving Institutions. Title VII consists of Graduate and Postsecondary Improvement programs. The guidance will enable Title III, Title V, and Title VII grant recipients to expedite a reprogramming of their funds, if the use is to support a current need. The guidance also includes questions and answers for large programs within the Institutional Services Group and Student Support Services Group.

- **Flexibility in the Operation and Fiscal Management of Vocational Rehabilitation and Other Programs (Office of Special Education and Rehabilitative Services).** During the week of April 13, the Department expects to send to OMB two Question and Answer documents in response to inquiries from state vocational rehabilitation agencies and other grantees. One guidance document will focus on fiscal management of the vocational rehabilitation program as state agencies continue to service individuals with disabilities. The other guidance document will address flexibilities in service delivery for the Vocational Rehabilitation, American Indian Vocational rehabilitation Services, Randolph-Sheppard Act, and Rehabilitation Long-Term Training programs.

Assistant Secretary Mark Schultz of the Office Special Education and Rehabilitative Services (OSERS) is leading the drafting of these two documents. The first document was placed into Department clearance today. The second one has not yet been placed into Department clearance.

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CARES Act Implementation—Key Activities and Milestones

- **Governor’s Education Emergency Relief Fund (“GEER Fund”).** Today, the Department announced to the public the release to Governors of the nearly \$3 billion GEER Fund under the CARES Act. Governors may use these funds to make emergency grants to local educational agencies, institutions of higher education, and other education-related organizations that have been impacted by the coronavirus. Governors will need to sign a Certification and Agreement and

submit it to the Department. The Department expects to then distribute funds within a couple of business days.

- **Higher Education Emergency Relief Fund (Office of Postsecondary Education).** As of 12:00 noon today, the Department had received a “Certification and Agreement” from approximately 800 institutions of higher education. The Certification and Agreement serves as the application for funds and commits each institution to abiding by the relevant statutory provisions for the Higher Education Emergency Relief Fund.
- **Waiver Data Reflecting Flexibility on K-12 Fiscal Issues (Office of Elementary and Secondary Education).** See above entry under “Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing).”

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Actions That Affect Federal Facilities and Personnel

- None

Other Notable Responses

- None

Talbert, Kent

From: Talbert, Kent
Sent: Wednesday, April 15, 2020 4:16 PM
To: Cassell, Mary I. EOP/OMB
Cc: 'McGuire, Denzel E. EOP/OMB'; 'Redstone, James J. EOP/WHO'; 'Miller, Katie R. EOP/OVP'; 'Nevins, Kristan K. EOP/WHO'; 'Satya.P.Thallam@omb.eop.gov'
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COVID-19—Agency Response
April 15, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

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- **Waiver Data Reflecting Flexibility on K-12 Fiscal Issues (Office of Elementary and Secondary Education).** As of 1:00 PM on April 15, the Department had received 51 waiver requests from states, the District of Columbia (DC), the Bureau of Indian Education (BIE), and Puerto Rico (PR) for flexibility in the use of funds under the Elementary and Secondary Education Act (ESEA), the General Education Provisions Act, and the McKinney-Vento Homeless Assistance Act. The subject matter of the waivers includes certain limitations on the carryover of funds from one year to the next, the period of availability of funds, and, under Title IV of ESEA certain needs-based assessments, content area spending requirements, and technology infrastructure limitations, as well as the definition of “professional development” under Title VIII of ESEA. The Department has granted initial approval to 50 requests, and so notified the states, DC, BIE, and PR. These national emergency education waivers are authorized under section 3511 of the CARES Act.
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- **Flexibility in the Operation and Fiscal Management of Vocational Rehabilitation and Other Programs (Office of Special Education and Rehabilitative Services).** During the week of April 13, the Department expects to send to OMB two Question and Answer documents in response to inquiries from state vocational rehabilitation agencies and other grantees. One guidance document will focus on fiscal management of the vocational rehabilitation program as state agencies continue to service individuals with disabilities. The other guidance document will address flexibilities in service delivery for the Vocational Rehabilitation, American Indian Vocational rehabilitation Services, Randolph-Sheppard Act, and Rehabilitation Long-Term Training programs.

Assistant Secretary Mark Schultz of the Office Special Education and Rehabilitative Services (OSERS) is leading the drafting of these two documents. The first document was placed into Department clearance today. The second one has not yet been placed into Department clearance.

- **Individuals with Disabilities Education Act (IDEA) “Topic Briefs” (Office of Special Education and Rehabilitative Services (OSERS)).** During the week of April 13, OSERS expects to send to OMB three “topic briefs” on flexibility in the IDEA Part B and Part C Dispute Resolution Timelines, and IDEA Part B Fiscal Flexibility. Assistant Secretary Mark Schultz is leading the development of these guidance briefs which have not yet been placed into Departmental clearance.

CARES Act Implementation—Key Activities and Milestones

- **Higher Education Emergency Relief Fund (Office of Postsecondary Education).** As of 11:00 AM today, the Department had received a “Certification and Agreement” from 1,086 institutions of higher education. The Certification and Agreement serves as the application for funds and commits each institution to abiding by the relevant statutory provisions for the Higher Education Emergency Relief Fund.
- **Waiver Data Reflecting Flexibility on K-12 Fiscal Issues (Office of Elementary and Secondary Education).** See above entry under “Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing).”

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Actions That Affect Federal Facilities and Personnel

- None

Other Notable Responses

- None

Talbert, Kent

From: Talbert, Kent
Sent: Thursday, April 16, 2020 5:00 PM
To: Cassell, Mary I. EOP/OMB
Cc: McGuire, Denzel E. EOP/OMB; 'Redstone, James J. EOP/WHO'; 'Miller, Katie R. EOP/OVP'; 'Nevins, Kristan K. EOP/WHO'; Satya.P.Thallam@omb.eop.gov
Subject: ED Daily report
Attachments: ED_4.16.20_ COVID19 daily report.pdf

COVID-19—Agency Response
April 16, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Frequently Asked Questions (Office of Career, Technical and Adult Education (OCTAE)).** Today, the Department released a second round of draft flexibility guidance (Frequently Asked Questions) for adult education programs. Assistant Secretary Scott Stump of OCTAE has led the development of the guidance which is based on questions received via email and during listening sessions hosted by OCTAE.
- **Waivers Permitting Flexibility in Fiscal Management of Federal Career and Technical Education (CTE) and Adult Education Programs (Office of Career, Technical, and Adult Education (OCTAE)).** Today, Assistant Secretary Scott Stump of OCTAE will send a letter (as well as a sample template) to State Superintendents of Education of those states where the State Educational Agency (SEA) is the eligible agency for purposes of career/technical education and adult education programs (i.e., the programs are a part of the SEA and not another state agency). The letter will invite states to submit waiver requests for flexibility in the use of funds under the Carl D. Perkins Act of 2006 and the Adult Education and Family Literacy Act, and the General Education Provisions Act. These national emergency “Tydings” waivers (i.e., to extend the period of availability of funds to be spent) are authorized under section 3511 of the CARES Act.
- **Waiver Data Reflecting Flexibility on K-12 Fiscal Issues (Office of Elementary and Secondary Education).** As of 1:00 PM yesterday, the Department had received 51 waiver requests from states, the District of Columbia (DC), the Bureau of Indian Education (BIE), and Puerto Rico (PR) for flexibility in the use of funds under the Elementary and Secondary Education Act (ESEA), the General Education Provisions Act, and the McKinney-Vento Homeless Assistance Act. The subject matter of the waivers includes certain limitations on the carryover of funds from one year to the next, the period of availability of funds, and, under Title IV of ESEA certain needs-based assessments, content area spending requirements, and technology infrastructure limitations, as well as the definition of “professional development” under Title VIII of ESEA. The Department has granted initial approval to 50 requests, and so notified the states, DC, BIE, and PR. These national emergency education waivers are authorized under section 3511 of the CARES Act.
- **Flexibility for Institutions of Higher Education Receiving Funds Under Title III (Institutional Aid), Title V (Developing Institutions), and Title VII (Graduate and Postsecondary Improvement) of the Higher Education Act (“HEA”) (Office of Postsecondary Education).** Assistant Secretary Bob King of the Office of Postsecondary Education is leading the development of guidance that would affect several higher education grant programs, including programs under Titles III, V, and VII of the Higher Education Act. The guidance will soon be placed into Department clearance.

Grantees under Title III include Historically Black Colleges and Universities and others; grantees under Title V include Hispanic Serving Institutions. Title VII consists of Graduate and Postsecondary Improvement programs. The guidance will enable Title III, Title V, and Title VII grant recipients to expedite a reprogramming of their funds, if the use is to support a current need. The guidance also includes

questions and answers for large programs within the Institutional Services Group and Student Support Services Group.

- **Flexibility in the Operation and Fiscal Management of Vocational Rehabilitation and Other Programs (Office of Special Education and Rehabilitative Services).** During the week of April 13, the Department expects to send to OMB two Question and Answer documents in response to inquiries from state vocational rehabilitation agencies and other grantees. One guidance document will focus on fiscal management of the vocational rehabilitation program as state agencies continue to service individuals with disabilities. The other guidance document will address flexibilities in service delivery for the Vocational Rehabilitation, American Indian Vocational rehabilitation Services, Randolph-Sheppard Act, and Rehabilitation Long-Term Training programs.

Assistant Secretary Mark Schultz of the Office Special Education and Rehabilitative Services (OSERS) is leading the drafting of these two documents. The first document is in the final stages of Department clearance. The second one has not yet been placed into Department clearance.

- **Individuals with Disabilities Education Act (IDEA) “Topic Briefs” (Office of Special Education and Rehabilitative Services (OSERS)).** During the week of April 13, OSERS expects to send to OMB three “topic briefs” on flexibility in the IDEA Part B and Part C Dispute Resolution Timelines, and IDEA Part B Fiscal Flexibility. Assistant Secretary Mark Schultz is leading the development of these guidance briefs which were placed into Department clearance today.

CARES Act Implementation—Key Activities and Milestones

- **Higher Education Emergency Relief Fund (Office of Postsecondary Education).** As of 3:30 PM today, the Department had received a “Certification and Agreement” from 1,430 institutions of higher education. The Certification and Agreement serves as the application for funds and commits each institution to abiding by the relevant statutory provisions for the Higher Education Emergency Relief Fund.
- **Waiver Data Reflecting Flexibility on K-12 Fiscal Issues (Office of Elementary and Secondary Education).** See above entry under “Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing).”
- **Actions by Office of Federal Student Aid (FSA).** FSA’s student loan servicers are now in 100% compliance with the CARES Act student loan relief provisions, including stopping billing, suspending payments, and implementation of 0% interest. All offsets of tax refunds and government benefits have ceased, and notifications to employers to cease wage garnishments are in process. The default loan servicer has sent notices to borrowers regarding their refund status. The servicer is also finalizing the development of an automated system to return involuntary payments (made after March 13, 2020) beginning this week.

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- **None**

Actions That Affect Federal Facilities and Personnel

- None

Other Notable Responses

- None

Talbert, Kent

From: Talbert, Kent
Sent: Friday, April 17, 2020 5:17 PM
To: 'Cassell, Mary I. EOP/OMB'
Cc: 'McGuire, Denzel E. EOP/OMB'; 'Redstone, James J. EOP/WHO'; 'Miller, Katie R. EOP/OVP'; 'Nevins, Kristan K. EOP/WHO'; 'Satya.P.Thallam@omb.eop.gov'
Subject: RE: ED Daily report
Attachments: ED_4.17.20_ COVID19 daily report.pdf

Daily report for Friday, April 17 attached.

Kent Talbert

From: Talbert, Kent
Sent: Thursday, April 16, 2020 5:00 PM
To: Cassell, Mary I. EOP/OMB <Mary_I._Cassell@omb.eop.gov>
Cc: McGuire, Denzel E. EOP/OMB <Denzel.E.McGuire@omb.eop.gov>; 'Redstone, James J. EOP/WHO' <James.J.Redstone@who.eop.gov>; 'Miller, Katie R. EOP/OVP' <Katie.R.Miller@ovp.eop.gov>; 'Nevins, Kristan K. EOP/WHO' <Kristan.K.Nevins@who.eop.gov>; Satya.P.Thallam@omb.eop.gov
Subject: ED Daily report

COVID-19—Agency Response
April 17, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Frequently Asked Questions (Office of Career, Technical and Adult Education (OCTAE)).** Today, the Department released a second round of draft flexibility guidance (Frequently Asked Questions) for adult education programs. Assistant Secretary Scott Stump of OCTAE has led the development of the guidance which is based on questions received via email and during listening sessions hosted by OCTAE.
- **Waiver Data Reflecting Flexibility on K-12 Fiscal Issues (Office of Elementary and Secondary Education).** As of 1:00 PM today, the Department had received 52 waiver requests from states, the District of Columbia (DC), the Bureau of Indian Education (BIE), and Puerto Rico (PR) for flexibility in the use of funds under the Elementary and Secondary Education Act (ESEA), the General Education Provisions Act, and the McKinney-Vento Homeless Assistance Act. The subject matter of the waivers includes certain limitations on the carryover of funds from one year to the next, the period of availability of funds, and, under Title IV of ESEA certain needs-based assessments, content area spending requirements, and technology infrastructure limitations, as well as the definition of “professional development” under Title VIII of ESEA. The Department has granted initial approval to 52 requests, and so notified the states, DC, BIE, and PR. These national emergency education waivers are authorized under section 3511 of the CARES Act.
- **Flexibility in the Operation and Fiscal Management of Vocational Rehabilitation and Other Programs (Office of Special Education and Rehabilitative Services).** During the week of April 20, the Department expects to send to OMB two Question and Answer documents in response to inquiries from state vocational rehabilitation agencies and other grantees. One guidance document will focus on fiscal management of the vocational rehabilitation program as state agencies continue to service individuals with disabilities. The other guidance document will address flexibilities in service delivery for the Vocational Rehabilitation, American Indian Vocational rehabilitation Services, Randolph-Sheppard Act, and Rehabilitation Long-Term Training programs.

Assistant Secretary Mark Schultz of the Office Special Education and Rehabilitative Services (OSERS) is leading the drafting of these two documents. The first document is in the final stages of Department clearance. The second one has not yet been placed into Department clearance.

- **Individuals with Disabilities Education Act (IDEA) “Topic Briefs” (Office of Special Education and Rehabilitative Services (OSERS)).** During the week of April 20, OSERS expects to send to OMB three “topic briefs” on flexibility in the IDEA Part B and Part C Dispute Resolution Timelines, and IDEA Part B Fiscal Flexibility. Assistant Secretary Mark Schultz is leading the development of these guidance briefs which are in Department clearance.
- **Questions and Answers for Postsecondary Institutions on Issues Related to COVID-19 (Office for Civil Rights).** During the week of April 20, the Office for Civil Rights (OCR) expects to put into Department clearance a Questions and Answers technical assistance document addressing common questions that have been asked by postsecondary institutions in light of COVID-19 regarding compliance

with federal civil rights laws. The topics covered include compliance with Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, Title IX of the Education Amendments of 1972, and Title VI of the Civil Rights Act. Assistant Secretary Ken Marcus is leading the drafting of this document.

CARES Act Implementation—Key Activities and Milestones

- **Higher Education Emergency Relief Fund (Office of Postsecondary Education).** As of 3:00 PM today, the Department had received a “Certification and Agreement” from 1,720 institutions of higher education for funds to assist students. The Certification and Agreement serves as the application for funds and commits each institution to abiding by the relevant statutory provisions for the Higher Education Emergency Relief Fund.

Additionally, on Tuesday, April 21, Secretary DeVos plans to announce the availability of more than \$6 billion for approximately 6,000 institutions of higher education as another tranche of the Higher Education Relief Fund. Institutions may use these funds to cover any costs associated with significant changes to the delivery of instruction due to the coronavirus. Institutions will need to sign a Certification and Agreement and submit it to the Department. The Department expects to distribute funds as soon as possible thereafter.

- **Waiver Data Reflecting Flexibility on K-12 Fiscal Issues (Office of Elementary and Secondary Education).** See above entry under “Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing).”

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Actions That Affect Federal Facilities and Personnel

- None

Other Notable Responses

- None

Talbert, Kent

From: Talbert, Kent
Sent: Saturday, April 18, 2020 3:06 PM
To: 'Cassell, Mary I. EOP/OMB'
Cc: Redstone, James J. EOP/WHO; 'McGuire, Denzel E. EOP/OMB'; 'Miller, Katie R. EOP/OVP'; Nevins, Kristan K. EOP/WHO; 'Satya.P.Thallam@omb.eop.gov'
Subject: ED daily report for Saturday, April 18
Attachments: ED_4.18.20_ COVID19 daily report.pdf

COVID-19—Agency Response
April 18, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Waiver Data Reflecting Flexibility on K-12 Fiscal Issues (Office of Elementary and Secondary Education).** As of 1:00 PM yesterday, the Department had received 52 waiver requests from states, the District of Columbia (DC), the Bureau of Indian Education (BIE), and Puerto Rico (PR) for flexibility in the use of funds under the Elementary and Secondary Education Act (ESEA), the General Education Provisions Act, and the McKinney-Vento Homeless Assistance Act. The subject matter of the waivers includes certain limitations on the carryover of funds from one year to the next, the period of availability of funds, and, under Title IV of ESEA certain needs-based assessments, content area spending requirements, and technology infrastructure limitations, as well as the definition of “professional development” under Title VIII of ESEA. The Department has granted initial approval to 52 requests, and so notified the states, DC, BIE, and PR. These national emergency education waivers are authorized under section 3511 of the CARES Act.
- **Flexibility in the Operation and Fiscal Management of Vocational Rehabilitation and Other Programs (Office of Special Education and Rehabilitative Services).** During the week of April 20, the Department expects to send to OMB two Question and Answer documents in response to inquiries from state vocational rehabilitation agencies and other grantees. One guidance document will focus on fiscal management of the vocational rehabilitation program as state agencies continue to service individuals with disabilities. The other guidance document will address flexibilities in service delivery for the Vocational Rehabilitation, American Indian Vocational rehabilitation Services, Randolph-Sheppard Act, and Rehabilitation Long-Term Training programs.

Assistant Secretary Mark Schultz of the Office Special Education and Rehabilitative Services (OSERS) is leading the drafting of these two documents. The first document is in the final stages of Department clearance. The second one has not yet been placed into Department clearance.

- **Individuals with Disabilities Education Act (IDEA) “Topic Briefs” (Office of Special Education and Rehabilitative Services (OSERS)).** During the week of April 20, OSERS expects to send to OMB three “topic briefs” on flexibility in the IDEA Part B and Part C Dispute Resolution Timelines, and IDEA Part B Fiscal Flexibility. Assistant Secretary Mark Schultz is leading the development of these guidance briefs which are in Department clearance.
- **Questions and Answers for Postsecondary Institutions on Issues Related to COVID-19 (Office for Civil Rights).** During the week of April 27, the Office for Civil Rights (OCR) expects to put into Department clearance a Questions and Answers technical assistance document addressing common questions that have been asked by postsecondary institutions in light of COVID-19 regarding compliance with federal civil rights laws. The topics covered include compliance with Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, Title IX of the Education Amendments of 1972, and Title VI of the Civil Rights Act. Assistant Secretary Ken Marcus is leading the drafting of this document.

- **Questions and Answers for Postsecondary Institutions on Issues Related to the Higher Education Emergency Relief Fund (HEERF) (Office of Postsecondary Education (OPE)).** During the week of April 20, the Office of Postsecondary Education expects to post a Questions and Answers technical assistance document addressing common questions asked by postsecondary institutions in connection with the emergency financial aid grants to students provided by the Higher Education Emergency Relief Fund. The Department transmitted a draft to OMB on Friday evening, April 17. Assistant Secretary Bob King is leading the drafting of this document.

CARES Act Implementation—Key Activities and Milestones

- **Higher Education Emergency Relief Fund (HEERF) (OPE).** As of 3:00 PM on April 17, the Department had received a “Certification and Agreement” from 1,720 institutions of higher education for funds to assist students. The Certification and Agreement serves as the application for funds and commits each institution to abiding by the relevant statutory provisions for the HEERF. The obligation of funds began yesterday (April 17) and is ongoing.

Additionally, on Tuesday, April 21, Secretary DeVos plans to announce the availability of more than \$6 billion for approximately 6,000 institutions of higher education as another tranche of the Higher Education Relief Fund. Institutions may use these funds to cover any costs associated with significant changes to the delivery of instruction due to the coronavirus. Institutions will need to sign a Certification and Agreement and submit it to the Department. The Department expects to distribute funds as soon as possible thereafter.

- **Waiver Data Reflecting Flexibility on K-12 Fiscal Issues (Office of Elementary and Secondary Education).** See above entry under “Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing).”

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Actions That Affect Federal Facilities and Personnel

- None

Other Notable Responses

- **Government Accountability Office (GAO) (Office of Federal Student Aid and Office of Postsecondary Education).** The Office of Federal Student Aid began detailed work identifying the impact and effectiveness of the CARES Act upon the student loan portfolio and loan servicer support in response to a new GAO engagement (“Higher Education Aid and Student Loan Relief in Response to the Coronavirus Pandemic,” GAO engagement code 104254). Similarly, the Office of Postsecondary Education has begun assembling information in response to the engagement.

Talbert, Kent

From: Talbert, Kent
Sent: Sunday, April 19, 2020 1:30 PM
To: Cassell, Mary I. EOP/OMB
Cc: 'McGuire, Denzel E. EOP/OMB'; Redstone, James J. EOP/WHO; Miller, Katie R. EOP/OVP; Nevins, Kristan K. EOP/WHO; 'Satya.P.Thallam@omb.eop.gov'
Subject: ED daily report for Sunday, April 19
Attachments: ED_4.19.20_ COVID19 daily report.pdf

COVID-19—Agency Response
April 19, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Waiver Data Reflecting Flexibility on K-12 Fiscal Issues (Office of Elementary and Secondary Education).** As of 1:00 PM on Friday, April 17, the Department had received 52 waiver requests from states, the District of Columbia (DC), the Bureau of Indian Education (BIE), and Puerto Rico (PR) for flexibility in the use of funds under the Elementary and Secondary Education Act (ESEA), the General Education Provisions Act, and the McKinney-Vento Homeless Assistance Act. The subject matter of the waivers includes certain limitations on the carryover of funds from one year to the next, the period of availability of funds, and, under Title IV of ESEA certain needs-based assessments, content area spending requirements, and technology infrastructure limitations, as well as the definition of “professional development” under Title VIII of ESEA. The Department has granted initial approval to 52 requests, and so notified the states, DC, BIE, and PR. These national emergency education waivers are authorized under section 3511 of the CARES Act.
- **Flexibility in the Operation and Fiscal Management of Vocational Rehabilitation and Other Programs (Office of Special Education and Rehabilitative Services).** During the week of April 20, the Department expects to send to OMB two Question and Answer documents in response to inquiries from state vocational rehabilitation agencies and other grantees. One guidance document will focus on fiscal management of the vocational rehabilitation program as state agencies continue to service individuals with disabilities. The other guidance document will address flexibilities in service delivery for the Vocational Rehabilitation, American Indian Vocational rehabilitation Services, Randolph-Sheppard Act, and Rehabilitation Long-Term Training programs.

Assistant Secretary Mark Schultz of the Office Special Education and Rehabilitative Services (OSERS) is leading the drafting of these two documents. The first document is in the final stages of Department clearance. The second one has not yet been placed into Department clearance.

- **Individuals with Disabilities Education Act (IDEA) “Topic Briefs” (Office of Special Education and Rehabilitative Services (OSERS)).** During the week of April 20, OSERS expects to send to OMB three “topic briefs” on flexibility in the IDEA Part B and Part C Dispute Resolution Timelines, and IDEA Part B Fiscal Flexibility. Assistant Secretary Mark Schultz is leading the development of these guidance briefs which are in Department clearance.
- **Questions and Answers for Postsecondary Institutions on Issues Related to COVID-19 (Office for Civil Rights).** During the week of April 27, the Office for Civil Rights (OCR) expects to put into Department clearance a Questions and Answers technical assistance document addressing common questions that have been asked by postsecondary institutions in light of COVID-19 regarding compliance with federal civil rights laws. The topics covered include compliance with Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, Title IX of the Education Amendments of 1972, and Title VI of the Civil Rights Act. Assistant Secretary Ken Marcus is leading the drafting of this document.

- **Questions and Answers for Postsecondary Institutions on Issues Related to the Higher Education Emergency Relief Fund (HEERF) (Office of Postsecondary Education (OPE)).** During the week of April 20, the Office of Postsecondary Education expects to post a Questions and Answers technical assistance document addressing common questions asked by postsecondary institutions in connection with the emergency financial aid grants to students provided by the Higher Education Emergency Relief Fund. The Department transmitted a draft to OMB on Friday evening, April 17. Assistant Secretary Bob King is leading the drafting of this document.

CARES Act Implementation—Key Activities and Milestones

- **Higher Education Emergency Relief Fund (HEERF) (OPE)).** As of 3:00 PM on Friday, April 17, the Department had received a “Certification and Agreement” from 1,720 institutions of higher education for funds to assist students. The Certification and Agreement serves as the application for funds and commits each institution to abiding by the relevant statutory provisions for the HEERF. The obligation of funds began on Friday, April 17 and is ongoing.

Additionally, on Tuesday, April 21, Secretary DeVos plans to announce the availability of more than \$6 billion for approximately 6,000 institutions of higher education as another tranche of the Higher Education Relief Fund. Institutions may use these funds to cover any costs associated with significant changes to the delivery of instruction due to the coronavirus. Institutions will need to sign a Certification and Agreement and submit it to the Department. The Department expects to distribute funds as soon as possible thereafter.

- **Waiver Data Reflecting Flexibility on K-12 Fiscal Issues (Office of Elementary and Secondary Education).** See above entry under “Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing).”

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Actions That Affect Federal Facilities and Personnel

- None

Other Notable Responses

- **Government Accountability Office (GAO) (Office of Federal Student Aid and Office of Postsecondary Education).** The Office of Federal Student Aid began detailed work identifying the impact and effectiveness of the CARES Act upon the student loan portfolio and loan servicer support in response to a new GAO engagement (“Higher Education Aid and Student Loan Relief in Response to the Coronavirus Pandemic,” GAO engagement code 104254). Similarly, the Office of Postsecondary Education has begun assembling information in response to the engagement.

Talbert, Kent

From: Talbert, Kent
Sent: Monday, April 20, 2020 4:10 PM
To: Cassell, Mary I. EOP/OMB
Cc: 'McGuire, Denzel E. EOP/OMB'; Redstone, James J. EOP/WHO; Miller, Katie R. EOP/OVP; Nevins, Kristan K. EOP/WHO; 'Satya.P.Thallam@omb.eop.gov'
Subject: daily report of ED for Monday, April 20
Attachments: ED_4.20.20_ COVID19 daily report.pdf

COVID-19—Agency Response
April 20, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Waiver Data Reflecting Flexibility on K-12 Fiscal Issues (Office of Elementary and Secondary Education).** As of 1:00 PM on Friday, April 17, the Department had received 52 waiver requests from states, the District of Columbia (DC), the Bureau of Indian Education (BIE), and Puerto Rico (PR) for flexibility in the use of funds under the Elementary and Secondary Education Act (ESEA), the General Education Provisions Act, and the McKinney-Vento Homeless Assistance Act. The subject matter of the waivers includes certain limitations on the carryover of funds from one year to the next, the period of availability of funds, and, under Title IV of ESEA certain needs-based assessments, content area spending requirements, and technology infrastructure limitations, as well as the definition of “professional development” under Title VIII of ESEA. The Department has granted initial approval to 52 requests, and so notified the states, DC, BIE, and PR. These national emergency education waivers are authorized under section 3511(a) and (b) of the CARES Act.
- **Waivers Permitting Flexibility in Fiscal Management of Federal Career and Technical Education (CTE) and Adult Education Programs (Office of Career, Technical, and Adult Education (OCTAE)).** As of 1:00 PM on Monday, April 20, the Department had received, reviewed and provisionally approved nine waiver requests from States and territories for flexibility in the use of funds under the Carl D. Perkins Career and Technical Education Act of 2006 and the Adult Education and Family Literacy Act, and the General Education Provisions Act. These national emergency “Tydings” waivers (i.e., to extend the period of availability of funds to be spent) are authorized under section 3511(a) and (b) of the CARES Act.
- **Flexibility in the Operation and Fiscal Management of Vocational Rehabilitation and Other Programs (Office of Special Education and Rehabilitative Services).** During the week of April 20, the Department expects to send to OMB two Question and Answer documents in response to inquiries from state vocational rehabilitation agencies and other grantees. One guidance document will focus on fiscal management of the vocational rehabilitation program as state agencies continue to service individuals with disabilities. The other guidance document will address flexibilities in service delivery for the Vocational Rehabilitation, American Indian Vocational rehabilitation Services, Randolph-Sheppard Act, and Rehabilitation Long-Term Training programs.

Assistant Secretary Mark Schultz of the Office Special Education and Rehabilitative Services (OSERS) is leading the drafting of these two documents. The first document is in the final stages of Department clearance. The second one has not yet been placed into Department clearance.

- **Individuals with Disabilities Education Act (IDEA) “Topic Briefs” (Office of Special Education and Rehabilitative Services (OSERS)).** During the week of April 20, OSERS expects to send to OMB three “topic briefs” on flexibility in the IDEA Part B and Part C Dispute Resolution

Timelines, and IDEA Part B Fiscal Flexibility. Assistant Secretary Mark Schultz is leading the development of these guidance briefs which are in Department clearance.

- **Questions and Answers for Postsecondary Institutions on Issues Related to the Higher Education Emergency Relief Fund (HEERF) (Office of Postsecondary Education (OPE)).** During the week of April 20, the Office of Postsecondary Education expects to post a Questions and Answers technical assistance document addressing common questions asked by postsecondary institutions in connection with the emergency financial aid grants to students provided by the Higher Education Emergency Relief Fund. The Department transmitted a draft to OMB on Friday evening, April 17. Assistant Secretary Bob King is leading the drafting of this document.
- **Questions and Answers for Postsecondary Institutions on Issues Related to COVID-19 (Office for Civil Rights).** During the week of April 27, the Office for Civil Rights (OCR) expects to put into Department clearance a Questions and Answers technical assistance document addressing common questions that have been asked by postsecondary institutions in light of COVID-19 regarding compliance with federal civil rights laws. The topics covered include compliance with Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, Title IX of the Education Amendments of 1972, and Title VI of the Civil Rights Act. Assistant Secretary Ken Marcus is leading the drafting of this document.

CARES Act Implementation—Key Activities and Milestones

- **Higher Education Emergency Relief Fund (HEERF) (OPE)).** As of 10:30 AM on Monday, April 20, the Department had received a “Certification and Agreement” from 2,522 institutions of higher education for funds to assist students. The Certification and Agreement serves as the application for funds and commits each institution to abiding by the relevant statutory provisions for the HEERF. The obligation of funds began on Friday, April 17 and is ongoing.

Additionally, on Tuesday, April 21, Secretary DeVos plans to announce the availability of more than \$6 billion for approximately 6,000 institutions of higher education as another tranche of the Higher Education Relief Fund. Institutions may use these funds to cover any costs associated with significant changes to the delivery of instruction due to the coronavirus. Institutions will need to sign a Certification and Agreement and submit it to the Department. The Department expects to distribute funds as soon as possible thereafter.

- **Howard University and Gallaudet University (OPE).** The CARES Act made available through a direct appropriation \$13 million for Howard University and \$7 million for Gallaudet University to prevent, prepare for, and respond to the coronavirus. The Department has obligated these funds to the two institutions.
- **Waiver Data Reflecting Flexibility on K-12 Fiscal Issues (Office of Elementary and Secondary Education) and Flexibility for Career and Technical Education, and Adult Education Programs (Office of Career, Technical and Adult Education).** See above waiver entries under “Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing).”

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Actions That Affect Federal Facilities and Personnel

- None

Other Notable Responses

- None

Talbert, Kent

From: Talbert, Kent
Sent: Tuesday, April 21, 2020 4:17 PM
To: Cassell, Mary I. EOP/OMB
Cc: 'McGuire, Denzel E. EOP/OMB'; Redstone, James J. EOP/WHO; Miller, Katie R. EOP/OVP; Nevins, Kristan K. EOP/WHO; 'Satya.P.Thallam@omb.eop.gov'
Subject: ED daily report for Tuesday, April 21
Attachments: ED_4.21.20_ COVID19 daily report.pdf

COVID-19—Agency Response
April 21, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Frequently Asked Questions for Postsecondary Institutions on Issues Related to the Higher Education Emergency Relief Fund (HEERF) (Office of Postsecondary Education (OPE)).** Today, the Office of Postsecondary Education posted to the web [Frequently Asked Questions about emergency financial aid grants to students](#), and [Frequently Asked Questions about emergency grants to institutions](#). Both grants are provided through the Higher Education Emergency Relief Fund of the CARES Act. Assistant Secretary Bob King led the drafting of these documents.
- **Waiver Data Reflecting Flexibility on K-12 Fiscal Issues (Office of Elementary and Secondary Education).** As of 1:00 PM on Tuesday, April 21, the Department had received waiver requests from all 50 states, the District of Columbia (DC), the Bureau of Indian Education (BIE), and Puerto Rico (PR) for flexibility in the use of funds under the Elementary and Secondary Education Act (ESEA), the General Education Provisions Act, and the McKinney-Vento Homeless Assistance Act. The subject matter of the waivers includes certain limitations on the carryover of funds from one year to the next, the period of availability of funds, and, under Title IV of ESEA certain needs-based assessments, content area spending requirements, and technology infrastructure limitations, as well as the definition of “professional development” under Title VIII of ESEA. The Department has granted initial approval to all 53 requests, and so notified the states, DC, BIE, and PR. These national emergency education waivers are authorized under section 3511(a) and (b) of the CARES Act.
- **Waivers Permitting Flexibility in Fiscal Management of Federal Career and Technical Education (CTE) and Adult Education Programs (Office of Career, Technical, and Adult Education (OCTAE)).** As of 2:00 PM on Tuesday, April 21, the Department had received waiver requests from 17 States and territories. Fourteen (14) have received provisional approval under the Carl D. Perkins Career and Technical Education Act of 2006 and the Adult Education and Family Literacy Act, and the General Education Provisions Act. These national emergency “Tydings” waivers (i.e., to extend the period of availability of funds to be spent) are authorized under section 3511(a) and (b) of the CARES Act.
- **Flexibility in the Operation and Fiscal Management of Vocational Rehabilitation and Other Programs (Office of Special Education and Rehabilitative Services).** During the week of April 20, the Department expects to send to OMB two Question and Answer documents in response to inquiries from state vocational rehabilitation agencies and other grantees. One guidance document will focus on fiscal management of the vocational rehabilitation program as state agencies continue to service individuals with disabilities. The other guidance document will address flexibilities in service delivery for the Vocational Rehabilitation, American Indian Vocational rehabilitation Services, Randolph-Sheppard Act, and Rehabilitation Long-Term Training programs.

Assistant Secretary Mark Schultz of the Office Special Education and Rehabilitative Services (OSERS) is leading the drafting of these two documents. The first document is in the final stages of Department clearance. The second one has not yet been placed into Department clearance.

- **Individuals with Disabilities Education Act (IDEA) “Topic Briefs” (Office of Special Education and Rehabilitative Services (OSERS)).** During the week of April 20, OSERS expects to send to OMB three “topic briefs” on flexibility in the IDEA Part B and Part C Dispute Resolution Timelines, and IDEA Part B Fiscal Flexibility. Assistant Secretary Mark Schultz is leading the development of these guidance briefs which are in Department clearance.
- **Questions and Answers for Postsecondary Institutions on Issues Related to COVID-19 (Office for Civil Rights).** During the week of April 27, the Office for Civil Rights (OCR) expects to put into Department clearance a Questions and Answers technical assistance document addressing common questions that have been asked by postsecondary institutions in light of COVID-19 regarding compliance with federal civil rights laws. The topics covered include compliance with Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, Title IX of the Education Amendments of 1972, and Title VI of the Civil Rights Act. Assistant Secretary Ken Marcus is leading the drafting of this document.

CARES Act Implementation—Key Activities and Milestones

- **Higher Education Emergency Relief Fund (HEERF) (OPE)).** As of 10:30 AM on Tuesday, April 21, the Department had received a “Certification and Agreement” from 2,806 institutions of higher education for funds to assist students. The Certification and Agreement serves as the application for funds and commits each institution to abiding by the relevant statutory provisions for the HEERF. Awards have been issued to 183 applicants totaling \$413.6 million.

Also, today Secretary DeVos announced the availability of more than \$6 billion for approximately 6,000 institutions of higher education as another tranche of the HEERF. Institutions may use these funds to cover any costs associated with significant changes to the delivery of instruction due to the coronavirus. Institutions will need to sign a Certification and Agreement and submit it to the Department. The Department expects to distribute funds as soon as possible thereafter.

- **Elementary and Secondary School Emergency Relief Fund (“ESSER Fund”).** On Thursday, April 23, the Department plans to announce the availability of the \$13.2 billion ESSER Fund to State Educational Agencies (SEAs). SEAs must allocate at least 90% of their funds to Local Educational Agencies and may use the remaining funds for emergency needs to address issues responding to the coronavirus. Chief State School Officers will need to sign a Certification and Agreement and submit it to the Department. The Department expects to distribute funds soon after receipt of each Certification and Agreement.

- **Waiver Data Reflecting Flexibility on K-12 Fiscal Issues (Office of Elementary and Secondary Education) and Flexibility for Career and Technical Education, and Adult Education Programs (Office of Career, Technical and Adult Education).** See above waiver entries under “Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing).”

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- **None**

Actions That Affect Federal Facilities and Personnel

- **None**

Other Notable Responses

- **None**

Talbert, Kent

From: Talbert, Kent
Sent: Wednesday, April 22, 2020 4:01 PM
To: Cassell, Mary I. EOP/OMB
Cc: 'McGuire, Denzel E. EOP/OMB'; Miller, Katie R. EOP/OVP; Redstone, James J. EOP/WHO; Nevins, Kristan K. EOP/WHO; 'Satya.P.Thallam@omb.eop.gov'
Subject: ED Daily Report for Wednesday, April 22
Attachments: ED_4.22.20_ COVID19 daily report.pdf

COVID-19—Agency Response
April 22, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Waivers Permitting Flexibility in Fiscal Management of Federal Career and Technical Education (CTE) and Adult Education Programs (Office of Career, Technical, and Adult Education (OCTAE)).** As of 2:00 PM on Wednesday, April 22, the Department had received waiver requests from 19 States and territories. Sixteen (16) have received provisional approval under the Carl D. Perkins Career and Technical Education Act of 2006 and the Adult Education and Family Literacy Act, and the General Education Provisions Act. These national emergency “Tydings” waivers (i.e., to extend the period of availability of funds to be spent) are authorized under section 3511(a) and (b) of Division A of the CARES Act.
- **Flexibility in the Operation and Fiscal Management of Vocational Rehabilitation and Other Programs (Office of Special Education and Rehabilitative Services).** Today, the Department sent to OMB one Question and Answer guidance document in response to inquiries from state vocational rehabilitation agencies and other grantees. The draft guidance focuses on fiscal management of the vocational rehabilitation program as state agencies continue to service individuals with disabilities. A second Question and Answer document placed into ED clearance today addresses flexibilities in service delivery for the Vocational Rehabilitation, American Indian Vocational Rehabilitation Services, Randolph-Sheppard Act, and Rehabilitation Long-Term Training programs.

Assistant Secretary Mark Schultz of the Office Special Education and Rehabilitative Services (OSERS) is leading the development of these two documents.

- **Individuals with Disabilities Education Act (IDEA) “Topic Briefs” (Office of Special Education and Rehabilitative Services (OSERS)).** During the week of April 20, OSERS expects to send to OMB three “topic briefs” on flexibility in the IDEA Part B and Part C Dispute Resolution Timelines, and IDEA Part B Fiscal Flexibility. Assistant Secretary Mark Schultz is leading the development of these guidance briefs which are in Department clearance.
- **Questions and Answers for Postsecondary Institutions on Issues Related to COVID-19 (Office for Civil Rights).** During the week of April 27, the Office for Civil Rights (OCR) expects to put into Department clearance a Questions and Answers technical assistance document addressing common questions that have been asked by postsecondary institutions in light of COVID-19 regarding compliance with federal civil rights laws. The topics covered include compliance with Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, Title IX of the Education Amendments of 1972, and Title VI of the Civil Rights Act. Assistant Secretary Ken Marcus is leading the drafting of this document.

CARES Act Implementation—Key Activities and Milestones

- **Higher Education Emergency Relief Fund (HEERF) to Assist Students (Office of Postsecondary Education (OPE)).** As of 10:30 AM on Wednesday, April 22, the Department had received a “Certification and Agreement” from 2,960 institutions of higher education for funds to provide emergency financial aid grants to students. The Certification and Agreement serves as the application for funds and commits each institution to abiding by the relevant statutory provisions for the HEERF. Awards have been issued to 318 applicants totaling \$751.3 million.

HEERF to Assist Institutions of Higher Education (OPE). As of 10:30 AM on Wednesday, April 22, the Department had received a Certification and Agreement from 137 institutions of higher education to assist the institutions with costs associated with significant changes to the delivery of instruction due to the coronavirus.

- **Elementary and Secondary School Emergency Relief Fund (“ESSER Fund”).** On Thursday, April 23, the Department plans to announce the availability of the \$13.2 billion ESSER Fund to State Educational Agencies (SEAs). SEAs must allocate at least 90% of their funds to Local Educational Agencies and may use the remaining funds for emergency needs to address issues responding to the coronavirus. Chief State School Officers will need to sign a Certification and Agreement and submit it to the Department. The Department expects to distribute funds soon after receipt of each Certification and Agreement.
- **Waiver Data Reflecting Flexibility for Career and Technical Education, and Adult Education Programs (Office of Career, Technical and Adult Education).** See above waiver entries under “Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing).”

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Actions That Affect Federal Facilities and Personnel

- None

Other Notable Responses

- None

Talbert, Kent

From: Talbert, Kent
Sent: Thursday, April 23, 2020 3:55 PM
To: Cassell, Mary I. EOP/OMB
Cc: 'McGuire, Denzel E. EOP/OMB'; Redstone, James J. EOP/WHO; Miller, Katie R. EOP/OVP; Nevins, Kristan K. EOP/WHO; 'Satya.P.Thallam@omb.eop.gov'
Subject: ED Daily report for Thursday, April 23
Attachments: ED_4.23.20_ COVID19 daily report.pdf

COVID-19—Agency Response
April 23, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Waivers Permitting Flexibility in Fiscal Management of Federal Career and Technical Education (CTE) and Adult Education Programs (Office of Career, Technical, and Adult Education (OCTAE)).** As of 3:00 PM today, the Department had received waiver requests from 22 States and territories. Nineteen (19) have received provisional approval under the Carl D. Perkins Career and Technical Education Act of 2006 and the Adult Education and Family Literacy Act, and the General Education Provisions Act. These national emergency “Tydings” waivers (i.e., to extend the period of availability of funds to be spent) are authorized under section 3511(a) and (b) of Division A of the CARES Act.
- **Waiver Data Reflecting Flexibility on K-12 Fiscal Issues (Office of Elementary and Secondary Education).** Today, formal waiver approval letters will be sent to all 50 states, the District of Columbia (DC), the Bureau of Indian Education (BIE), and Puerto Rico (PR). Earlier in the week (Tuesday, April 21), the Department had announced receipt and provisional approval of applications from the 50 states, DC, BIE, and PR. The subject matter of the waivers includes certain limitations on the carryover of funds from one year to the next, the period of availability of funds, and, under Title IV of ESEA certain needs-based assessments, content area spending requirements, and technology infrastructure limitations, as well as the definition of “professional development” under Title VIII of ESEA. These national emergency education waivers are authorized under section 3511(a) and (b) of Division A of the CARES Act.
- **Flexibility in the Operation and Fiscal Management of Vocational Rehabilitation and Other Programs (Office of Special Education and Rehabilitative Services).** Yesterday, the Department sent to OMB one Question and Answer guidance document in response to inquiries from state vocational rehabilitation agencies and other grantees. The draft guidance focuses on fiscal management of the vocational rehabilitation program as state agencies continue to service individuals with disabilities. A second Question and Answer document placed into ED clearance, also yesterday, addresses flexibilities in service delivery for the Vocational Rehabilitation, American Indian Vocational Rehabilitation Services, Randolph-Sheppard Act, and Rehabilitation Long-Term Training programs.

Assistant Secretary Mark Schultz of the Office Special Education and Rehabilitative Services (OSERS) is leading the development of these two documents.

- **Individuals with Disabilities Education Act (IDEA) “Topic Briefs” (Office of Special Education and Rehabilitative Services (OSERS)).** During the week of April 20, OSERS expects to send to OMB three “topic briefs” on flexibility in the IDEA Part B and Part C Dispute Resolution Timelines, and IDEA Part B Fiscal Flexibility. Assistant Secretary Mark Schultz is leading the development of these guidance briefs which are in Department clearance.

- **Questions and Answers for Postsecondary Institutions on Issues Related to COVID-19 (Office for Civil Rights).** During the week of April 27, the Office for Civil Rights (OCR) expects to put into Department clearance a Questions and Answers technical assistance document addressing common questions that have been asked by postsecondary institutions in light of COVID-19 regarding compliance with federal civil rights laws. The topics covered include compliance with Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, Title IX of the Education Amendments of 1972, and Title VI of the Civil Rights Act. Assistant Secretary Ken Marcus is leading the drafting of this document.

CARES Act Implementation—Key Activities and Milestones

- **Elementary and Secondary School Emergency Relief Fund (“ESSER Fund”) (Office of Elementary and Secondary Education (OESE)).** Today, the Department announced the availability of the \$13.2 billion ESSER Fund to State educational agencies (SEAs). SEAs must allocate at least 90% of their funds to local educational agencies and may use the remaining funds for emergency needs to address issues responding to the coronavirus. Chief State School Officers will need to sign a Certification and Agreement and submit it to the Department. The Department expects to distribute funds soon after receipt of each Certification and Agreement.
- **Governor’s Emergency Education Relief Fund (“GEER Fund”) (OESE).** As of 11:30 AM today, the Department had received a “Certification and Agreement” from three Governors (Hawaii, Louisiana, and Maryland). The Certification and Agreement serves as the application for funds and commits each Governor to abide by the relevant statutory requirements. The purpose of the GEER Fund is to provide emergency assistance to a Governor to support local educational agencies, institutions of higher education, and any other education-related entities the Governor “deems essential for carrying out emergency educational services to students” for certain authorized activities under the CARES Act and the Higher Education Act, as well as for “the provision of child care and early childhood education, social and emotional support, and the protection of education-related jobs.” An award of \$9.993 million has been made to the Governor of Hawaii. Awards have not yet been made to Louisiana and Maryland.
- **Higher Education Emergency Relief Fund (HEERF) to Assist Students (Office of Postsecondary Education (OPE)).** As of 12:00 PM today, the Department had received a “Certification and Agreement” from 3,024 institutions of higher education for funds to provide emergency financial aid grants to students. The Certification and Agreement serves as the application for funds and commits each institution to abiding by the relevant statutory provisions for the HEERF. Awards have been issued to 608 applicants totaling \$1.49 billion.

HEERF to Assist Institutions of Higher Education (OPE). As of noon today, the Department had received a Certification and Agreement from 380 institutions of higher education to assist the institutions with costs associated with significant changes to the delivery of instruction due to the coronavirus.

- **Education Stabilization Fund - State Educational Agency Discretionary Grants (OESE).** On Monday, April 27, the Department intends to announce the availability of \$180 million for a new discretionary grant competition open to State educational agencies to apply for funds in one of three areas: (1) microgrants to parents which may be used for technology, continuing education services, or supplemental education services; (2) statewide virtual learning and course access programs; and (3) field-initiated educational models for remote learning. The competition will remain open for 60 days. The Department anticipates making approximately 12 awards averaging about \$15 million per award. The Department will use an external peer review process and expects to make awards no later than July 27, 2020.
- **Education Stabilization Fund – Multiple Pathways to Independent (“ESF-MPI”) (Office of Career, Technical and Adult Education).** On Monday, April 27, the Department intends to announce the availability of \$127.5 million for ESF-MPI competitive grants to State community college systems, State higher education systems, and State workforce agencies. Only one grant may be submitted per State. A significant selection criterion is the demonstration of high “coronavirus burden.” Projects may focus on developing entrepreneurs or employment through career and technical education. The competition will remain open for 60 days. The Department anticipates making approximately 8 to 9 awards averaging about \$15 million per award. The Department will use an external peer review process and expects to make awards no later than July 27, 2020.
- **Waiver Data Reflecting Flexibility for Career and Technical Education, and Adult Education Programs (Office of Career, Technical and Adult Education) and Flexibility on K-12 Fiscal Issues (OESE).** See above waiver entries under “Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing).”

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Actions That Affect Federal Facilities and Personnel

- None

Other Notable Responses

- **Donation of P100 Respirator Masks.** Today, the Department transferred 1,500 P100 masks to FEMA.

Talbert, Kent

From: Talbert, Kent
Sent: Friday, April 24, 2020 5:22 PM
To: Cassell, Mary I. EOP/OMB
Cc: McGuire, Denzel E. EOP/OMB; Miller, Katie R. EOP/OVP; Nevins, Kristan K. EOP/WHO; Redstone, James J. EOP/WHO; 'Satya.P.Thallam@omb.eop.gov'
Subject: daily report of ED for Friday, April 24
Attachments: ED_4.24.20_ COVID19 daily report.pdf

COVID-19—Agency Response
April 24, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Second Chance Pell Experiment (Office of Federal Student Aid (FSA)).** Yesterday, FSA issued guidance to postsecondary institutions participating in the Second Chance Pell Experiment regarding COVID-19 disruptions. FSA learned from numerous participating schools that correctional facilities' responses to the COVID-19 emergency have created significant challenges for the continuation of instruction; in some cases, correctional facilities have suspended all in-person instruction. The guidance provides several options including distance education. As described in the Department's [April 3, 2020 Electronic Announcement](#), postsecondary institutions have different options regarding how they offer distance education to students.
- **Waivers Permitting Flexibility in Fiscal Management of Federal Career and Technical Education (CTE) and Adult Education Programs (Office of Career, Technical, and Adult Education (OCTAE)).** As of 2:30 PM today, the Department had received waiver requests from 23 States and territories. Twenty-two (22) have received provisional approval under the Carl D. Perkins Career and Technical Education Act of 2006 and the Adult Education and Family Literacy Act, and the General Education Provisions Act. These national emergency "Tydings" waivers (i.e., to extend the period of availability of funds to be spent) are authorized under section 3511(a) and (b) of Division A of the CARES Act.
- **Flexibility in the Operation and Fiscal Management of Vocational Rehabilitation and Other Programs (Office of Special Education and Rehabilitative Services).** During the week of April 27, the Department expects to release one guidance document focusing on fiscal management of the vocational rehabilitation program as state agencies continue to service individuals with disabilities. In addition, the Department expects to send to OMB within the next few days a second Questions and Answers document addressing flexibilities in service delivery for the Vocational Rehabilitation, American Indian Vocational Rehabilitation Services, Randolph-Sheppard Act, and Rehabilitation Long-Term Training programs.

Assistant Secretary Mark Schultz of the Office Special Education and Rehabilitative Services (OSERS) is leading the development of these two documents.

- **Individuals with Disabilities Education Act (IDEA) "Topic Briefs" (Office of Special Education and Rehabilitative Services (OSERS)).** During the week of April 27, OSERS expects to send to OMB three "topic briefs" on flexibility regarding the IDEA Part B and Part C Dispute Resolution Timelines, and IDEA Part B Fiscal Flexibility. Assistant Secretary Mark Schultz is leading the development of these guidance briefs which are in Department clearance.
- **Questions and Answers for Postsecondary Institutions on Issues Related to COVID-19 (Office for Civil Rights).** During the week of April 27, the Office for Civil Rights (OCR) expects

to put into Department clearance a Questions and Answers technical assistance document addressing common questions that have been asked by postsecondary institutions in light of COVID-19 regarding compliance with federal civil rights laws. The topics covered include compliance with Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, Title IX of the Education Amendments of 1972, and Title VI of the Civil Rights Act. Assistant Secretary Ken Marcus is leading the drafting of this document.

CARES Act Implementation—Key Activities and Milestones

- **Governor’s Emergency Education Relief Fund (“GEER Fund”) (Office of Elementary and Secondary Education (OESE)).** As of 11:30 AM today, the Department had received a “Certification and Agreement” from four Governors. Four awards have been made totaling \$115.2 million. The Certification and Agreement serves as the application for funds and commits each Governor to abide by the relevant statutory requirements. The purpose of the GEER Fund is to provide emergency assistance to a Governor to support local educational agencies, institutions of higher education, and any other education-related entities the Governor “deems essential for carrying out emergency educational services to students” for certain authorized activities under the CARES Act and the Higher Education Act, as well as for “the provision of child care and early childhood education, social and emotional support, and the protection of education-related jobs.”
- **Elementary and Secondary Education Relief Fund (“ESSER Fund”) (OESE).** As of 11:30 AM today, the Department had received a “Certification and Agreement” from one Chief State School Officer. The Certification and Agreement serves as the application for funds and commits each Chief State School Officer to abide by the relevant statutory requirements. The purpose of the ESSER Fund is to support continuity of learning for K-12 students whose education has been disrupted by the coronavirus.
- **Higher Education Emergency Relief Fund (“HEER Fund”) to Assist Students (Office of Postsecondary Education (OPE)).** As of 12:00 PM today, the Department had received a “Certification and Agreement” from 3,087 institutions of higher education for funds to provide emergency financial aid grants to students. The Certification and Agreement serves as the application for funds and commits each institution to abiding by the relevant statutory provisions for the HEER Fund. Awards have been issued to 762 applicants totaling \$1.87 billion.

HEER Fund to Assist Institutions of Higher Education (OPE). As of noon today, the Department had received a Certification and Agreement from 552 institutions of higher education to assist the institutions with costs associated with significant changes to the delivery of instruction due to the coronavirus.

- **Education Stabilization Fund - State Educational Agency Discretionary Grants (OESE).** On Monday, April 27, the Department intends to announce the availability of \$180 million for a new discretionary grant competition open to State educational agencies to apply for funds in one of three areas: (1) microgrants to parents which may be used for technology, continuing education services, or supplemental education services; (2) statewide virtual learning and course access programs; and (3) field-initiated educational models for remote learning. The competition will remain open for 60 days. The Department anticipates making approximately 12 awards averaging

about \$15 million per award. The Department will use an external peer review process and expects to make awards no later than July 27, 2020.

- **Education Stabilization Fund – Economic Recovery through Entrepreneurship (“ESF-ERE”) (Office of Career, Technical and Adult Education (OCTAE)).** On Monday, April 27, the Department intends to announce the availability of \$127.5 million for ESF-ERE competitive grants to State community college systems, State higher education systems, State workforce agencies, or other State consortia identified by the Governor. Only one grant may be submitted per State. A significant selection criterion is the demonstration of high “coronavirus burden.” Projects may focus on developing entrepreneurs or employment through short-term career and technical education programs. The competition will remain open for 60 days. The Department anticipates making approximately 8 to 9 awards averaging about \$15 million per award. The Department will use an external peer review process and expects to make awards no later than July 27, 2020.
- **Waiver Data Reflecting Flexibility for Career and Technical Education, and Adult Education Programs (OCTAE).** See above waiver entry under “Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing).”

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Actions That Affect Federal Facilities and Personnel

- None

Other Notable Responses

- None

Talbert, Kent

From: Talbert, Kent
Sent: Saturday, April 25, 2020 2:57 PM
To: Cassell, Mary I. EOP/OMB
Cc: McGuire, Denzel E. EOP/OMB; Redstone, James J. EOP/WHO; Miller, Katie R. EOP/OVP; Nevins, Kristan K. EOP/WHO; 'Satya.P.Thallam@omb.eop.gov'
Subject: ED daily report for Saturday, April 25
Attachments: ED_4.25.20_ COVID19 daily report.pdf

COVID-19—Agency Response
April 25, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Waivers Permitting Flexibility in Fiscal Management of Federal Career and Technical Education (CTE) and Adult Education Programs (Office of Career, Technical, and Adult Education (OCTAE)).** As of 2:30 PM on Friday, April 24, the Department had received waiver requests from 23 States and territories. Twenty-two (22) have received provisional approval under the Carl D. Perkins Career and Technical Education Act of 2006 and the Adult Education and Family Literacy Act, and the General Education Provisions Act. These national emergency “Tydings” waivers (i.e., to extend the period of availability of funds to be spent) are authorized under section 3511(a) and (b) of Division A of the CARES Act.
- **Flexibility in the Operation and Fiscal Management of Vocational Rehabilitation and Other Programs (Office of Special Education and Rehabilitative Services).** During the week of April 27, the Department expects to release one guidance document focusing on fiscal management of the vocational rehabilitation program as state agencies continue to service individuals with disabilities. In addition, the Department expects to send to OMB within the next few days a second Questions and Answers document addressing flexibilities in service delivery for the Vocational Rehabilitation, American Indian Vocational Rehabilitation Services, Randolph-Sheppard Act, and Rehabilitation Long-Term Training programs.

Assistant Secretary Mark Schultz of the Office Special Education and Rehabilitative Services (OSERS) is leading the development of these two documents.

- **Individuals with Disabilities Education Act (IDEA) “Topic Briefs” (Office of Special Education and Rehabilitative Services (OSERS)).** During the week of April 27, OSERS expects to send to OMB three “topic briefs” on flexibility regarding the IDEA Part B and Part C Dispute Resolution Timelines, and IDEA Part B Fiscal Flexibility. Assistant Secretary Mark Schultz is leading the development of these guidance briefs which are in Department clearance.
- **Questions and Answers for Postsecondary Institutions on Issues Related to COVID-19 (Office for Civil Rights).** During the week of April 27, the Office for Civil Rights (OCR) expects to put into Department clearance a Questions and Answers technical assistance document addressing common questions that have been asked by postsecondary institutions in light of COVID-19 regarding compliance with federal civil rights laws. The topics covered include compliance with Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, Title IX of the Education Amendments of 1972, and Title VI of the Civil Rights Act. Assistant Secretary Ken Marcus is leading the drafting of this document.

CARES Act Implementation—Key Activities and Milestones

- **Governor’s Emergency Education Relief Fund (“GEER Fund”) (Office of Elementary and Secondary Education (OESE)).** As of 11:30 AM on Friday, April 24, the Department had received a “Certification and Agreement” from four Governors. Four awards have been made totaling \$115.2 million. The Certification and Agreement serves as the application for funds and commits each Governor to abide by the relevant statutory requirements. The purpose of the GEER Fund is to provide emergency assistance to a Governor to support local educational agencies, institutions of higher education, and any other education-related entities the Governor “deems essential for carrying out emergency educational services to students” for certain authorized activities under the CARES Act and the Higher Education Act, as well as for “the provision of child care and early childhood education, social and emotional support, and the protection of education-related jobs.”
- **Elementary and Secondary Education Relief Fund (“ESSER Fund”) (OESE).** As of 11:30 AM on Friday, April 24, the Department had received a “Certification and Agreement” from one Chief State School Officer. The Certification and Agreement serves as the application for funds and commits each Chief State School Officer to abide by the relevant statutory requirements. The purpose of the ESSER Fund is to support continuity of learning for K-12 students whose education has been disrupted by the coronavirus.
- **Higher Education Emergency Relief Fund (“HEER Fund”) to Assist Students (Office of Postsecondary Education (OPE)).** As of 5:00 PM on Friday, April 24, the Department had received a “Certification and Agreement” from 3,109 institutions of higher education for funds to provide emergency financial aid grants to students. The Certification and Agreement serves as the application for funds and commits each institution to abiding by the relevant statutory provisions for the HEER Fund. Awards have been issued to 856 applicants totaling \$2.03 billion.

HEER Fund to Assist Institutions of Higher Education (OPE). As of 5:00 PM on Friday, April 24, the Department had received a Certification and Agreement from 632 institutions of higher education to assist the institutions with costs associated with significant changes to the delivery of instruction due to the coronavirus.

- **Education Stabilization Fund - State Educational Agency Discretionary Grants (OESE).** On Monday, April 27, the Department intends to announce the availability of \$180 million for a new discretionary grant competition open to State educational agencies to apply for funds in one of three areas: (1) microgrants to parents which may be used for technology, continuing education services, or supplemental education services; (2) statewide virtual learning and course access programs; and (3) field-initiated educational models for remote learning. The competition will remain open for 60 days. The Department anticipates making approximately 12 awards averaging about \$15 million per award. The Department will use an external peer review process and expects to make awards in early August 2020.
- **Education Stabilization Fund – Educational Entrepreneurship Recovery Grant (“ESF-EERG”) (Office of Career, Technical and Adult Education (OCTAE)).** On Monday, April 27, the Department intends to announce the availability of \$127.5 million for ESF-EERG competitive

grants to States to expand educational opportunities, including short-term postsecondary programs and work-based learning programs, that will get Americans back to work and small businesses back to economic growth. These grants will be made to State workforce and economic development agencies, that in turn may partner with industry sectors, workforce organizations, institutions of higher education and other educational providers. Focused on preparing citizens quickly for in-demand jobs, creating learning pathways that enable upskilling throughout one's professional career, and providing short-term programs that help entrepreneurs develop the skills they need to recover and grow their businesses, these grants are designed to yield quick results. A significant selection criterion is the demonstration of high "coronavirus burden." The competition will remain open for 60 days. The Department anticipates making approximately 8 to 9 awards averaging about \$15 million per award. The Department will use an external peer review process and expects to make awards in early August 2020.

- **Waiver Data Reflecting Flexibility for Career and Technical Education, and Adult Education Programs (OCTAE).** See above waiver entry under "Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)."

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Actions That Affect Federal Facilities and Personnel

- None

Other Notable Responses

- **Report on Recommended Waiver Authority (Office of the Secretary).** On Monday, April 27, the Department expects to transmit a report to Congress on recommended waiver authority "to provide limited flexibility to States and local educational agencies to meet the needs of students during the [national] emergency" under the Individuals with Disabilities Education Act, the Rehabilitation Act of 1973, the Elementary and Secondary Education Act of 1965, and the Carl D. Perkins Career and Technical Education Act of 2006. The report is made pursuant to section 3511(d)(4) of the CARES Act.

Talbert, Kent

From: Talbert, Kent
Sent: Sunday, April 26, 2020 2:32 PM
To: Cassell, Mary I. EOP/OMB
Cc: McGuire, Denzel E. EOP/OMB; Redstone, James J. EOP/WHO; Miller, Katie R. EOP/OVP; Nevins, Kristan K. EOP/WHO; 'Satya.P.Thallam@omb.eop.gov'
Subject: ED daily report for Sunday, April 26
Attachments: ED_4.26.20_ COVID19 daily report.pdf

COVID-19—Agency Response
April 26, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Waivers Permitting Flexibility in Fiscal Management of Federal Career and Technical Education (CTE) and Adult Education Programs (Office of Career, Technical, and Adult Education (OCTAE)).** As of 2:30 PM on Friday, April 24, the Department had received waiver requests from 23 States and territories. Twenty-two (22) have received provisional approval under the Carl D. Perkins Career and Technical Education Act of 2006 and the Adult Education and Family Literacy Act, and the General Education Provisions Act. These national emergency “Tydings” waivers (i.e., to extend the period of availability of funds to be spent) are authorized under section 3511(a) and (b) of Division A of the CARES Act.
- **Flexibility in the Operation and Fiscal Management of Vocational Rehabilitation and Other Programs (Office of Special Education and Rehabilitative Services).** During the week of April 27, the Department expects to release one guidance document focusing on fiscal management of the vocational rehabilitation program as state agencies continue to service individuals with disabilities. In addition, the Department expects to send to OMB within the next few days a second Questions and Answers document addressing flexibilities in service delivery for the Vocational Rehabilitation, American Indian Vocational Rehabilitation Services, Randolph-Sheppard Act, and Rehabilitation Long-Term Training programs.

Assistant Secretary Mark Schultz of the Office Special Education and Rehabilitative Services (OSERS) is leading the development of these two documents.

- **Individuals with Disabilities Education Act (IDEA) “Topic Briefs” (Office of Special Education and Rehabilitative Services (OSERS)).** During the week of April 27, OSERS expects to send to OMB three “topic briefs” on flexibility regarding the IDEA Part B and Part C Dispute Resolution Timelines, and IDEA Part B Fiscal Flexibility. Assistant Secretary Mark Schultz is leading the development of these guidance briefs which are in Department clearance.
- **Questions and Answers for Postsecondary Institutions on Issues Related to COVID-19 (Office for Civil Rights).** During the week of April 27, the Office for Civil Rights (OCR) expects to put into Department clearance a Questions and Answers technical assistance document addressing common questions that have been asked by postsecondary institutions in light of COVID-19 regarding compliance with federal civil rights laws. The topics covered include compliance with Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, Title IX of the Education Amendments of 1972, and Title VI of the Civil Rights Act. Assistant Secretary Ken Marcus is leading the drafting of this document.

CARES Act Implementation—Key Activities and Milestones

- **Governor’s Emergency Education Relief Fund (“GEER Fund”) (Office of Elementary and Secondary Education (OESE)).** As of 11:30 AM on Friday, April 24, the Department had received a “Certification and Agreement” from four Governors. Four awards have been made totaling \$115.2 million. The Certification and Agreement serves as the application for funds and commits each Governor to abide by the relevant statutory requirements. The purpose of the GEER Fund is to provide emergency assistance to a Governor to support local educational agencies, institutions of higher education, and any other education-related entities the Governor “deems essential for carrying out emergency educational services to students” for certain authorized activities under the CARES Act and the Higher Education Act, as well as for “the provision of child care and early childhood education, social and emotional support, and the protection of education-related jobs.”
- **Elementary and Secondary Education Relief Fund (“ESSER Fund”) (OESE).** As of 11:30 AM on Friday, April 24, the Department had received a “Certification and Agreement” from one Chief State School Officer. The Certification and Agreement serves as the application for funds and commits each Chief State School Officer to abide by the relevant statutory requirements. The purpose of the ESSER Fund is to support continuity of learning for K-12 students whose education has been disrupted by the coronavirus.
- **Higher Education Emergency Relief Fund (“HEER Fund”) to Assist Students (Office of Postsecondary Education (OPE)).** As of 5:00 PM on Friday, April 24, the Department had received a “Certification and Agreement” from 3,109 institutions of higher education for funds to provide emergency financial aid grants to students. The Certification and Agreement serves as the application for funds and commits each institution to abiding by the relevant statutory provisions for the HEER Fund. Awards have been issued to 856 applicants totaling \$2.03 billion.

HEER Fund to Assist Institutions of Higher Education (OPE). As of 5:00 PM on Friday, April 24, the Department had received a Certification and Agreement from 632 institutions of higher education to assist the institutions with costs associated with significant changes to the delivery of instruction due to the coronavirus.

- **Education Stabilization Fund - State Educational Agency Discretionary Grants (OESE).** On Monday, April 27, the Department intends to announce the availability of \$180 million for a new discretionary grant competition open to State educational agencies to apply for funds in one of three areas: (1) microgrants to parents which may be used for technology, continuing education services, or supplemental education services; (2) statewide virtual learning and course access programs; and (3) field-initiated educational models for remote learning. The competition will remain open for 60 days. The Department anticipates making approximately 12 awards averaging about \$15 million per award. The Department will use an external peer review process and expects to make awards in early August 2020.
- **Education Stabilization Fund – Educational Entrepreneurship Recovery Grant (“ESF-EERG”) (Office of Career, Technical and Adult Education (OCTAE)).** On Monday, April 27, the Department intends to announce the availability of \$127.5 million for ESF-EERG competitive

grants to States to expand educational opportunities, including short-term postsecondary programs and work-based learning programs, that will get Americans back to work and small businesses back to economic growth. These grants will be made to State workforce and economic development agencies, that in turn may partner with industry sectors, workforce organizations, institutions of higher education and other educational providers. Focused on preparing citizens quickly for in-demand jobs, creating learning pathways that enable upskilling throughout one's professional career, and providing short-term programs that help entrepreneurs develop the skills they need to recover and grow their businesses, these grants are designed to yield quick results. A significant selection criterion is the demonstration of high "coronavirus burden." The competition will remain open for 60 days. The Department anticipates making approximately 8 to 9 awards averaging about \$15 million per award. The Department will use an external peer review process and expects to make awards in early August 2020.

- **Waiver Data Reflecting Flexibility for Career and Technical Education, and Adult Education Programs (OCTAE).** See above waiver entry under "Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)."

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Actions That Affect Federal Facilities and Personnel

- None

Other Notable Responses

- **Report on Recommended Waiver Authority (Office of the Secretary).** On Monday, April 27, the Department expects to transmit a report to Congress on recommended waiver authority "to provide limited flexibility to States and local educational agencies to meet the needs of students during the [national] emergency" under the Individuals with Disabilities Education Act, the Rehabilitation Act of 1973, the Elementary and Secondary Education Act of 1965, and the Carl D. Perkins Career and Technical Education Act of 2006. The report is made pursuant to section 3511(d)(4) of the CARES Act.

Talbert, Kent

From: Talbert, Kent
Sent: Monday, April 27, 2020 4:52 PM
To: Cassell, Mary I. EOP/OMB
Cc: McGuire, Denzel E. EOP/OMB; Redstone, James J. EOP/WHO; Miller, Katie R. EOP/OVP; Nevins, Kristan K. EOP/WHO; 'Satya.P.Thallam@omb.eop.gov'
Subject: ED daily report for Monday, April 27
Attachments: ED_4.27.20_ COVID19 daily report.pdf

COVID-19—Agency Response
April 27, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Waivers Permitting Flexibility in Fiscal Management of Federal Career and Technical Education (CTE) and Adult Education Programs (Office of Career, Technical, and Adult Education (OCTAE)).** As of 3:45 PM on Monday, April 27, the Department had received waiver requests from 26 States and territories. Twenty-three (23) have received provisional approval under the Carl D. Perkins Career and Technical Education Act of 2006 and the Adult Education and Family Literacy Act, and the General Education Provisions Act. These national emergency “Tydings” waivers (i.e., to extend the period of availability of funds to be spent) are authorized under section 3511(a) and (b) of Division A of the CARES Act.
- **Flexibility in the Operation and Fiscal Management of Vocational Rehabilitation and Other Programs (Office of Special Education and Rehabilitative Services).** During the week of April 27, the Department expects to release one guidance document focusing on fiscal management of the vocational rehabilitation program as state agencies continue to service individuals with disabilities. In addition, the Department expects to send to OMB within the next few days a second Questions and Answers document addressing flexibilities in service delivery for the Vocational Rehabilitation, American Indian Vocational Rehabilitation Services, Randolph-Sheppard Act, and Rehabilitation Long-Term Training programs.

Assistant Secretary Mark Schultz of the Office Special Education and Rehabilitative Services (OSERS) is leading the development of these two documents.

- **Individuals with Disabilities Education Act (IDEA) “Topic Briefs” (Office of Special Education and Rehabilitative Services (OSERS)).** During the week of April 27, OSERS expects to send to OMB three “topic briefs” on flexibility regarding the IDEA Part B and Part C Dispute Resolution Timelines, and IDEA Part B Fiscal Flexibility. Assistant Secretary Mark Schultz is leading the development of these guidance briefs which are in Department clearance.
- **Questions and Answers for Postsecondary Institutions on Issues Related to COVID-19 (Office for Civil Rights).** During the week of April 27, the Office for Civil Rights (OCR) expects to put into Department clearance a Questions and Answers technical assistance document addressing common questions that have been asked by postsecondary institutions in light of COVID-19 regarding compliance with federal civil rights laws. The topics covered include compliance with Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, Title IX of the Education Amendments of 1972, and Title VI of the Civil Rights Act. Assistant Secretary Ken Marcus is leading the drafting of this document.

CARES Act Implementation—Key Activities and Milestones

- **Governor’s Emergency Education Relief Fund (“GEER Fund”) (Office of Elementary and Secondary Education (OESE)).** As of 11:30 AM on Monday, April 27, the Department had received a “Certification and Agreement” from four Governors. Four awards have been made totaling \$115.2 million. The Certification and Agreement serves as the application for funds and commits each Governor to abide by the relevant statutory requirements. The purpose of the GEER Fund is to provide emergency assistance to a Governor to support local educational agencies, institutions of higher education, and any other education-related entities the Governor “deems essential for carrying out emergency educational services to students” for certain authorized activities under the CARES Act and the Higher Education Act, as well as for “the provision of child care and early childhood education, social and emotional support, and the protection of education-related jobs.”
- **Elementary and Secondary Education Relief Fund (“ESSER Fund”) (OESE).** As of 11:30 AM on Monday, April 27, the Department had received a “Certification and Agreement” from nine Chief State School Officers. The Certification and Agreement serves as the application for funds and commits each Chief State School Officer to abide by the relevant statutory requirements. The purpose of the ESSER Fund is to support continuity of learning for K-12 students whose education has been disrupted by the coronavirus.
- **Higher Education Emergency Relief Fund (“HEER Fund”) to Assist Students (Office of Postsecondary Education (OPE)).** As of 4:00 PM on Monday, April 27, the Department had received a “Certification and Agreement” from 3,337 institutions of higher education for funds to provide emergency financial aid grants to students. The Certification and Agreement serves as the application for funds and commits each institution to abiding by the relevant statutory provisions for the HEER Fund. Awards have been issued to 2,222 applicants totaling \$4.096 billion.

HEER Fund to Assist Institutions of Higher Education (OPE). As of 4:00 PM on Monday, April 27, the Department had received a Certification and Agreement from 1,296 institutions of higher education to assist the institutions with costs associated with significant changes to the delivery of instruction due to the coronavirus.

- **Education Stabilization Fund - State Educational Agency Discretionary Grants (OESE).** Today, the Department announced the availability of \$180 million for a new discretionary grant competition open to State educational agencies to apply for funds in one of three areas: (1) microgrants to parents which may be used for technology, continuing education services, or supplemental education services; (2) statewide virtual learning and course access programs; and (3) field-initiated educational models for remote learning. The competition will remain open for 60 days. The Department anticipates making approximately 12 awards averaging about \$15 million per award. The Department will use an external peer review process and expects to make awards in early August 2020.
- **Education Stabilization Fund – Reimagining Workforce Preparation (“ESF-RWP”) (Office of Career, Technical and Adult Education (OCTAE)).** Today, the Department announced the availability of \$127.5 million for ESF-RWP competitive grants to States to expand educational

opportunities, including short-term postsecondary programs and work-based learning programs, that will get Americans back to work and small businesses back to economic growth. A significant selection criterion is the demonstration of high “coronavirus burden.” The competition will remain open for 60 days. The Department anticipates making approximately 8 to 9 awards averaging about \$15 million per award. The Department will use an external peer review process and expects to make awards in early August 2020.

- **Waiver Data Reflecting Flexibility for Career and Technical Education, and Adult Education Programs (OCTAE).** See above waiver entry under “Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing).”

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- **None**

Actions That Affect Federal Facilities and Personnel

- **None**

Other Notable Responses

- **Report on Recommended Waiver Authority (Office of the Secretary).** Today, the Department transmitted a report to Congress on recommended waiver authority “to provide limited flexibility to States and local educational agencies to meet the needs of students during the [national] emergency” under the Individuals with Disabilities Education Act, the Rehabilitation Act of 1973, the Elementary and Secondary Education Act of 1965, and the Carl D. Perkins Career and Technical Education Act of 2006. The report is made pursuant to section 3511(d)(4) of the CARES Act.

Talbert, Kent

From: Talbert, Kent
Sent: Tuesday, April 28, 2020 4:07 PM
To: Cassell, Mary I. EOP/OMB
Cc: McGuire, Denzel E. EOP/OMB; Redstone, James J. EOP/WHO; Miller, Katie R. EOP/OVP; Nevins, Kristan K. EOP/WHO; 'Satya.P.Thallam@omb.eop.gov'
Subject: ED daily report for Tuesday, April 28
Attachments: ED_4.28.20_ COVID19 daily report.pdf

COVID-19—Agency Response
April 28, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Waivers Permitting Flexibility in Fiscal Management of Federal Career and Technical Education (CTE) and Adult Education Programs (Office of Career, Technical, and Adult Education (OCTAE)).** As of 9:30 AM on Tuesday, April 28, the Department had received waiver requests from 26 States and territories and all have received provisional approval under the Carl D. Perkins Career and Technical Education Act of 2006 and the Adult Education and Family Literacy Act, and the General Education Provisions Act. These national emergency “Tydings” waivers (i.e., to extend the period of availability of funds to be spent) are authorized under section 3511(a) and (b) of Division A of the CARES Act.
- **Flexibility in the Operation and Fiscal Management of Vocational Rehabilitation and Other Programs (Office of Special Education and Rehabilitative Services).** Later today or tomorrow, the Department will release guidance focusing on fiscal management of vocational rehabilitation programs as state agencies continue to service individuals with disabilities. In addition, the Department expects to send to OMB within the next few days a second Questions and Answers document addressing flexibilities in service delivery for the Vocational Rehabilitation, American Indian Vocational Rehabilitation Services, Randolph-Sheppard Act, and Rehabilitation Long-Term Training programs.

Assistant Secretary Mark Schultz of the Office Special Education and Rehabilitative Services (OSERS) is leading the development of these two documents.
- **Individuals with Disabilities Education Act (IDEA) “Topic Briefs” (Office of Special Education and Rehabilitative Services (OSERS)).** During the week of April 27, OSERS expects to send to OMB three “topic briefs” on flexibility regarding the IDEA Part B and Part C Dispute Resolution Timelines, and IDEA Part B Fiscal Flexibility. Assistant Secretary Mark Schultz is leading the development of these guidance briefs which are in Department clearance.
- **Questions and Answers for Postsecondary Institutions on Issues Related to COVID-19 (Office for Civil Rights).** During the week of April 27, the Office for Civil Rights (OCR) expects to put into Department clearance a Questions and Answers technical assistance document addressing common questions that have been asked by postsecondary institutions in light of COVID-19 regarding compliance with federal civil rights laws. The topics covered include compliance with Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, Title IX of the Education Amendments of 1972, and Title VI of the Civil Rights Act. Assistant Secretary Ken Marcus is leading the drafting of this document.

CARES Act Implementation—Key Activities and Milestones

- **Governor’s Emergency Education Relief Fund (“GEER Fund”) (Office of Elementary and Secondary Education (OESE)).** As of 11:15 AM on Tuesday, April 28, the Department had received a “Certification and Agreement” from four Governors. Four awards have been made totaling \$115.2 million. The Certification and Agreement serves as the application for funds and commits each Governor to abide by the relevant statutory requirements. The purpose of the GEER Fund is to provide emergency assistance to a Governor to support local educational agencies, institutions of higher education, and any other education-related entities the Governor “deems essential for carrying out emergency educational services to students” for certain authorized activities under the CARES Act and the Higher Education Act, as well as for “the provision of child care and early childhood education, social and emotional support, and the protection of education-related jobs.”
- **Elementary and Secondary Education Relief Fund (“ESSER Fund”) (OESE).** As of 11:15 AM on Tuesday, April 28, the Department had received a “Certification and Agreement” from 12 Chief State School Officers. The Certification and Agreement serves as the application for funds and commits each Chief State School Officer to abide by the relevant statutory requirements. The purpose of the ESSER Fund is to support continuity of learning for K-12 students whose education has been disrupted by the coronavirus.
- **Higher Education Emergency Relief Fund (“HEER Fund”) to Assist Students (Office of Postsecondary Education (OPE)).** As of 10:00 AM on Tuesday, April 28, the Department had received a “Certification and Agreement” from 3,397 institutions of higher education for funds to provide emergency financial aid grants to students. The Certification and Agreement serves as the application for funds and commits each institution to abiding by the relevant statutory provisions for the HEER Fund. Awards have been issued to 2,413 applicants totaling \$4.42 billion.

HEER Fund to Assist Institutions of Higher Education (OPE). As of 10:00 AM on Tuesday, April 28, the Department had received a Certification and Agreement from 1,406 institutions of higher education to assist the institutions with costs associated with significant changes to the delivery of instruction due to the coronavirus.

- **Education Stabilization Fund – Rethinking K-12 Education Models (OESE).** Yesterday, the Department announced the availability of \$180 million for a new discretionary grant competition open to State educational agencies to apply for funds in one of three areas: (1) microgrants to parents which may be used for technology, continuing education services, or supplemental education services; (2) statewide virtual learning and course access programs; and (3) field-initiated educational models for remote learning. The competition will remain open for 60 days. The Department anticipates making approximately 12 awards averaging about \$15 million per award. The Department will use an external peer review process and expects to make awards in early August 2020. The [Notice Inviting Applications \(NIA\)](#) is available on the Department website and will appear in the Federal Register later this week. The application package will be available to download from the Department’s website on Thursday, April 30.

- **Education Stabilization Fund – Reimagining Workforce Preparation (“ESF-RWP”) (Office of Career, Technical and Adult Education (OCTAE)).** Yesterday, the Department announced the availability of \$127.5 million for ESF-RWP competitive grants to States to expand educational opportunities, including short-term postsecondary programs and work-based learning programs, that will get Americans back to work and small businesses back to economic growth. A significant selection criterion is the demonstration of high “coronavirus burden.” The competition will remain open for 60 days. The Department anticipates making approximately 8 to 9 awards averaging about \$15 million per award. The Department will use an external peer review process and expects to make awards in early August 2020.

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Actions That Affect Federal Facilities and Personnel

- None

Other Notable Responses

- None

Talbert, Kent

From: Talbert, Kent
Sent: Wednesday, April 29, 2020 3:03 PM
To: Cassell, Mary I. EOP/OMB
Cc: McGuire, Denzel E. EOP/OMB; Redstone, James J. EOP/WHO; Miller, Katie R. EOP/OVP; Nevins, Kristan K. EOP/WHO; 'Satya.P.Thallam@omb.eop.gov'
Subject: ED daily report for Wednesday, April 29
Attachments: ED_4.29.20_ COVID19 daily report.pdf

COVID-19—Agency Response
April 29, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Waivers Permitting Flexibility in Fiscal Management of Federal Career and Technical Education (CTE) and Adult Education Programs (Office of Career, Technical, and Adult Education (OCTAE)).** As of 9:30 AM on Wednesday, April 29, the Department had received waiver requests from 27 States and territories. Twenty-six (26) have received provisional approval under the Carl D. Perkins Career and Technical Education Act of 2006 and the Adult Education and Family Literacy Act, and the General Education Provisions Act. These national emergency “Tydings” waivers (i.e., to extend the period of availability of funds to be spent) are authorized under section 3511(a) and (b) of Division A of the CARES Act.
- **Flexibility in the Operation and Fiscal Management of Vocational Rehabilitation and Other Programs (Office of Special Education and Rehabilitative Services).** Yesterday, the Department released guidance focusing on fiscal management of vocational rehabilitation programs as state agencies continue to service individuals with disabilities. During the week of April 27, the Department expects to send to OMB another Questions and Answers document addressing flexibilities in service delivery for the Vocational Rehabilitation, American Indian Vocational Rehabilitation Services, Randolph-Sheppard Act, and Rehabilitation Long-Term Training programs.

Assistant Secretary Mark Schultz of the Office Special Education and Rehabilitative Services (OSERS) is leading the development of the Questions and Answers document.

- **Individuals with Disabilities Education Act (IDEA) “Topic Briefs” (Office of Special Education and Rehabilitative Services (OSERS)).** During the week of April 27, OSERS expects to send to OMB three “topic briefs” on IDEA Part B and Part C Dispute Resolution Timelines, and IDEA Part B Fiscal Flexibility. The guidance will focus on flexibilities within the dispute resolution and fiscal accountability processes. Assistant Secretary Mark Schultz is leading the development of these topic briefs which are in Department clearance.
- **Questions and Answers for Postsecondary Institutions on Issues Related to COVID-19 (Office for Civil Rights).** During the week of April 27, the Office for Civil Rights (OCR) expects to put into Department clearance a Questions and Answers technical assistance document addressing common questions that have been asked by postsecondary institutions in light of COVID-19 regarding compliance with federal civil rights laws. The topics covered include compliance with Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, Title IX of the Education Amendments of 1972, and Title VI of the Civil Rights Act. Assistant Secretary Ken Marcus is leading the drafting of this document.

CARES Act Implementation—Key Activities and Milestones

- **Governor’s Emergency Education Relief Fund (“GEER Fund”) (Office of Elementary and Secondary Education (OESE)).** As of 11:00 AM on Wednesday, April 29, the Department had received a “Certification and Agreement” from four Governors. Four awards have been made totaling \$115.2 million. The Certification and Agreement serves as the application for funds and commits each Governor to abide by the relevant statutory requirements. The purpose of the GEER Fund is to provide emergency assistance to a Governor to support local educational agencies, institutions of higher education, and any other education-related entities the Governor “deems essential for carrying out emergency educational services to students” for certain authorized activities under the CARES Act and the Higher Education Act, as well as for “the provision of child care and early childhood education, social and emotional support, and the protection of education-related jobs.”
- **Elementary and Secondary Education Relief Fund (“ESSER Fund”) (OESE).** As of 11:00 AM on Wednesday, April 29, the Department had received a “Certification and Agreement” from 16 Chief State School Officers. Awards have been made to 11 applicants totaling \$1.62 billion. The Certification and Agreement serves as the application for funds and commits each Chief State School Officer to abide by the relevant statutory requirements. The purpose of the ESSER Fund is to support continuity of learning for K-12 students whose education has been disrupted by the coronavirus.
- **Higher Education Emergency Relief Fund (“HEER Fund”) to Assist Students (Office of Postsecondary Education (OPE)).** As of 2:00 PM on Wednesday, April 29, the Department had received a “Certification and Agreement” from 3,494 institutions of higher education for funds to provide emergency financial aid grants to students. Awards have been made to 2,592 applicants totaling \$4.75 billion. The Certification and Agreement serves as the application for funds and commits each institution to abiding by the relevant statutory provisions for the HEER Fund.

HEER Fund to Assist Institutions of Higher Education (OPE). As of 2:00 PM on Wednesday, April 29, the Department had received a Certification and Agreement from 1,645 institutions of higher education to assist the institutions with costs associated with significant changes to the delivery of instruction due to the coronavirus.

HEER Fund to Assist Minority Serving Institutions of Higher Education and Others (OPE). On Thursday, April 30, the Department expects to announce the availability of nearly \$1.4 billion for institutions of higher education under the remaining portions of the HEER Fund. Over \$1 billion of that funding will go to Minority Serving Institutions, including Historically Black Colleges and Universities and Tribally Controlled Colleges and Universities and institutions serving low-income students. Over \$300 million of the funding will go to institutions of higher education that have not yet been eligible to receive up to \$500,000 in previous CARES Act allocations. Institutions can use the funding to defray institutional expenses and to provide grants to students to cover their costs of attendance. Institutions will need to sign a Certification and Agreement and submit it to the Department. The Department expects to then distribute funds as soon as possible.

- **Education Stabilization Fund – Rethinking K-12 Education Models (OESE).** On Monday, April 27, the Department announced the availability of \$180 million for a new discretionary grant competition open to State educational agencies to apply for funds in one of three areas: (1) microgrants to parents which may be used for technology, continuing education services, or supplemental education services; (2) statewide virtual learning and course access programs; and (3) field-initiated educational models for remote learning. The competition will remain open for 60 days. The Department anticipates making approximately 12 awards averaging about \$15 million per award. The Department will use an external peer review process and expects to make awards in early August 2020. The [Notice Inviting Applications \(NIA\)](#) is available on the Department website and will appear in the Federal Register later this week. The Department expects the application package to be available to download from the Department’s website later this week or early the week of May 4.
- **Education Stabilization Fund – Reimagining Workforce Preparation (“ESF-RWP”) (Office of Career, Technical and Adult Education (OCTAE)).** On Monday, April 27, the Department announced the availability of \$127.5 million for ESF-RWP competitive grants to States to expand educational opportunities, including short-term postsecondary programs and work-based learning programs, that will get Americans back to work and small businesses back to economic growth. A significant selection criterion is the demonstration of high “coronavirus burden.” The competition will remain open for 60 days. The Department anticipates making approximately 8 to 9 awards averaging about \$15 million per award. The Department will use an external peer review process and expects to make awards in early August 2020.

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Actions That Affect Federal Facilities and Personnel

- None

Other Notable Responses

- None

Talbert, Kent

From: Talbert, Kent
Sent: Thursday, April 30, 2020 3:07 PM
To: Cassell, Mary I. EOP/OMB
Cc: McGuire, Denzel E. EOP/OMB; Redstone, James J. EOP/WHO; Nevins, Kristan K. EOP/WHO; Miller, Katie R. EOP/OVP; 'Satya.P.Thallam@omb.eop.gov'
Subject: ED daily report for Thursday, April 30
Attachments: ED_4.30.20_ COVID19 daily report.pdf

COVID-19—Agency Response
April 30, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Waivers Permitting Flexibility in Fiscal Management of Federal Career and Technical Education (CTE) and Adult Education Programs (Office of Career, Technical, and Adult Education (OCTAE)).** As of 2:00 PM on Thursday, April 30, the Department had received waiver requests from 28 States and territories. Twenty-six (26) have received provisional approval under the Carl D. Perkins Career and Technical Education Act of 2006 and the Adult Education and Family Literacy Act, and the General Education Provisions Act. These national emergency “Tydings” waivers (i.e., to extend the period of availability of funds to be spent) are authorized under section 3511(a) and (b) of Division A of the CARES Act.
- **Questions and Answers Guidance on Forbearance Information for Students, Borrowers, and Parents (Office of Federal Student Aid (FSA)).** FSA is updating a Questions and Answers guidance document for posting to its StudentAid.gov/coronavirus website. The guidance provides additional answers to recent questions arising under the CARES Act, including questions about student loan forbearance and related matters. The guidance is in Department clearance; OMB has conducted a preliminary review and provided comments. FSA anticipates the final version will be cleared by senior leaders in the Department and by OMB later today or early tomorrow. FSA Chief Operating Officer Mark Brown is leading the development of the guidance.
- **Flexibility in the Operation and Fiscal Management of Vocational Rehabilitation and Other Programs (Office of Special Education and Rehabilitative Services).** Later today or tomorrow, the Department expects to send to OMB a Questions and Answers document addressing flexibilities in service delivery for the Vocational Rehabilitation, American Indian Vocational Rehabilitation Services, Randolph-Sheppard Act, and Rehabilitation Long-Term Training programs.

Assistant Secretary Mark Schultz of the Office Special Education and Rehabilitative Services (OSERS) is leading the development of the Questions and Answers document.

- **Questions and Answers for Postsecondary Institutions on Issues Related to COVID-19 (Office for Civil Rights).** During the week of May 4, the Office for Civil Rights (OCR) plans to issue a Questions and Answers technical assistance document addressing common questions that have been asked by postsecondary institutions in light of COVID-19 regarding compliance with federal civil rights laws. The topics covered include compliance with Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, Title IX of the Education Amendments of 1972, and Title VI of the Civil Rights Act. Assistant Secretary for Civil Rights Kenneth Marcus is leading the drafting of this document which is currently in Department clearance.

CARES Act Implementation—Key Activities and Milestones

- **Governor’s Emergency Education Relief Fund (“GEER Fund”) (Office of Elementary and Secondary Education (OESE)).** As of 11:00 AM on Thursday, April 30, the Department had received a “Certification and Agreement” from five Governors. Four awards have been made totaling \$115.2 million. The Certification and Agreement serves as the application for funds and commits each Governor to abide by the relevant statutory requirements. The purpose of the GEER Fund is to provide emergency assistance to a Governor to support local educational agencies, institutions of higher education, and any other education-related entities the Governor “deems essential for carrying out emergency educational services to students” for certain authorized activities under the CARES Act and the Higher Education Act, as well as for “the provision of child care and early childhood education, social and emotional support, and the protection of education-related jobs.”
- **Elementary and Secondary Education Relief Fund (“ESSER Fund”) (OESE).** As of 11:00 AM on Thursday, April 30, the Department had received a “Certification and Agreement” from 20 Chief State School Officers. Awards have been made to 15 applicants totaling \$2.58 billion. The Certification and Agreement serves as the application for funds and commits each Chief State School Officer to abide by the relevant statutory requirements. The purpose of the ESSER Fund is to support continuity of learning for K-12 students whose education has been disrupted by the coronavirus.
- **Higher Education Emergency Relief Fund (“HEER Fund”) to Assist Students (Office of Postsecondary Education (OPE)).** As of 11:00 AM on Thursday, April 30, the Department had received a “Certification and Agreement” from 3,564 institutions of higher education for funds to provide emergency financial aid grants to students. Awards have been made to 2,611 applicants totaling \$4.89 billion. The Certification and Agreement serves as the application for funds and commits each institution to abiding by the relevant statutory provisions for the HEER Fund.

HEER Fund to Assist Institutions of Higher Education (OPE). As of 11:00 AM on Thursday, April 30, the Department had received a Certification and Agreement from 1,825 institutions of higher education to assist the institutions with costs associated with significant changes to the delivery of instruction due to the coronavirus.

HEER Fund to Assist Minority Serving Institutions of Higher Education and Others (OPE). Today, the Department announced the availability of nearly \$1.4 billion for institutions of higher education under the remaining portions of the HEER Fund. Over \$1 billion of that funding will go to Minority Serving Institutions, including Historically Black Colleges and Universities and Tribally Controlled Colleges and Universities and institutions serving low-income students. Over \$300 million of the funding will go to institutions of higher education that have not yet been eligible to receive up to \$500,000 in previous CARES Act allocations. Institutions can use the funding to defray institutional expenses and to provide grants to students to cover their costs of attendance. Institutions will need to sign a Certification and Agreement and submit it to the Department. The Department expects to then distribute funds as soon as possible.

- **Education Stabilization Fund – Rethinking K-12 Education Models (OESE).** On Monday, April 27, the Department announced the availability of \$180 million for a new discretionary grant competition open to State educational agencies to apply for funds in one of three areas: (1) microgrants to parents which may be used for technology, continuing education services, or supplemental education services; (2) statewide virtual learning and course access programs; and (3) field-initiated educational models for remote learning. The competition will remain open for 60 days. The Department anticipates making approximately 12 awards averaging about \$15 million per award. The Department will use an external peer review process and expects to make awards in early August 2020. The [Notice Inviting Applications \(NIA\)](#) is available on the Department’s website and is currently on display for public inspection at the Federal Register with an expected publication date of Friday, May 1. The Department posted the application package to its website today and e-mailed the information to Chief State School Officers, with a courtesy copy to Governors.
- **Education Stabilization Fund – Reimagining Workforce Preparation (“ESF-RWP”) (Office of Career, Technical and Adult Education (OCTAE)).** On Monday, April 27, the Department announced the availability of \$127.5 million for ESF-RWP competitive grants to States to expand educational opportunities, including short-term postsecondary programs and work-based learning programs, that will get Americans back to work and small businesses back to economic growth. A significant selection criterion is the demonstration of high “coronavirus burden.” The competition will remain open for 60 days. The Department anticipates making approximately 8 to 9 awards averaging about \$15 million per award. The Department will use an external peer review process and expects to make awards in early August 2020.

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Actions That Affect Federal Facilities and Personnel

- None

Other Notable Responses

- None

Talbert, Kent

From: Talbert, Kent
Sent: Friday, May 1, 2020 3:49 PM
To: Cassell, Mary I. EOP/OMB
Cc: McGuire, Denzel E. EOP/OMB; Redstone, James J. EOP/WHO; Miller, Katie R. EOP/OVP; Nevins, Kristan K. EOP/WHO; 'Satya.P.Thallam@omb.eop.gov'
Subject: ED daily report for Friday, May 1
Attachments: ED_5.1.20_ COVID19 daily report.pdf

COVID-19—Agency Response
May 1, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Waivers Permitting Flexibility in Fiscal Management of Federal Career and Technical Education (CTE) and Adult Education Programs (Office of Career, Technical, and Adult Education (OCTAE)).** As of 9:00 AM on Friday, May 1, the Department had received waiver requests from 29 States and territories. Twenty-nine (29) have received provisional approval under the Carl D. Perkins Career and Technical Education Act of 2006 and the Adult Education and Family Literacy Act, and the General Education Provisions Act. These national emergency “Tydings” waivers (i.e., to extend the period of availability of funds to be spent) are authorized under section 3511(a) and (b) of Division A of the CARES Act.
- **Questions and Answers Guidance on Forbearance Information for Students, Borrowers, and Parents (Office of Federal Student Aid (FSA)).** Today, FSA expects to post to its StudentAid.gov/coronavirus website an updated Questions and Answers guidance document. The Department expects final clearance by OMB and senior leaders within ED in the afternoon. The guidance provides additional answers to recent questions arising under the CARES Act, including questions about student loan forbearance and related matters. FSA Chief Operating Officer Mark Brown is leading the development of the guidance.
- **Flexibility in the Operation and Fiscal Management of Vocational Rehabilitation and Other Programs (Office of Special Education and Rehabilitative Services).** Today or early next week, the Department expects to send to OMB a Questions and Answers document addressing flexibilities in service delivery for the Vocational Rehabilitation, American Indian Vocational Rehabilitation Services, Randolph-Sheppard Act, and Rehabilitation Long-Term Training programs. Assistant Secretary Mark Schultz of the Office Special Education and Rehabilitative Services (OSERS) is leading the development of the Questions and Answers document.
- **Questions and Answers for Postsecondary Institutions on Issues Related to COVID-19 (Office for Civil Rights).** During the week of May 4, the Office for Civil Rights (OCR) plans to issue a Questions and Answers technical assistance document addressing common questions that have been asked by postsecondary institutions in light of COVID-19 regarding compliance with federal civil rights laws. The topics covered include compliance with Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, Title IX of the Education Amendments of 1972, and Title VI of the Civil Rights Act. Assistant Secretary for Civil Rights Kenneth Marcus is leading the drafting of this document which is currently in Department clearance.

CARES Act Implementation—Key Activities and Milestones

- **Governor’s Emergency Education Relief Fund (“GEER Fund”) (Office of Elementary and Secondary Education (OESE)).** As of 11:00 AM on Friday, May 1, the Department had received a “Certification and Agreement” from six Governors. Four awards have been made totaling \$115.2

million. The Certification and Agreement serves as the application for funds and commits each Governor to abide by the relevant statutory requirements. The purpose of the GEER Fund is to provide emergency assistance to a Governor to support local educational agencies, institutions of higher education, and any other education-related entities the Governor “deems essential for carrying out emergency educational services to students” for certain authorized activities under the CARES Act and the Higher Education Act, as well as for “the provision of child care and early childhood education, social and emotional support, and the protection of education-related jobs.”

- **Elementary and Secondary Education Relief Fund (“ESSER Fund”) (OESE).** As of 11:00 AM on Friday, May 1, the Department had received a “Certification and Agreement” from 25 Chief State School Officers. Awards have been made to 15 applicants totaling \$2.58 billion. The Certification and Agreement serves as the application for funds and commits each Chief State School Officer to abide by the relevant statutory requirements. The purpose of the ESSER Fund is to support continuity of learning for K-12 students whose education has been disrupted by the coronavirus.
- **Higher Education Emergency Relief Fund (“HEER Fund”) to Assist Students (Office of Postsecondary Education (OPE)).** As of 3:00 PM on Friday, May 1, the Department had received a “Certification and Agreement” from 3,678 institutions of higher education (76% of potential applicants) - an increase of +93 from yesterday - for funds to provide emergency financial aid grants to students.

Awards have been made to 2,709 applicants (73.6% of applications received and 52.7% of potential applicants), an increase of +44 from yesterday. The amount awarded is \$5.012 billion (79.8% of available funds). The Certification and Agreement serves as the application for funds and commits each institution to abiding by the relevant statutory provisions for the HEER Fund.

HEER Fund to Assist Institutions of Higher Education (OPE). As of 3:00 PM on Friday, May 1, the Department had received a Certification and Agreement from 2,046 institutions of higher education to assist the institutions with costs associated with significant changes to the delivery of instruction due to the coronavirus.

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Actions That Affect Federal Facilities and Personnel

- None

Other Notable Responses

- None

Talbert, Kent

From: Talbert, Kent
Sent: Saturday, May 2, 2020 3:31 PM
To: Cassell, Mary I. EOP/OMB
Cc: McGuire, Denzel E. EOP/OMB; Redstone, James J. EOP/WHO; Miller, Katie R. EOP/OVP; Nevins, Kristan K. EOP/WHO; 'Satya.P.Thallam@omb.eop.gov'
Subject: ED daily report for Saturday, May 2
Attachments: ED_5.2.20_ COVID19 daily report.pdf

COVID-19—Agency Response
May 2, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Waivers Permitting Flexibility in Fiscal Management of Federal Career and Technical Education (CTE) and Adult Education Programs (Office of Career, Technical, and Adult Education (OCTAE)).** As of 9:00 AM on Friday, May 1, the Department had received waiver requests from 29 States and territories. Twenty-nine have received provisional approval under the Carl D. Perkins Career and Technical Education Act of 2006 and the Adult Education and Family Literacy Act, and the General Education Provisions Act. These national emergency “Tydings” waivers (i.e., to extend the period of availability of funds to be spent) are authorized under section 3511(a) and (b) of Division A of the CARES Act.
- **Flexibility in the Operation and Fiscal Management of Vocational Rehabilitation and Other Programs (Office of Special Education and Rehabilitative Services).** Early next week, the Department expects to send to OMB a Questions and Answers document addressing flexibilities in service delivery for the Vocational Rehabilitation, American Indian Vocational Rehabilitation Services, Randolph-Sheppard Act, and Rehabilitation Long-Term Training programs. Assistant Secretary Mark Schultz of the Office Special Education and Rehabilitative Services (OSERS) is leading the development of the Questions and Answers document.
- **Questions and Answers for Postsecondary Institutions on Issues Related to COVID-19 (Office for Civil Rights).** During the week of May 4, the Office for Civil Rights (OCR) plans to issue a Questions and Answers technical assistance document addressing common questions that have been asked by postsecondary institutions in light of COVID-19 regarding compliance with federal civil rights laws. The topics covered include compliance with Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, Title IX of the Education Amendments of 1972, and Title VI of the Civil Rights Act. Assistant Secretary for Civil Rights Kenneth Marcus is leading the drafting of this document which is currently in Department clearance.

CARES Act Implementation—Key Activities and Milestones

- **Governor’s Emergency Education Relief Fund (“GEER Fund”) (Office of Elementary and Secondary Education (OESE)).** As of 12:00 PM on Saturday, May 2, the Department had received a “Certification and Agreement” from seven Governors. Six awards have been made totaling \$206 million. The Certification and Agreement serves as the application for funds and commits each Governor to abide by the relevant statutory requirements. The purpose of the GEER Fund is to provide emergency assistance to a Governor to support local educational agencies, institutions of higher education, and any other education-related entities the Governor “deems essential for carrying out emergency educational services to students” for certain authorized activities under the CARES Act and the Higher Education Act, as well as for “the provision of child care and early childhood education, social and emotional support, and the protection of education-related jobs.”

- **Elementary and Secondary Education Relief Fund (“ESSER Fund”) (OESE).** As of 12:00 PM on Saturday, May 2, the Department had received a “Certification and Agreement” from 26 Chief State School Officers. Awards have been made to 19 applicants totaling \$4.96 billion. The Certification and Agreement serves as the application for funds and commits each Chief State School Officer to abide by the relevant statutory requirements. The purpose of the ESSER Fund is to support continuity of learning for K-12 students whose education has been disrupted by the coronavirus.
- **Higher Education Emergency Relief Fund (“HEER Fund”) to Assist Students (Office of Postsecondary Education (OPE)).** As of 3:00 PM on Friday, May 1, the Department had received a “Certification and Agreement” from 3,678 institutions of higher education (76% of potential applicants) - an increase of +93 from Thursday, April 30 - for funds to provide emergency financial aid grants to students.

Awards have been made to 2,709 applicants (73.6% of applications received and 52.7% of potential applicants), an increase of +44 from Thursday, April 30. The amount awarded is \$5.012 billion (79.8% of available funds). The Certification and Agreement serves as the application for funds and commits each institution to abiding by the relevant statutory provisions for the HEER Fund.

HEER Fund to Assist Institutions of Higher Education (OPE). As of 3:00 PM on Friday, May 1, the Department had received a Certification and Agreement from 2,046 institutions of higher education to assist the institutions with costs associated with significant changes to the delivery of instruction due to the coronavirus.

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Actions That Affect Federal Facilities and Personnel

- None

Other Notable Responses

- None

Talbert, Kent

From: Talbert, Kent
Sent: Sunday, May 3, 2020 3:14 PM
To: Cassell, Mary I. EOP/OMB
Cc: McGuire, Denzel E. EOP/OMB; Redstone, James J. EOP/WHO; Miller, Katie R. EOP/OVP; Nevins, Kristan K. EOP/WHO; 'Satya.P.Thallam@omb.eop.gov'
Subject: ED daily report for Sunday, May 3
Attachments: ED_5.3.20_ COVID19 daily report.pdf

COVID-19—Agency Response
May 3, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Waivers Permitting Flexibility in Fiscal Management of Federal Career and Technical Education (CTE) and Adult Education Programs (Office of Career, Technical, and Adult Education (OCTAE)).** As of 9:00 AM on Friday, May 1, the Department had received waiver requests from 29 States and territories. Twenty-nine have received provisional approval under the Carl D. Perkins Career and Technical Education Act of 2006 and the Adult Education and Family Literacy Act, and the General Education Provisions Act. These national emergency “Tydings” waivers (i.e., to extend the period of availability of funds to be spent) are authorized under section 3511(a) and (b) of Division A of the CARES Act.
- **Flexibility in the Operation and Fiscal Management of Vocational Rehabilitation and Other Programs (Office of Special Education and Rehabilitative Services).** During the week of May 4, the Department expects to send to OMB a Questions and Answers document addressing flexibilities in service delivery for the Vocational Rehabilitation, American Indian Vocational Rehabilitation Services, Randolph-Sheppard Act, and Rehabilitation Long-Term Training programs. Assistant Secretary Mark Schultz of the Office Special Education and Rehabilitative Services (OSERS) is leading the development of the Questions and Answers document.
- **Questions and Answers for Postsecondary Institutions on Issues Related to COVID-19 (Office for Civil Rights).** During the week of May 4, the Office for Civil Rights (OCR) plans to issue a Questions and Answers technical assistance document addressing common questions that have been asked by postsecondary institutions in light of COVID-19 regarding compliance with federal civil rights laws. The topics covered include compliance with Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, Title IX of the Education Amendments of 1972, and Title VI of the Civil Rights Act. Assistant Secretary for Civil Rights Kenneth Marcus is leading the drafting of this document which is currently in Department clearance.

CARES Act Implementation—Key Activities and Milestones

- **Governor’s Emergency Education Relief Fund (“GEER Fund”) (Office of Elementary and Secondary Education (OESE)).** As of 12:00 PM on Saturday, May 2, the Department had received a “Certification and Agreement” from seven Governors. Six awards have been made totaling \$206 million. The Certification and Agreement serves as the application for funds and commits each Governor to abide by the relevant statutory requirements. The purpose of the GEER Fund is to provide emergency assistance to a Governor to support local educational agencies, institutions of higher education, and any other education-related entities the Governor “deems essential for carrying out emergency educational services to students” for certain authorized activities under the CARES Act and the Higher Education Act, as well as for “the provision of child care and early childhood education, social and emotional support, and the protection of education-related jobs.”

- **Elementary and Secondary Education Relief Fund (“ESSER Fund”) (OESE).** As of 12:00 PM on Saturday, May 2, the Department had received a “Certification and Agreement” from 26 Chief State School Officers. Awards have been made to 19 applicants totaling \$4.96 billion. The Certification and Agreement serves as the application for funds and commits each Chief State School Officer to abide by the relevant statutory requirements. The purpose of the ESSER Fund is to support continuity of learning for K-12 students whose education has been disrupted by the coronavirus.
- **Higher Education Emergency Relief Fund (“HEER Fund”) to Assist Students (Office of Postsecondary Education (OPE)).** As of 3:00 PM on Friday, May 1, the Department had received a “Certification and Agreement” from 3,678 institutions of higher education (76% of potential applicants) - an increase of +93 from Thursday, April 30 - for funds to provide emergency financial aid grants to students.

Awards have been made to 2,709 applicants (73.6% of applications received and 52.7% of potential applicants), an increase of +44 from Thursday, April 30. The amount awarded is \$5.012 billion (79.8% of available funds). The Certification and Agreement serves as the application for funds and commits each institution to abiding by the relevant statutory provisions for the HEER Fund.

HEER Fund to Assist Institutions of Higher Education (OPE). As of 3:00 PM on Friday, May 1, the Department had received a Certification and Agreement from 2,046 institutions of higher education to assist the institutions with costs associated with significant changes to the delivery of instruction due to the coronavirus.

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Actions That Affect Federal Facilities and Personnel

- None

Other Notable Responses

- None

Talbert, Kent

From: Talbert, Kent
Sent: Monday, May 4, 2020 5:11 PM
To: Cassell, Mary I. EOP/OMB
Cc: McGuire, Denzel E. EOP/OMB; Redstone, James J. EOP/WHO; Miller, Katie R. EOP/OVP; Nevins, Kristan K. EOP/WHO; 'Satya.P.Thallam@omb.eop.gov'
Subject: ED Daily Report for Monday, May 4
Attachments: ED_5.4.20_ COVID19 daily report.pdf

COVID-19—Agency Response
May 4, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Waivers Permitting Flexibility in Fiscal Management of Federal Career and Technical Education (CTE) and Adult Education Programs (Office of Career, Technical, and Adult Education (OCTAE)).** As of 9:00 AM on Monday, May 4, the Department had received waiver requests from 30 States and territories. Twenty-nine have received provisional approval under the Carl D. Perkins Career and Technical Education Act of 2006 and the Adult Education and Family Literacy Act, and the General Education Provisions Act. These national emergency “Tydings” waivers (i.e., to extend the period of availability of funds to be spent) are authorized under section 3511(a) and (b) of Division A of the CARES Act.
- **Flexibility in the Operation and Fiscal Management of Vocational Rehabilitation and Other Programs (Office of Special Education and Rehabilitative Services).** During the week of May 4, the Department expects to send to OMB a Questions and Answers document addressing flexibilities in service delivery for the Vocational Rehabilitation, American Indian Vocational Rehabilitation Services, Randolph-Sheppard Act, and Rehabilitation Long-Term Training programs. Assistant Secretary Mark Schultz of the Office Special Education and Rehabilitative Services (OSERS) is leading the development of the Questions and Answers document.
- **Questions and Answers for Postsecondary Institutions on Issues Related to COVID-19 (Office for Civil Rights).** During the week of May 4, the Office for Civil Rights (OCR) plans to issue a Questions and Answers technical assistance document addressing common questions that have been asked by postsecondary institutions in light of COVID-19 regarding compliance with federal civil rights laws. The topics covered include compliance with Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, Title IX of the Education Amendments of 1972, and Title VI of the Civil Rights Act. Assistant Secretary for Civil Rights Kenneth Marcus is leading the drafting of this document which is currently in Department clearance.

CARES Act Implementation—Key Activities and Milestones

- **Governor’s Emergency Education Relief Fund (“GEER Fund”) (Office of Elementary and Secondary Education (OESE)).** As of 11:00 AM on Monday, May 4, the Department had received a “Certification and Agreement” from seven Governors. Seven awards have been made totaling \$274.8 million. The Certification and Agreement serves as the application for funds and commits each Governor to abide by the relevant statutory requirements. The purpose of the GEER Fund is to provide emergency assistance to a Governor to support local educational agencies, institutions of higher education, and any other education-related entities the Governor “deems essential for carrying out emergency educational services to students” for certain authorized activities under the CARES Act and the Higher Education Act, as well as for “the provision of child care and early childhood education, social and emotional support, and the protection of education-related jobs.”

- **Elementary and Secondary Education Relief Fund (“ESSER Fund”) (OESE).** As of 11:00 AM on Monday, May 4, the Department had received a “Certification and Agreement” from 26 Chief State School Officers. Awards have been made to 24 applicants totaling \$6.5 billion. The Certification and Agreement serves as the application for funds and commits each Chief State School Officer to abide by the relevant statutory requirements. The purpose of the ESSER Fund is to support continuity of learning for K-12 students whose education has been disrupted by the coronavirus.
- **Higher Education Emergency Relief Fund (“HEER Fund”) to Assist Students (Office of Postsecondary Education (OPE)).** As of 8:00 AM on Monday, May 4, the Department had received a “Certification and Agreement” from 3,580 institutions of higher education. Obligations of \$5.2 billion (83% of total funds available) have been made to 2,944 institutions (82% of applications received and 70% of eligible institutions). The Certification and Agreement serves as the application for funds and commits each institution to abiding by the relevant statutory provisions for the HEER Fund.

HEER Fund to Assist Institutions of Higher Education (OPE). As of 8:00 AM on Monday, May 4, the Department had received a Certification and Agreement from 2,529 institutions of higher education to assist the institutions with costs associated with significant changes to the delivery of instruction due to the coronavirus. Obligations of funds will begin this week in order of receipt of the respective Certification and Agreement.

HEER Fund to Assist Minority Serving Institutions of Higher Education and Others (OPE). As of 8:00 AM on Monday, May 4, the Department has received two applications for funds.

- **Reservation of Funds for Outlying Areas from the Education Stabilization Fund (OESE).** The CARES Act requires the Secretary to allocate “not more than ½ of 1 percent” of the Education Stabilization Fund for outlying areas (U.S. Virgin Islands, Guam, Commonwealth of Northern Marianas Islands, and American Samoa). The outlying areas allocation will be \$153.8 million. Not later than Tuesday, May 5, the Department expects to release two Certification and Agreement documents to Governors and State educational agencies of these four outlying areas to apply for funds. The Certification and Agreement commits each respective Governor and State Chief to abide by the relevant statutory requirements. The purpose of this funding is to provide emergency assistance to the outlying areas to prevent, prepare for, and respond to the coronavirus—domestically or internationally.

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Actions That Affect Federal Facilities and Personnel

- None

Other Notable Responses

- None

Talbert, Kent

From: Talbert, Kent
Sent: Tuesday, May 5, 2020 5:02 PM
To: Cassell, Mary I. EOP/OMB
Cc: McGuire, Denzel E. EOP/OMB; Redstone, James J. EOP/WHO; Miller, Katie R. EOP/OVP; Nevins, Kristan K. EOP/WHO; 'Satya.P.Thallam@omb.eop.gov'
Subject: ED Daily Report
Attachments: ED_5.5.20_ COVID19 daily report.pdf

COVID-19—Agency Response
May 5, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Waivers Permitting Flexibility in Fiscal Management of Federal Career and Technical Education (CTE) and Adult Education Programs (Office of Career, Technical, and Adult Education (OCTAE)).** As of 2:00 PM on Tuesday, May 5, the Department had received waiver requests from 30 States and territories. All have received provisional approval under the Carl D. Perkins Career and Technical Education Act of 2006 and the Adult Education and Family Literacy Act, and the General Education Provisions Act. These national emergency “Tydings” waivers (i.e., to extend the period of availability of funds to be spent) are authorized under section 3511(a) and (b) of Division A of the CARES Act.
- **Flexibility in the Operation and Fiscal Management of Vocational Rehabilitation and Other Programs (Office of Special Education and Rehabilitative Services).** During the week of May 4, the Department expects to send to OMB a Questions and Answers document addressing flexibilities in service delivery for the Vocational Rehabilitation, American Indian Vocational Rehabilitation Services, Randolph-Sheppard Act, and Rehabilitation Long-Term Training programs. Assistant Secretary Mark Schultz of the Office Special Education and Rehabilitative Services (OSERS) is leading the development of the Questions and Answers document.
- **Questions and Answers for Postsecondary Institutions on Issues Related to COVID-19 (Office for Civil Rights).** During the week of May 4, the Office for Civil Rights (OCR) plans to issue a Questions and Answers technical assistance document addressing common questions that have been asked by postsecondary institutions in light of COVID-19 regarding compliance with federal civil rights laws. The topics covered include compliance with Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, Title IX of the Education Amendments of 1972, and Title VI of the Civil Rights Act. Assistant Secretary for Civil Rights Kenneth Marcus is leading the drafting of this document which is currently in Department clearance.

CARES Act Implementation—Key Activities and Milestones

- **Governor’s Emergency Education Relief Fund (“GEER Fund”) (Office of Elementary and Secondary Education (OESE)).** As of 11:00 AM on Tuesday, May 5, the Department had received a “Certification and Agreement” from eight Governors. Seven awards have been made totaling \$274.8 million. The Certification and Agreement serves as the application for funds and commits each Governor to abide by the relevant statutory requirements. The purpose of the GEER Fund is to provide emergency assistance to a Governor to support local educational agencies, institutions of higher education, and any other education-related entities the Governor “deems essential for carrying out emergency educational services to students” for certain authorized activities under the CARES Act and the Higher Education Act, as well as for “the provision of child care and early childhood education, social and emotional support, and the protection of education-related jobs.”

- **Elementary and Secondary Education Relief Fund (“ESSER Fund”) (OESE).** As of 11:00 AM on Tuesday, May 5, the Department had received a “Certification and Agreement” from 32 Chief State School Officers. Awards have been made to 25 applicants totaling \$6.7 billion. The Certification and Agreement serves as the application for funds and commits each Chief State School Officer to abide by the relevant statutory requirements. The purpose of the ESSER Fund is to support continuity of learning for K-12 students whose education has been disrupted by the coronavirus.
- **Higher Education Emergency Relief Fund (“HEER Fund”) to Assist Students (Office of Postsecondary Education (OPE)).** As of 11:00 AM on Tuesday, May 5, the Department had received a “Certification and Agreement” from 4,024 institutions of higher education. Obligations of \$5.4 billion (86% of the total funds available) have been made to 3,103 institutions (77% of applications received and 60% of eligible institutions). The Certification and Agreement serves as the application for funds and commits each institution to abiding by the relevant statutory provisions for the HEER Fund.

HEER Fund to Assist Institutions of Higher Education (OPE). As of 11:00 AM on Tuesday, May 5, the Department had received a Certification and Agreement from 2,593 institutions of higher education to assist the institutions with costs associated with significant changes to the delivery of instruction due to the coronavirus. Awards have been made to 326 institutions totaling \$525.3 million (13% of applications received and 6% of eligible institutions).

HEER Fund to Assist Minority Serving Institutions of Higher Education and Others (OPE). As of 11:00 AM on Tuesday, May 5, the Department has received 175 applications for funds under section 18004(a)(2).

- **Reservation of Funds for Outlying Areas from the Education Stabilization Fund (OESE).** The CARES Act requires the Secretary to allocate “not more than ½ of 1 percent” of the Education Stabilization Fund for outlying areas (U.S. Virgin Islands, Guam, Commonwealth of Northern Marianas Islands, and American Samoa). The outlying areas’ allocation will be \$153.8 million. Today, the Department released two Certification and Agreement documents to Governors and State educational agencies of these four outlying areas to apply for funds. The Certification and Agreement commits each respective Governor and State Chief to abide by the relevant statutory requirements. The purpose of this funding is to provide emergency assistance to the outlying areas to prevent, prepare for, and respond to the coronavirus—domestically or internationally.

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Actions That Affect Federal Facilities and Personnel

- None

Other Notable Responses

- None

Talbert, Kent

From: Talbert, Kent
Sent: Wednesday, May 6, 2020 5:08 PM
To: Cassell, Mary I. EOP/OMB
Cc: McGuire, Denzel E. EOP/OMB; Redstone, James J. EOP/WHO; Miller, Katie R. EOP/OVP; Nevins, Kristan K. EOP/WHO; 'Satya.P.Thallam@omb.eop.gov'
Subject: ED Daily Report for Wednesday, May 6
Attachments: ED_5.6.20_ COVID19 daily report.pdf

COVID-19—Agency Response
May 6, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Waivers Permitting Flexibility in Fiscal Management of Federal Career and Technical Education (CTE) and Adult Education Programs (Office of Career, Technical, and Adult Education (OCTAE)).** As of 9:00 AM on Wednesday, May 6, the Department had received waiver requests from 30 States and territories. All have received provisional approval under the Carl D. Perkins Career and Technical Education Act of 2006 and the Adult Education and Family Literacy Act, and the General Education Provisions Act. These national emergency “Tydings” waivers (i.e., to extend the period of availability of funds to be spent) are authorized under section 3511(a) and (b) of Division A of the CARES Act.
- **Flexibility in the Operation and Fiscal Management of Vocational Rehabilitation and Other Programs (Office of Special Education and Rehabilitative Services).** During the week of May 4, the Department expects to release a Questions and Answers document addressing flexibilities in service delivery for the Vocational Rehabilitation, American Indian Vocational Rehabilitation Services, Randolph-Sheppard Act, and Rehabilitation Long-Term Training programs. Assistant Secretary Mark Schultz of the Office Special Education and Rehabilitative Services (OSERS) is leading the development of the Questions and Answers document which is pending with OMB.
- **Questions and Answers for Postsecondary Institutions on Issues Related to COVID-19 (Office for Civil Rights).** During the week of May 4, the Office for Civil Rights (OCR) expects to release a Questions and Answers technical assistance document addressing common questions that have been asked by postsecondary institutions in light of COVID-19 regarding compliance with federal civil rights laws. The topics covered include compliance with Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, Title IX of the Education Amendments of 1972, and Title VI of the Civil Rights Act. Assistant Secretary for Civil Rights Kenneth Marcus is leading the drafting of this document which is pending with OMB.

CARES Act Implementation—Key Activities and Milestones

- **Governor’s Emergency Education Relief Fund (“GEER Fund”) (Office of Elementary and Secondary Education (OESE)).** As of 1:30 PM on Wednesday, May 6, the Department had received a “Certification and Agreement” from nine Governors. Nine awards have been made totaling \$323.1 million. The Certification and Agreement serves as the application for funds and commits each Governor to abide by the relevant statutory requirements. The purpose of the GEER Fund is to provide emergency assistance to a Governor to support local educational agencies, institutions of higher education, and any other education-related entities the Governor “deems essential for carrying out emergency educational services to students” for certain authorized activities under the CARES Act and the Higher Education Act, as well as for “the provision of child care and early childhood education, social and emotional support, and the protection of education-related jobs.”

- **Elementary and Secondary Education Relief Fund (“ESSER Fund”) (OESE).** As of 1:30 PM on Wednesday, May 6, the Department had received a “Certification and Agreement” from 32 Chief State School Officers. Awards have been made to 28 applicants totaling \$7.8 billion. The Certification and Agreement serves as the application for funds and commits each Chief State School Officer to abide by the relevant statutory requirements. The purpose of the ESSER Fund is to support continuity of learning for K-12 students whose education has been disrupted by the coronavirus.
- **Higher Education Emergency Relief Fund (“HEER Fund”) to Assist Students (Office of Postsecondary Education (OPE)).** As of 10:30 AM on Wednesday, May 6, the Department had received a “Certification and Agreement” from 4,074 of 5,136 institutions of higher education. Obligations of \$5.5 billion (88% of the total funds available) have been made to 3,282 institutions (81% of applications received and 64% of eligible institutions). The Certification and Agreement serves as the application for funds and commits each institution to abiding by the relevant statutory provisions for the HEER Fund.

HEER Fund to Assist Institutions of Higher Education (OPE). As of 10:30 AM on Wednesday, May 6, the Department had received a Certification and Agreement from 2,660 of 5,136 institutions of higher education to assist the institutions with costs associated with significant changes to the delivery of instruction due to the coronavirus. Awards have been made to 626 institutions totaling \$1.1 billion (24% of applications received and 12% of eligible institutions).

HEER Fund to Assist Historically Black Colleges and Universities, Other Minority Serving Institutions of Higher Education, Tribally Controlled Colleges and Universities, and Others (OPE). As of 10:30 AM on Wednesday, May 6, the Department has received 313 applications for funds under section 18004(a)(2) and made awards of \$170.2 million to 100 institutions. These funds may be used to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education and for grants to students for any component of the student’s costs of attendance including food, housing, course materials, technology, health care, and child care.

HEER Fund for the Improvement of Postsecondary Education (OPE). As of 10:30 AM on Wednesday, May 6, the Department had received 39 applications under section 18004(a)(3). Under section 18004(a)(3), the Secretary will make funds available to “institutions of higher education that the Secretary determines to have the greatest unmet needs related to coronavirus” and who apply for such funds. Funds may be used to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education and for grants to students for any component of the student’s costs of attendance including food, housing, course materials, technology, health care and child care.

- **Reservation of Funds for Outlying Areas from the Education Stabilization Fund (OESE).** The CARES Act requires the Secretary to allocate “not more than ½ of 1 percent” of the Education Stabilization Fund for outlying areas (U.S. Virgin Islands, Guam, Commonwealth of Northern Marianas Islands, and American Samoa). The outlying areas’ allocation will be \$153.8 million. Yesterday, the Department released two Certification and Agreement documents to Governors and State educational agencies of these four outlying areas to apply for funds. The Certification and

Agreement commits each respective Governor and State Chief to abide by the relevant statutory requirements. The purpose of this funding is to provide emergency assistance to the outlying areas to prevent, prepare for, and respond to the coronavirus—domestically or internationally.

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Actions That Affect Federal Facilities and Personnel

- None

Other Notable Responses

- None

Talbert, Kent

From: Talbert, Kent
Sent: Thursday, May 7, 2020 4:59 PM
To: Cassell, Mary I. EOP/OMB
Cc: McGuire, Denzel E. EOP/OMB; Redstone, James J. EOP/WHO; Miller, Katie R. EOP/OVP; Nevins, Kristan K. EOP/WHO; 'Satya.P.Thallam@omb.eop.gov'
Subject: ED Daily Report for Thursday, May 7
Attachments: ED_5.7.20_ COVID19 daily report.pdf

COVID-19—Agency Response
May 7, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Guidance on Forbearance for Students, Borrowers, and Parents (Office of Federal Student Aid (FSA)).** Today, FSA posted to its [StudentAid.gov/coronavirus](https://studentaid.gov/coronavirus) website updated Questions and Answers [guidance](#). The guidance provides answers to additional questions arising under the CARES Act, including questions about student loan forbearance and related matters. Two additional Questions and Answers regarding the Public Service Loan Forgiveness program will likely be transmitted to OMB later today or tomorrow for review.
- **Waivers Permitting Flexibility in Fiscal Management of Federal Career and Technical Education (CTE) and Adult Education Programs (Office of Career, Technical, and Adult Education (OCTAE)).** As of 9:00 AM on Thursday, May 7, the Department had received waiver requests from 30 States and territories. All have received provisional approval under the Carl D. Perkins Career and Technical Education Act of 2006 and the Adult Education and Family Literacy Act, and the General Education Provisions Act. These national emergency “Tydings” waivers (i.e., to extend the period of availability of funds to be spent) are authorized under section 3511(a) and (b) of Division A of the CARES Act.
- **Flexibility in the Operation and Fiscal Management of Vocational Rehabilitation and Other Programs (Office of Special Education and Rehabilitative Services).** During the week of May 4, the Department expects to release a Questions and Answers document addressing flexibilities in service delivery for the Vocational Rehabilitation, American Indian Vocational Rehabilitation Services, Randolph-Sheppard Act, and Rehabilitation Long-Term Training programs. Assistant Secretary Mark Schultz of the Office Special Education and Rehabilitative Services (OSERS) is leading the development of the Questions and Answers document.
- **Questions and Answers for Postsecondary Institutions on Issues Related to COVID-19 (Office for Civil Rights).** During the week of May 4, the Office for Civil Rights (OCR) expects to release a Questions and Answers technical assistance document addressing common questions that have been asked by postsecondary institutions in light of COVID-19 regarding compliance with federal civil rights laws. The topics covered include compliance with Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, Title IX of the Education Amendments of 1972, and Title VI of the Civil Rights Act. Assistant Secretary for Civil Rights Kenneth Marcus is leading the drafting of this document.

CARES Act Implementation—Key Activities and Milestones

- **Governor’s Emergency Education Relief Fund (“GEER Fund”) (Office of Elementary and Secondary Education (OESE)).** As of 12:00 PM on Thursday, May 7, the Department had received a “Certification and Agreement” from nine Governors. Nine awards have been made totaling \$323.1 million. The Certification and Agreement serves as the application for funds and commits each Governor to abide by the relevant statutory requirements. The purpose of the GEER

Fund is to provide emergency assistance to a Governor to support local educational agencies, institutions of higher education, and any other education-related entities the Governor “deems essential for carrying out emergency educational services to students” for certain authorized activities under the CARES Act and the Higher Education Act, as well as for “the provision of child care and early childhood education, social and emotional support, and the protection of education-related jobs.”

- **Elementary and Secondary Education Relief Fund (“ESSER Fund”) (OESE).** As of 12:00 PM on Thursday, May 7, the Department had received a “Certification and Agreement” from 35 Chief State School Officers. Awards have been made to 31 applicants totaling \$8.1 billion. The Certification and Agreement serves as the application for funds and commits each Chief State School Officer to abide by the relevant statutory requirements. The purpose of the ESSER Fund is to support continuity of learning for K-12 students whose education has been disrupted by the coronavirus.
- **Higher Education Emergency Relief Fund (“HEER Fund”) to Assist Students (Office of Postsecondary Education (OPE)).** As of 9:00 AM on Thursday, May 7, the Department had received a “Certification and Agreement” from 4,122 of 5,135 eligible institutions of higher education. Obligations of \$5.6 billion (90% of the total funds available) have been made to 3,284 institutions (80% of applications received and 64% of eligible institutions). The Certification and Agreement serves as the application for funds and commits each institution to abiding by the relevant statutory provisions for the HEER Fund.

HEER Fund to Assist Institutions of Higher Education (OPE). As of 12:00 PM on Thursday, May 7, the Department had received a Certification and Agreement from 2,725 of 5,135 eligible institutions of higher education to assist the institutions with costs associated with significant changes to the delivery of instruction due to the coronavirus. Awards have been made to 1,413 institutions totaling \$2.6 billion (52% of applications received and 28% of eligible institutions).

HEER Fund to Assist Historically Black Colleges and Universities, Other Minority Serving Institutions of Higher Education, Tribally Controlled Colleges and Universities, and Others (OPE). As of 9:00 AM on Thursday, May 7, the Department had received applications from 431 of 1,760 eligible institutions of higher education under section 18004(a)(2) and made awards of \$158.5 million to 96 institutions (22% of applications received and 5% of eligible institutions). These funds may be used to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education and for grants to students for any component of the student’s costs of attendance including food, housing, course materials, technology, health care, and child care.

HEER Fund for the Improvement of Postsecondary Education (OPE). As of 9:00 AM on Thursday, May 7, the Department had received applications from 52 of 981 eligible institutions of higher education under section 18004(a)(3). Under section 18004(a)(3), the Secretary will make funds available to “institutions of higher education that the Secretary determines to have the greatest unmet needs related to coronavirus” and who apply for such funds. Funds may be used to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education and for grants to students for any component

of the student's costs of attendance including food, housing, course materials, technology, health care and child care.

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Actions That Affect Federal Facilities and Personnel

- None

Other Notable Responses

- None

Talbert, Kent

From: Talbert, Kent
Sent: Friday, May 8, 2020 4:56 PM
To: Cassell, Mary I. EOP/OMB
Cc: McGuire, Denzel E. EOP/OMB; Redstone, James J. EOP/WHO; Miller, Katie R. EOP/OVP; Nevins, Kristan K. EOP/WHO; 'Satya.P.Thallam@omb.eop.gov'
Subject: ED Daily Report for Friday, May 8
Attachments: ED_5.8.20_ COVID19 daily report.pdf

COVID-19—Agency Response
May 8, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Frequently Asked Questions for Elementary and Secondary Education Relief Fund (“ESSER Fund”) (Office of Elementary and Secondary Education).** On Friday, May 8, the Department released a “Frequently Asked Questions” guidance document to support State educational agencies and local educational agencies in understanding the requirements and other technical details of the ESSER Fund. The guidance was transmitted to Chief State School Officers and will be posted to the Department’s COVID-19 website.
- **Waivers Permitting Flexibility in Fiscal Management of Federal Career and Technical Education (CTE) and Adult Education Programs (Office of Career, Technical, and Adult Education (OCTAE)).** As of 3:00 PM on Friday, May 8, the Department had received waiver requests from 30 States and territories. All have received provisional approval under the Carl D. Perkins Career and Technical Education Act of 2006 and the Adult Education and Family Literacy Act, and the General Education Provisions Act. These national emergency “Tydings” waivers (i.e., to extend the period of availability of funds to be spent) are authorized under section 3511(a) and (b) of Division A of the CARES Act.
- **Flexibility in the Operation and Fiscal Management of Vocational Rehabilitation and Other Programs (Office of Special Education and Rehabilitative Services).** Later today or early next week, the Department expects to release a Questions and Answers document addressing flexibilities in service delivery for the Vocational Rehabilitation, American Indian Vocational Rehabilitation Services, Randolph-Sheppard Act, and Rehabilitation Long-Term Training programs. Assistant Secretary Mark Schultz of the Office Special Education and Rehabilitative Services (OSERS) is leading the development of the Questions and Answers document.
- **Questions and Answers for Postsecondary Institutions on Issues Related to COVID-19 (Office for Civil Rights).** Later today or early next week, the Office for Civil Rights (OCR) expects to release a Questions and Answers technical assistance document addressing common questions that have been asked by postsecondary institutions in light of COVID-19 regarding compliance with federal civil rights laws. The topics covered include compliance with Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, Title IX of the Education Amendments of 1972, and Title VI of the Civil Rights Act. Assistant Secretary for Civil Rights Kenneth Marcus is leading the drafting of this document.

CARES Act Implementation—Key Activities and Milestones

- **Governor’s Emergency Education Relief Fund (“GEER Fund”) (Office of Elementary and Secondary Education (OESE)).** As of 11:15 AM on Friday, May 8, the Department had received a “Certification and Agreement” from nine Governors. Nine awards have been made totaling \$323.1 million. The Certification and Agreement serves as the application for funds and commits each Governor to abide by the relevant statutory requirements. The purpose of the GEER Fund is

to provide emergency assistance to a Governor to support local educational agencies, institutions of higher education, and any other education-related entities the Governor “deems essential for carrying out emergency educational services to students” for certain authorized activities under the CARES Act and the Higher Education Act, as well as for “the provision of child care and early childhood education, social and emotional support, and the protection of education-related jobs.”

- **Elementary and Secondary Education Relief Fund (“ESSER Fund”) (OESE).** As of 11:15 AM on Friday, May 8, the Department had received a “Certification and Agreement” from 36 Chief State School Officers. Awards have been made to 34 applicants totaling \$8.4 billion. The Certification and Agreement serves as the application for funds and commits each Chief State School Officer to abide by the relevant statutory requirements. The purpose of the ESSER Fund is to support continuity of learning for K-12 students whose education has been disrupted by the coronavirus.
- **Frequently Asked Questions for Elementary and Secondary Education Relief Fund (“ESSER Fund”) (OESE).** See entry on page 1 under “Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing).”
- **Higher Education Emergency Relief Fund (“HEER Fund”) to Assist Students (Office of Postsecondary Education (OPE)).** As of 10:00 AM on Friday, May 8, the Department had received a “Certification and Agreement” from 4,122 of 5,135 eligible institutions of higher education. Obligations of \$5.7 billion (91% of the total funds available) have been made to 3,297 institutions (80% of applications received and 64% of eligible institutions). The Certification and Agreement serves as the application for funds and commits each institution to abiding by the relevant statutory provisions for the HEER Fund.

HEER Fund to Assist Institutions of Higher Education (OPE). As of 10:00 AM on Friday, May 8, the Department had received a Certification and Agreement from 2,800 of 5,135 eligible institutions of higher education to assist the institutions with costs associated with significant changes to the delivery of instruction due to the coronavirus. Awards have been made to 1,978 institutions totaling \$3.4 billion (71% of applications received and 39% of eligible institutions).

HEER Fund to Assist Historically Black Colleges and Universities, Other Minority Serving Institutions of Higher Education, Tribally Controlled Colleges and Universities, and Others (OPE). As of 10:00 AM on Friday, May 8, the Department had received applications from 559 of 1,760 eligible institutions of higher education under section 18004(a)(2) and made awards of \$370.2 million to 82 institutions (15% of applications received and 5% of eligible institutions). These funds may be used to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education and for grants to students for any component of the student’s costs of attendance including food, housing, course materials, technology, health care, and child care.

HEER Fund for the Improvement of Postsecondary Education (OPE). As of 10:00 AM on Friday, May 8, the Department had received applications from 66 of 981 eligible institutions of higher education under section 18004(a)(3). Under section 18004(a)(3), the Secretary will make funds available to “institutions of higher education that the Secretary determines to have the

greatest unmet needs related to coronavirus” and who apply for such funds. Funds may be used to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education and for grants to students for any component of the student’s costs of attendance including food, housing, course materials, technology, health care and child care.

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Actions That Affect Federal Facilities and Personnel

- None

Other Notable Responses

- None

Talbert, Kent

From: Talbert, Kent
Sent: Saturday, May 9, 2020 4:05 PM
To: Cassell, Mary I. EOP/OMB
Cc: McGuire, Denzel E. EOP/OMB; Redstone, James J. EOP/WHO; Miller, Katie R. EOP/OVP; Nevins, Kristan K. EOP/WHO; 'Satya.P.Thallam@omb.eop.gov'
Subject: ED Daily Report for Saturday, May 9
Attachments: ED_5.9.20_ COVID19 daily report.pdf

COVID-19—Agency Response
May 9, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Waivers Permitting Flexibility in Fiscal Management of Federal Career and Technical Education (CTE) and Adult Education Programs (Office of Career, Technical, and Adult Education (OCTAE)).** As of 3:00 PM on Friday, May 8, the Department had received waiver requests from 30 States and territories. All have received provisional approval under the Carl D. Perkins Career and Technical Education Act of 2006 and the Adult Education and Family Literacy Act, and the General Education Provisions Act. These national emergency “Tydings” waivers (i.e., to extend the period of availability of funds to be spent) are authorized under section 3511(a) and (b) of Division A of the CARES Act.
- **Flexibility in the Operation and Fiscal Management of Vocational Rehabilitation and Other Programs (Office of Special Education and Rehabilitative Services).** During the week of May 11, the Department expects to release a Questions and Answers document addressing flexibilities in service delivery for the Vocational Rehabilitation, American Indian Vocational Rehabilitation Services, Randolph-Sheppard Act, and Rehabilitation Long-Term Training programs. Assistant Secretary Mark Schultz of the Office Special Education and Rehabilitative Services (OSERS) is leading the development of the Questions and Answers document.
- **Questions and Answers for Postsecondary Institutions on Issues Related to COVID-19 (Office for Civil Rights).** During the week of May 11, the Office for Civil Rights (OCR) expects to release a Questions and Answers technical assistance document addressing common questions that have been asked by postsecondary institutions in light of COVID-19 regarding compliance with federal civil rights laws. The topics covered include compliance with Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, Title IX of the Education Amendments of 1972, and Title VI of the Civil Rights Act. Assistant Secretary for Civil Rights Kenneth Marcus is leading the drafting of this document.

CARES Act Implementation—Key Activities and Milestones

- **Governor’s Emergency Education Relief Fund (“GEER Fund”) (Office of Elementary and Secondary Education (OESE)).** As of 11:15 AM on Friday, May 8, the Department had received a “Certification and Agreement” from nine Governors. Nine awards have been made totaling \$323.1 million. The Certification and Agreement serves as the application for funds and commits each Governor to abide by the relevant statutory requirements. The purpose of the GEER Fund is to provide emergency assistance to a Governor to support local educational agencies, institutions of higher education, and any other education-related entities the Governor “deems essential for carrying out emergency educational services to students” for certain authorized activities under the CARES Act and the Higher Education Act, as well as for “the provision of child care and early childhood education, social and emotional support, and the protection of education-related jobs.”

- **Elementary and Secondary Education Relief Fund (“ESSER Fund”) (OESE).** As of 11:15 AM on Friday, May 8, the Department had received a “Certification and Agreement” from 36 Chief State School Officers. Awards have been made to 34 applicants totaling \$8.4 billion. The Certification and Agreement serves as the application for funds and commits each Chief State School Officer to abide by the relevant statutory requirements. The purpose of the ESSER Fund is to support continuity of learning for K-12 students whose education has been disrupted by the coronavirus.
- **Higher Education Emergency Relief Fund (“HEER Fund”) to Assist Students (Office of Postsecondary Education (OPE)).** As of 10:00 AM on Friday, May 8, the Department had received a “Certification and Agreement” from 4,122 of 5,135 eligible institutions of higher education. Obligations of \$5.7 billion (91% of the total funds available) have been made to 3,297 institutions (80% of applications received and 64% of eligible institutions). The Certification and Agreement serves as the application for funds and commits each institution to abiding by the relevant statutory provisions for the HEER Fund.

HEER Fund to Assist Institutions of Higher Education (OPE). As of 10:00 AM on Friday, May 8, the Department had received a Certification and Agreement from 2,800 of 5,135 eligible institutions of higher education to assist the institutions with costs associated with significant changes to the delivery of instruction due to the coronavirus. Awards have been made to 1,978 institutions totaling \$3.4 billion (71% of applications received and 39% of eligible institutions).

HEER Fund to Assist Historically Black Colleges and Universities, Other Minority Serving Institutions of Higher Education, Tribally Controlled Colleges and Universities, and Others (OPE). As of 10:00 AM on Friday, May 8, the Department had received applications from 559 of 1,760 eligible institutions of higher education under section 18004(a)(2) and made awards of \$370.2 million to 82 institutions (15% of applications received and 5% of eligible institutions). These funds may be used to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education and for grants to students for any component of the student’s costs of attendance including food, housing, course materials, technology, health care, and child care.

HEER Fund for the Improvement of Postsecondary Education (OPE). As of 10:00 AM on Friday, May 8, the Department had received applications from 66 of 981 eligible institutions of higher education under section 18004(a)(3). Under section 18004(a)(3), the Secretary will make funds available to “institutions of higher education that the Secretary determines to have the greatest unmet needs related to coronavirus” and who apply for such funds. Funds may be used to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education and for grants to students for any component of the student’s costs of attendance including food, housing, course materials, technology, health care and child care.

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Actions That Affect Federal Facilities and Personnel

- None

Other Notable Responses

- None

Talbert, Kent

From: Talbert, Kent
Sent: Sunday, May 10, 2020 3:13 PM
To: Cassell, Mary I. EOP/OMB
Cc: McGuire, Denzel E. EOP/OMB; Redstone, James J. EOP/WHO; Miller, Katie R. EOP/OVP; Nevins, Kristan K. EOP/WHO; 'Satya.P.Thallam@omb.eop.gov'
Subject: ED Daily Report for Sunday, May 10
Attachments: ED_5.10.20_ COVID19 daily report.pdf

COVID-19—Agency Response
May 10, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Waivers Permitting Flexibility in Fiscal Management of Federal Career and Technical Education (CTE) and Adult Education Programs (Office of Career, Technical, and Adult Education (OCTAE)).** As of 3:00 PM on Friday, May 8, the Department had received waiver requests from 30 States and territories. All have received provisional approval under the Carl D. Perkins Career and Technical Education Act of 2006 and the Adult Education and Family Literacy Act, and the General Education Provisions Act. These national emergency “Tydings” waivers (i.e., to extend the period of availability of funds to be spent) are authorized under section 3511(a) and (b) of Division A of the CARES Act.
- **Flexibility in the Operation and Fiscal Management of Vocational Rehabilitation and Other Programs (Office of Special Education and Rehabilitative Services).** During the week of May 11, the Department expects to release a Questions and Answers document addressing flexibilities in service delivery for the Vocational Rehabilitation, American Indian Vocational Rehabilitation Services, Randolph-Sheppard Act, and Rehabilitation Long-Term Training programs. Assistant Secretary Mark Schultz of the Office Special Education and Rehabilitative Services (OSERS) is leading the development of the Questions and Answers document.
- **Questions and Answers for Postsecondary Institutions on Issues Related to COVID-19 (Office for Civil Rights).** During the week of May 11, the Office for Civil Rights (OCR) expects to release a Questions and Answers technical assistance document addressing common questions that have been asked by postsecondary institutions in light of COVID-19 regarding compliance with federal civil rights laws. The topics covered include compliance with Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, Title IX of the Education Amendments of 1972, and Title VI of the Civil Rights Act. Assistant Secretary for Civil Rights Kenneth Marcus is leading the drafting of this document.

CARES Act Implementation—Key Activities and Milestones

- **Governor’s Emergency Education Relief Fund (“GEER Fund”) (Office of Elementary and Secondary Education (OESE)).** As of 11:15 AM on Friday, May 8, the Department had received a “Certification and Agreement” from nine Governors. Nine awards have been made totaling \$323.1 million. The Certification and Agreement serves as the application for funds and commits each Governor to abide by the relevant statutory requirements. The purpose of the GEER Fund is to provide emergency assistance to a Governor to support local educational agencies, institutions of higher education, and any other education-related entities the Governor “deems essential for carrying out emergency educational services to students” for certain authorized activities under the CARES Act and the Higher Education Act, as well as for “the provision of child care and early childhood education, social and emotional support, and the protection of education-related jobs.”

- **Elementary and Secondary Education Relief Fund (“ESSER Fund”) (OESE).** As of 11:15 AM on Friday, May 8, the Department had received a “Certification and Agreement” from 36 Chief State School Officers. Awards have been made to 34 applicants totaling \$8.4 billion. The Certification and Agreement serves as the application for funds and commits each Chief State School Officer to abide by the relevant statutory requirements. The purpose of the ESSER Fund is to support continuity of learning for K-12 students whose education has been disrupted by the coronavirus.
- **Higher Education Emergency Relief Fund (“HEER Fund”) to Assist Students (Office of Postsecondary Education (OPE)).** As of 10:00 AM on Friday, May 8, the Department had received a “Certification and Agreement” from 4,122 of 5,135 eligible institutions of higher education. Obligations of \$5.7 billion (91% of the total funds available) have been made to 3,297 institutions (80% of applications received and 64% of eligible institutions). The Certification and Agreement serves as the application for funds and commits each institution to abiding by the relevant statutory provisions for the HEER Fund.

HEER Fund to Assist Institutions of Higher Education (OPE). As of 10:00 AM on Friday, May 8, the Department had received a Certification and Agreement from 2,800 of 5,135 eligible institutions of higher education to assist the institutions with costs associated with significant changes to the delivery of instruction due to the coronavirus. Awards have been made to 1,978 institutions totaling \$3.4 billion (71% of applications received and 39% of eligible institutions).

HEER Fund to Assist Historically Black Colleges and Universities, Other Minority Serving Institutions of Higher Education, Tribally Controlled Colleges and Universities, and Others (OPE). As of 10:00 AM on Friday, May 8, the Department had received applications from 559 of 1,760 eligible institutions of higher education under section 18004(a)(2) and made awards of \$370.2 million to 82 institutions (15% of applications received and 5% of eligible institutions). These funds may be used to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education and for grants to students for any component of the student’s costs of attendance including food, housing, course materials, technology, health care, and child care.

HEER Fund for the Improvement of Postsecondary Education (OPE). As of 10:00 AM on Friday, May 8, the Department had received applications from 66 of 981 eligible institutions of higher education under section 18004(a)(3). Under section 18004(a)(3), the Secretary will make funds available to “institutions of higher education that the Secretary determines to have the greatest unmet needs related to coronavirus” and who apply for such funds. Funds may be used to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education and for grants to students for any component of the student’s costs of attendance including food, housing, course materials, technology, health care and child care.

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Actions That Affect Federal Facilities and Personnel

- None

Other Notable Responses

- None

Talbert, Kent

From: Talbert, Kent
Sent: Monday, May 11, 2020 5:06 PM
To: Cassell, Mary I. EOP/OMB
Cc: McGuire, Denzel E. EOP/OMB; Redstone, James J. EOP/WHO; Miller, Katie R. EOP/OVP; Nevins, Kristan K. EOP/WHO; 'Satya.P.Thallam@omb.eop.gov'
Subject: ED Daily Report for Monday, May 11
Attachments: ED_5.11.20_ COVID19 daily report.pdf

COVID-19—Agency Response
May 11, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Waivers Permitting Flexibility in Fiscal Management of Federal Career and Technical Education (CTE) and Adult Education Programs (Office of Career, Technical, and Adult Education (OCTAE)).** As of 9:45 AM on Monday, May 11, the Department had received waiver requests from 30 States and territories. All have received provisional approval under the Carl D. Perkins Career and Technical Education Act of 2006 and the Adult Education and Family Literacy Act, and the General Education Provisions Act. These national emergency “Tydings” waivers (i.e., to extend the period of availability of funds to be spent) are authorized under section 3511(a) and (b) of Division A of the CARES Act.
- **Flexibility in the Operation and Fiscal Management of Vocational Rehabilitation and Other Programs (Office of Special Education and Rehabilitative Services).** During the week of May 11, the Department expects to release a Questions and Answers document addressing flexibilities in service delivery for the Vocational Rehabilitation, American Indian Vocational Rehabilitation Services, Randolph-Sheppard Act, and Rehabilitation Long-Term Training programs. Assistant Secretary Mark Schultz of the Office Special Education and Rehabilitative Services (OSERS) is leading the development of the Questions and Answers document.
- **Questions and Answers for Postsecondary Institutions on Issues Related to COVID-19 (Office for Civil Rights).** During the week of May 11, the Office for Civil Rights (OCR) expects to release a Questions and Answers technical assistance document addressing common questions that have been asked by postsecondary institutions in light of COVID-19 regarding compliance with federal civil rights laws. The topics covered include compliance with Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, Title IX of the Education Amendments of 1972, and Title VI of the Civil Rights Act. Assistant Secretary for Civil Rights Kenneth Marcus is leading the drafting of this document.

CARES Act Implementation—Key Activities and Milestones

- **Governor’s Emergency Education Relief Fund (“GEER Fund”) (Office of Elementary and Secondary Education (OESE)).** As of 10:30 AM on Monday, May 11, the Department had received a “Certification and Agreement” from 11 Governors. Eleven awards have been made totaling \$378.1 million. The Certification and Agreement serves as the application for funds and commits each Governor to abide by the relevant statutory requirements. The purpose of the GEER Fund is to provide emergency assistance to a Governor to support local educational agencies, institutions of higher education, and any other education-related entities the Governor “deems essential for carrying out emergency educational services to students” for certain authorized activities under the CARES Act and the Higher Education Act, as well as for “the provision of child care and early childhood education, social and emotional support, and the protection of education-related jobs.”

- **Elementary and Secondary Education Relief Fund (“ESSER Fund”) (OESE).** As of 4:30 PM on Monday, May 11, the Department had received a “Certification and Agreement” from 40 Chief State School Officers. Awards have been made to 35 applicants totaling \$8.8 billion. The Certification and Agreement serves as the application for funds and commits each Chief State School Officer to abide by the relevant statutory requirements. The purpose of the ESSER Fund is to support continuity of learning for K-12 students whose education has been disrupted by the coronavirus.
- **Reservation of Funds for Outlying Areas from the Education Stabilization Fund (OESE).** The CARES Act requires the Secretary to allocate “not more than ½ of 1 percent” (i.e., \$153.8 million) of the Education Stabilization Fund for the outlying areas (U.S. Virgin Islands, Guam, Commonwealth of Northern Mariana Islands (CNMI), and American Samoa). The purpose of these funds is to provide emergency assistance to the outlying areas to prevent, prepare for, and respond to the coronavirus. Governors and Chief State School Officers of the outlying areas may both apply for funding.

As of 10:30 AM on Monday, May 11, the Department had received one Certification and Agreement from the Governor of CNMI and one from the Chief State School Officer of CNMI.

- **Higher Education Emergency Relief Fund (“HEER Fund”) to Assist Students (Office of Postsecondary Education (OPE)).** As of 9:30 AM on Monday, May 11, the Department had received a “Certification and Agreement” from 4,350 of 5,135 eligible institutions of higher education. Obligations of \$5.7 billion (90% of the total funds available) have been made to 3,435 institutions (79% of applications received and 67% of eligible institutions). The Certification and Agreement serves as the application for funds and commits each institution to abiding by the relevant statutory provisions for the HEER Fund.

HEER Fund to Assist Institutions of Higher Education (OPE). As of 9:30 AM on Monday, May 11, the Department had received a Certification and Agreement from 3,029 of 5,135 eligible institutions of higher education to assist the institutions with costs associated with significant changes to the delivery of instruction due to the coronavirus. Awards have been made to 2,171 institutions totaling \$3.8 billion (72% of applications received and 42% of eligible institutions).

HEER Fund to Assist Historically Black Colleges and Universities, Other Minority Serving Institutions of Higher Education, Tribally Controlled Colleges and Universities, and Others (OPE). As of 9:30 AM on Monday, May 11, the Department had received applications from 866 of 1,760 eligible institutions of higher education under section 18004(a)(2) and made awards of \$456.4 million to 117 institutions (14% of applications received and 7% of eligible institutions). These funds may be used to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education and for grants to students for any component of the student’s costs of attendance including food, housing, course materials, technology, health care, and child care.

HEER Fund for the Improvement of Postsecondary Education (OPE). As of 9:30 AM on Monday, May 11, the Department had received applications from 150 of 981 eligible institutions of higher education under section 18004(a)(3). Under section 18004(a)(3), the Secretary will make funds available to “institutions of higher education that the Secretary determines to have the

greatest unmet needs related to coronavirus” and who apply for such funds. Funds may be used to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education and for grants to students for any component of the student’s costs of attendance including food, housing, course materials, technology, health care and child care.

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- **None**

Actions That Affect Federal Facilities and Personnel

- **None**

Other Notable Responses

- **Federal Student Aid’s Follow-up on Stopping Administrative Wage Garnishment (Federal Student Aid (FSA)).** FSA continues to work diligently with employers and borrowers regarding administrative wage garnishments. Although FSA has directed all employers to stop garnishing wages, employers continue to do so. Administratively, FSA immediately processes refunds to borrowers and calls employers to ensure they understand the directive.

FSA has taken further action to reach employers and impacted borrowers. This past weekend, FSA’s default loan servicer mailed more than 83,000 letters to borrowers whose wages continue to be garnished. The letters informed borrowers that their employers had been directed to stop garnishing their wages, includes the notification to the employer, encourages borrowers to provide the letter to their employer’s HR department, and recommends borrowers verify their contact information with FSA to ensure they receive their refunded wages expeditiously.

Today, FSA is mailing more than 37,000 letters to employers that have garnished borrowers’ wages from April 28, 2020 forward in time. This mailing includes a list of all borrowers employed by the specific employer. Additionally, FSA’s default loan servicer is also calling employers that continue to garnish borrowers’ wages; the default loan servicer has added additional staff to conduct this outreach. Finally, FSA’s senior leadership, including FSA Chief Operating Officer Mark Brown, went onsite to the default loan servicer’s fulfillment/mailing center today to discuss further actions that can be taken to ensure employers do their part to comply with the Department’s directive.

Talbert, Kent

From: Talbert, Kent
Sent: Tuesday, May 12, 2020 4:52 PM
To: Cassell, Mary I. EOP/OMB
Cc: McGuire, Denzel E. EOP/OMB; Redstone, James J. EOP/WHO; Miller, Katie R. EOP/OVP; Nevins, Kristan K. EOP/WHO; 'Satya.P.Thallam@omb.eop.gov'
Subject: ED Daily Report for Tuesday, May 12
Attachments: ED_5.12.20_ COVID19 daily report.pdf

COVID-19—Agency Response
May 12, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Questions and Answers for Postsecondary Institutions on Issues Related to COVID-19 (Office for Civil Rights).** Today, the Office for Civil Rights (OCR) posted a [Questions and Answers technical assistance document](#) addressing common questions that have been asked by postsecondary institutions in light of COVID-19 regarding compliance with federal civil rights laws. The topics covered include compliance with Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, Title IX of the Education Amendments of 1972, and Title VI of the Civil Rights Act.
- **Waivers Permitting Flexibility in Fiscal Management of Federal Career and Technical Education (CTE) and Adult Education Programs (Office of Career, Technical, and Adult Education (OCTAE)).** As of 12:30 PM on Tuesday, May 12, the Department had received waiver requests from 30 States and territories. All have received provisional approval under the Carl D. Perkins Career and Technical Education Act of 2006 and the Adult Education and Family Literacy Act, and the General Education Provisions Act. These national emergency “Tydings” waivers (i.e., to extend the period of availability of funds to be spent) are authorized under section 3511(a) and (b) of Division A of the CARES Act.
- **Frequently Asked Questions for Adult Education Programs (OCTAE).** Later this week or early next week, the Department expects to send to OMB a third round of draft flexibility guidance (Frequently Asked Questions) for adult education programs. Assistant Secretary Scott Stump of OCTAE is leading the development of the guidance which is based on questions received via email and during listening sessions hosted by OCTAE. The guidance is in Department clearance.
- **Flexibility in the Operation and Fiscal Management of Vocational Rehabilitation and Other Programs (Office of Special Education and Rehabilitative Services).** Later today or tomorrow, the Department expects to release a Questions and Answers document addressing flexibilities in service delivery for the Vocational Rehabilitation, American Indian Vocational Rehabilitation Services, Randolph-Sheppard Act, and Rehabilitation Long-Term Training programs. Assistant Secretary Mark Schultz of the Office Special Education and Rehabilitative Services (OSERS) is leading the development of the Questions and Answers document.

CARES Act Implementation—Key Activities and Milestones

- **Governor’s Emergency Education Relief Fund (“GEER Fund”) (Office of Elementary and Secondary Education (OESE)).** As of 11:30 AM on Tuesday, May 12, the Department had received a “Certification and Agreement” from 12 Governors. Eleven awards have been made totaling \$378.1 million. The Certification and Agreement serves as the application for funds and commits each Governor to abide by the relevant statutory requirements. The purpose of the GEER Fund is to provide emergency assistance to a Governor to support local educational agencies, institutions of higher education, and any other education-related entities the Governor “deems

essential for carrying out emergency educational services to students” for certain authorized activities under the CARES Act and the Higher Education Act, as well as for “the provision of child care and early childhood education, social and emotional support, and the protection of education-related jobs.”

- **Elementary and Secondary Education Relief Fund (“ESSER Fund”) (OESE).** As of 11:30 AM on Tuesday, May 12, the Department had received a “Certification and Agreement” from 39 Chief State School Officers. Awards have been made to 37 applicants totaling \$9.5 billion. The Certification and Agreement serves as the application for funds and commits each Chief State School Officer to abide by the relevant statutory requirements. The purpose of the ESSER Fund is to support continuity of learning for K-12 students whose education has been disrupted by the coronavirus.
- **Reservation of Funds for Outlying Areas from the Education Stabilization Fund (OESE).** The CARES Act requires the Secretary to allocate “not more than ½ of 1 percent” (i.e., \$153.8 million) of the Education Stabilization Fund for the outlying areas (U.S. Virgin Islands, Guam, Commonwealth of Northern Mariana Islands (CNMI), and American Samoa). The purpose of these funds is to provide emergency assistance to the outlying areas to prevent, prepare for, and respond to the coronavirus. Governors and Chief State School Officers of the outlying areas may both apply for funding.

As of 11:30 AM on Tuesday, May 12, the Department had received one Certification and Agreement from the Governor of CNMI and one from the Chief State School Officer of CNMI.

- **Higher Education Emergency Relief Fund (“HEER Fund”) to Assist Students (Office of Postsecondary Education (OPE)).** As of 11:00 AM on Tuesday, May 12, the Department had received a “Certification and Agreement” from 4,382 of 5,135 eligible institutions of higher education. Obligations of \$5.8 billion (93% of the total funds available) have been made to 3,563 institutions (81% of applications received and 69% of eligible institutions). The Certification and Agreement serves as the application for funds and commits each institution to abiding by the relevant statutory provisions for the HEER Fund.

HEER Fund to Assist Institutions of Higher Education (OPE). As of 11:00 AM on Tuesday, May 12, the Department had received a Certification and Agreement from 3,069 of 5,135 eligible institutions of higher education to assist the institutions with costs associated with significant changes to the delivery of instruction due to the coronavirus. Awards have been made to 2,329 institutions totaling \$4 billion (76% of applications received and 45% of eligible institutions).

HEER Fund to Assist Historically Black Colleges and Universities, Other Minority Serving Institutions of Higher Education, Tribally Controlled Colleges and Universities, and Others (OPE). As of 11:00 AM on Tuesday, May 12, the Department had received applications from 904 of 1,760 eligible institutions of higher education under section 18004(a)(2) and made awards of \$550.5 million to 130 institutions (14% of applications received and 7% of eligible institutions). These funds may be used to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education and for grants to students for any component of the student’s costs of attendance including food, housing, course materials, technology, health care, and child care.

HEER Fund for the Improvement of Postsecondary Education (OPE). As of 11:00 AM on Tuesday, May 12, the Department had received applications from 166 of 981 eligible institutions of higher education under section 18004(a)(3). Under section 18004(a)(3), the Secretary will make funds available to “institutions of higher education that the Secretary determines to have the greatest unmet needs related to coronavirus” and who apply for such funds. Funds may be used to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education and for grants to students for any component of the student’s costs of attendance including food, housing, course materials, technology, health care and child care.

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Actions That Affect Federal Facilities and Personnel

- None

Other Notable Responses

- **Federal Student Aid’s Follow-up on Stopping Administrative Wage Garnishment (Federal Student Aid (FSA)).** FSA continues to work diligently with employers and borrowers regarding administrative wage garnishments. Although FSA has directed all employers to stop garnishing wages, employers continue to do so. Administratively, FSA immediately processes refunds to borrowers and calls employers to ensure they understand the directive.

FSA has taken further action to reach employers and impacted borrowers. Last weekend, FSA’s default loan servicer mailed more than 83,000 letters to borrowers whose wages continue to be garnished. The letters informed borrowers that their employers had been directed to stop garnishing their wages, includes the notification to the employer, encourages borrowers to provide the letter to their employer’s HR department, and recommends borrowers verify their contact information with FSA to ensure they receive their refunded wages expeditiously.

Yesterday, FSA mailed more than 37,000 letters to employers that have garnished borrowers’ wages from April 28, 2020 forward in time. This mailing included a list of all borrowers employed by the specific employer. Additionally, FSA’s default loan servicer is also calling employers that continue to garnish borrowers’ wages; the default loan servicer has added additional staff to conduct this outreach. Finally, FSA’s senior leadership, including FSA Chief Operating Officer Mark Brown, went onsite to the default loan servicer’s fulfillment/mailing center yesterday to discuss further actions that can be taken to ensure employers do their part to comply with the Department’s directive.

Talbert, Kent

From: Talbert, Kent
Sent: Wednesday, May 13, 2020 4:15 PM
To: Cassell, Mary I. EOP/OMB
Cc: McGuire, Denzel E. EOP/OMB; Redstone, James J. EOP/WHO; Miller, Katie R. EOP/OVP; Nevins, Kristan K. EOP/WHO; 'Satya.P.Thallam@omb.eop.gov'
Subject: Daily Report of ED
Attachments: ED_5.13.20_ COVID19 daily report.pdf

COVID-19—Agency Response
May 13, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Waivers Permitting Flexibility in Fiscal Management of Federal Career and Technical Education (CTE) and Adult Education Programs (Office of Career, Technical, and Adult Education (OCTAE)).** As of 3:45 PM on Wednesday, May 13, the Department had received waiver requests from 30 States and territories. All have received provisional approval under the Carl D. Perkins Career and Technical Education Act of 2006 and the Adult Education and Family Literacy Act, and the General Education Provisions Act. These national emergency “Tydings” waivers (i.e., to extend the period of availability of funds to be spent) are authorized under section 3511 of Division A of the CARES Act.
- **Frequently Asked Questions for Adult Education Programs (OCTAE).** Later this week or early next week, the Department expects to send to OMB a third round of draft flexibility guidance (Frequently Asked Questions) for adult education programs. Assistant Secretary Scott Stump of OCTAE is leading the development of the guidance which is based on questions received via email and during listening sessions hosted by OCTAE. The guidance is in Department clearance.
- **Flexibility in the Operation and Fiscal Management of Vocational Rehabilitation and Other Programs (Office of Special Education and Rehabilitative Services (OSERS)).** Later today or tomorrow, the Department expects to release a Questions and Answers document addressing flexibilities in service delivery for the Vocational Rehabilitation, American Indian Vocational Rehabilitation Services, Randolph-Sheppard Act, and Rehabilitation Long-Term Training programs. Acting Assistant Secretary Mark Schultz of the Office Special Education and Rehabilitative Services (OSERS) is leading the development of the Questions and Answers document.
- **Waiver Template for Period of Availability of Funds under Part B of the Individuals with Disabilities (IDEA) Education Act (OSERS).** Within the next few days, the Department expects to release a streamlined waiver template that State educational agencies may use to request an extension of the period of availability of funds under Part B of IDEA for an additional year. This national emergency “Tydings” waiver is authorized under section 3511 of Division A of the CARES Act, similar to the CTE and adult education waivers mentioned above. Acting Assistant Secretary Mark Schultz is leading the development of the waiver template which is in Department clearance.
- **Questions and Answers on Use of Funds under Part B of IDEA (OSERS).** Later this week, the Department expects to submit to OMB a draft Questions and Answers document that provides guidance on the permissible uses of funds under Part B of IDEA to address conditions caused by COVID-19. Acting Assistant Secretary Mark Schultz is leading the development of this Questions and Answers document which is in Department clearance.

CARES Act Implementation—Key Activities and Milestones

- **Governor’s Emergency Education Relief Fund (“GEER Fund”) (Office of Elementary and Secondary Education (OESE)).** As of 11:00 AM on Wednesday, May 13, the Department had received a “Certification and Agreement” from 12 Governors. Twelve awards have been made totaling \$733 million. The Certification and Agreement serves as the application for funds and commits each Governor to abide by the relevant statutory requirements. The purpose of the GEER Fund is to provide emergency assistance to a Governor to support local educational agencies, institutions of higher education, and any other education-related entities the Governor “deems essential for carrying out emergency educational services to students” for certain authorized activities under the CARES Act and the Higher Education Act, as well as for “the provision of child care and early childhood education, social and emotional support, and the protection of education-related jobs.”
- **Elementary and Secondary Education Relief Fund (“ESSER Fund”) (OESE).** As of 11:00 AM on Wednesday, May 13, the Department had received a “Certification and Agreement” from 41 Chief State School Officers. Awards have been made to 37 applicants totaling \$9.5 billion. The Certification and Agreement serves as the application for funds and commits each Chief State School Officer to abide by the relevant statutory requirements. The purpose of the ESSER Fund is to support continuity of learning for K-12 students whose education has been disrupted by the coronavirus.
- **Reservation of Funds for Outlying Areas from the Education Stabilization Fund (OESE).** The CARES Act requires the Secretary to allocate “not more than ½ of 1 percent” (i.e., \$153.8 million) of the Education Stabilization Fund for the outlying areas (U.S. Virgin Islands, Guam, Commonwealth of the Northern Marianas Islands, and American Samoa). The purpose of these funds is to provide emergency assistance to the outlying areas to prevent, prepare for, and respond to the coronavirus. Governors and State Educational Agencies of the outlying areas may both apply for funding.

ESF-Governors. As of 11:00 AM on Wednesday, May 13, the Department had received one Certification and Agreement from the Governor of the Commonwealth of the Northern Marianas Islands. The Department made an award of \$4.8 million.

ESF-State Educational Agencies. As of 11:00 AM on Wednesday, May 13, the Department had received two Certifications and Agreements (Commonwealth of the Northern Marianas Islands and American Samoa) and made one award in the amount of \$23.1 million to the Commonwealth of the Northern Marianas Islands.

- **Higher Education Emergency Relief Fund (“HEER Fund”) to Assist Students (Office of Postsecondary Education (OPE)).** As of 11:00 AM on Wednesday, May 13, the Department had received a “Certification and Agreement” from 4,445 of 5,135 eligible institutions of higher education. Obligations of \$5.8 billion (93% of the total funds available) have been made to 3,626 institutions (82% of applications received and 71% of eligible institutions). The Certification and Agreement serves as the application for funds and commits each institution to abiding by the relevant statutory provisions for the HEER Fund.

HEER Fund to Assist Institutions of Higher Education (OPE). As of 11:00 AM on Wednesday, May 13, the Department had received a Certification and Agreement from 3,135 of 5,135 eligible institutions of higher education to assist the institutions with costs associated with significant changes to the delivery of instruction due to the coronavirus. Awards have been made to 2,492 institutions totaling \$4.3 billion (79% of applications received and 49% of eligible institutions).

HEER Fund to Assist Historically Black Colleges and Universities, Other Minority Serving Institutions of Higher Education, Tribally Controlled Colleges and Universities, and Others (OPE). As of 11:00 AM on Wednesday, May 13, the Department had received applications from 958 of 1,760 eligible institutions of higher education under section 18004(a)(2) and made awards of \$583.7 million to 108 institutions (11% of applications received and 6% of eligible institutions). These funds may be used to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education and for grants to students for any component of the student's costs of attendance including food, housing, course materials, technology, health care, and child care.

HEER Fund for the Improvement of Postsecondary Education (OPE). As of 11:00 AM on Wednesday, May 13, the Department had received applications from 181 of 981 eligible institutions of higher education under section 18004(a)(3). Under section 18004(a)(3), the Secretary will make funds available to "institutions of higher education that the Secretary determines to have the greatest unmet needs related to coronavirus" and who apply for such funds. Funds may be used to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education and for grants to students for any component of the student's costs of attendance including food, housing, course materials, technology, health care and child care.

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Actions That Affect Federal Facilities and Personnel

- None

Other Notable Responses

- None

Talbert, Kent

From: Talbert, Kent
Sent: Thursday, May 14, 2020 5:40 PM
To: Cassell, Mary I. EOP/OMB
Cc: McGuire, Denzel E. EOP/OMB; Redstone, James J. EOP/WHO; Miller, Katie R. EOP/OVP; Nevins, Kristan K. EOP/WHO; 'Satya.P.Thallam@omb.eop.gov'
Subject: ED daily report
Attachments: ED_5.14.20_ COVID19 daily report.pdf

COVID-19—Agency Response
May 14, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Flexibility in the Operation and Fiscal Management of Vocational Rehabilitation and Other Programs (Office of Special Education and Rehabilitative Services (OSERS)).** Today, the Department released a Questions and Answers document addressing flexibilities in service delivery for the Vocational Rehabilitation, American Indian Vocational Rehabilitation Services, Randolph-Sheppard Act, and Rehabilitation Long-Term Training programs. Acting Assistant Secretary Mark Schultz of the Office Special Education and Rehabilitative Services (OSERS) led the development of the Questions and Answers document.
- **Waivers Permitting Flexibility in Fiscal Management of Federal Career and Technical Education (CTE) and Adult Education Programs (Office of Career, Technical, and Adult Education (OCTAE)).** As of 2:00 PM on Thursday, May 14, the Department had received waiver requests from 30 States and territories. All have received provisional approval under the Carl D. Perkins Career and Technical Education Act of 2006 and the Adult Education and Family Literacy Act, and the General Education Provisions Act. These national emergency “Tydings” waivers (i.e., to extend the period of availability of funds to be spent) are authorized under section 3511 of Division A of the CARES Act.
- **Frequently Asked Questions for Adult Education Programs (OCTAE).** Tomorrow or early next week, the Department expects to send to OMB a third round of draft flexibility guidance (Frequently Asked Questions) for adult education programs. Assistant Secretary Scott Stump of OCTAE is leading the development of the guidance which is based on questions received via email and during listening sessions hosted by OCTAE. The guidance is in Department clearance.
- **Waiver Template for Period of Availability of Funds under Part B of the Individuals with Disabilities (IDEA) Education Act (OSERS).** Tomorrow or early next week, the Department expects to send to OMB a streamlined waiver template that State educational agencies may use to request an extension of the period of availability of funds under Part B of IDEA for an additional year. This national emergency “Tydings” waiver is authorized under section 3511 of Division A of the CARES Act, similar to the CTE and adult education waivers mentioned above. Acting Assistant Secretary Mark Schultz is leading the development of the waiver template which is in Department clearance.
- **Questions and Answers on Use of Funds under Part B of IDEA (OSERS).** Tomorrow or early next week, the Department expects to submit to OMB a draft Questions and Answers document that provides guidance on the permissible uses of funds under Part B of IDEA to address conditions caused by COVID-19. Acting Assistant Secretary Mark Schultz is leading the development of this Questions and Answers document which is in Department clearance.
- **Flexibilities for Postsecondary Institutions (OUS).** Tomorrow, May 15, the Department expects to release an Electronic Announcement (EA) that provides guidance to postsecondary institutions

regarding the CARES Act and the Higher Education Act. Pending further discussions with OMB, the EA will not include flexibilities concerning Financial Responsibility requirements. Acting Under Secretary Diane Jones is leading the development of the EA.

CARES Act Implementation—Key Activities and Milestones

- **Governor’s Emergency Education Relief Fund (“GEER Fund”) (Office of Elementary and Secondary Education (OESE)).** As of 11:30 AM on Thursday, May 14, the Department had received a “Certification and Agreement” from 12 Governors. Twelve awards have been made totaling \$733 million. The Certification and Agreement serves as the application for funds and commits each Governor to abide by the relevant statutory requirements. The purpose of the GEER Fund is to provide emergency assistance to a Governor to support local educational agencies, institutions of higher education, and any other education-related entities the Governor “deems essential for carrying out emergency educational services to students” for certain authorized activities under the CARES Act and the Higher Education Act, as well as for “the provision of child care and early childhood education, social and emotional support, and the protection of education-related jobs.”
- **Elementary and Secondary Education Relief Fund (“ESSER Fund”) (OESE).** As of 11:30 AM on Thursday, May 14, the Department had received a “Certification and Agreement” from 42 Chief State School Officers. Awards have been made to 39 applicants totaling \$9.7 billion. The Certification and Agreement serves as the application for funds and commits each Chief State School Officer to abide by the relevant statutory requirements. The purpose of the ESSER Fund is to support continuity of learning for K-12 students whose education has been disrupted by the coronavirus.
- **Reservation of Funds for Outlying Areas from the Education Stabilization Fund (OESE).** The CARES Act requires the Secretary to allocate “not more than ½ of 1 percent” (i.e., \$153.8 million) of the Education Stabilization Fund for the outlying areas (U.S. Virgin Islands, Guam, Commonwealth of the Northern Marianas Islands, and American Samoa). The purpose of these funds is to provide emergency assistance to the outlying areas to prevent, prepare for, and respond to the coronavirus. Governors and State Educational Agencies of the outlying areas may both apply for funding.

ESF-Governors. As of 11:30 AM on Thursday, May 14, the Department had received one Certification and Agreement from the Governor of the Commonwealth of the Northern Marianas Islands. The Department made an award of \$4.8 million.

ESF-State Educational Agencies. As of 11:30 AM on Thursday, May 14, the Department had received two Certifications and Agreements (Commonwealth of the Northern Marianas Islands and American Samoa) and made one award in the amount of \$23.1 million to the Commonwealth of the Northern Marianas Islands.

- **Higher Education Emergency Relief Fund (“HEER Fund”) to Assist Students (Office of Postsecondary Education (OPE)).** As of 11:30 AM on Thursday, May 14, the Department had received a “Certification and Agreement” from 4,038 (adjusted) of 5,135 eligible institutions of higher education. Obligations of \$5.9 billion (94% of the total funds available) have been made to 3,696 institutions (92% of applications received and 72% of eligible institutions). The

Certification and Agreement serves as the application for funds and commits each institution to abiding by the relevant statutory provisions for the HEER Fund.

HEER Fund to Assist Institutions of Higher Education (OPE). As of 11:30 AM on Thursday, May 14, the Department had received a Certification and Agreement from 3,094 (adjusted) of 5,135 eligible institutions of higher education to assist the institutions with costs associated with significant changes to the delivery of instruction due to the coronavirus. Awards have been made to 2,497 institutions totaling \$4.3 billion (81% of applications received and 49% of eligible institutions).

HEER Fund to Assist Historically Black Colleges and Universities, Other Minority Serving Institutions of Higher Education, Tribally Controlled Colleges and Universities, and Others (OPE). As of 11:30 AM on Thursday, May 14, the Department had received applications from 1009 of 1,760 eligible institutions of higher education under section 18004(a)(2) and made awards of \$512.2 million (adjusted) to 134 institutions (13% of applications received and 8% of eligible institutions). These funds may be used to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education and for grants to students for any component of the student's costs of attendance including food, housing, course materials, technology, health care, and child care.

HEER Fund for the Improvement of Postsecondary Education (OPE). As of 11:30 AM on Thursday, May 14, the Department had received applications from 195 of 981 eligible institutions of higher education under section 18004(a)(3). Under section 18004(a)(3), the Secretary will make funds available to "institutions of higher education that the Secretary determines to have the greatest unmet needs related to coronavirus" and who apply for such funds. Funds may be used to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education and for grants to students for any component of the student's costs of attendance including food, housing, course materials, technology, health care and child care.

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Actions That Affect Federal Facilities and Personnel

- None

Other Notable Responses

- None

Talbert, Kent

From: Talbert, Kent
Sent: Friday, May 15, 2020 5:26 PM
To: Cassell, Mary I. EOP/OMB
Cc: McGuire, Denzel E. EOP/OMB; Redstone, James J. EOP/WHO; Miller, Katie R. EOP/OVP; Nevins, Kristan K. EOP/WHO; 'Satya.P.Thallam@omb.eop.gov'
Subject: ED Daily Report for Friday, May 15
Attachments: ED_5.15.20_ COVID19 daily report,.pdf

COVID-19—Agency Response
May 15, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Flexibilities for Postsecondary Institutions (OUS).** Today, the Department expects to release an Electronic Announcement (EA) that provides guidance to postsecondary institutions regarding the CARES Act and the Higher Education Act. Pending further discussions with OMB, the EA will not include flexibilities concerning Financial Responsibility requirements. Acting Under Secretary Diane Jones has led the development of the EA.
- **Waivers Permitting Flexibility in Fiscal Management of Federal Career and Technical Education (CTE) and Adult Education Programs (Office of Career, Technical, and Adult Education (OCTAE)).** As of 1:00 PM on Friday, May 15, the Department had received waiver requests from 30 States and territories. All have received provisional approval under the Carl D. Perkins Career and Technical Education Act of 2006 and the Adult Education and Family Literacy Act, and the General Education Provisions Act. These national emergency “Tydings” waivers (i.e., to extend the period of availability of funds to be spent) are authorized under section 3511 of Division A of the CARES Act.
- **Frequently Asked Questions for Adult Education Programs (OCTAE).** Today or early next week, the Department expects to send to OMB a third round of draft flexibility guidance (Frequently Asked Questions) for adult education programs. Assistant Secretary Scott Stump of OCTAE is leading the development of the guidance which is based on questions received via email and during listening sessions hosted by OCTAE. The guidance is in Department clearance.
- **Waiver Template for Period of Availability of Funds under Part B of the Individuals with Disabilities (IDEA) Education Act (OSERS).** Today or early next week, the Department expects to send to OMB a streamlined waiver template that State educational agencies may use to request an extension of the period of availability of funds under Part B of IDEA for an additional year. This national emergency “Tydings” waiver is authorized under section 3511 of Division A of the CARES Act, similar to the CTE and adult education waivers mentioned above. Acting Assistant Secretary Mark Schultz is leading the development of the waiver template which is in Department clearance.
- **Questions and Answers on Use of Funds under Part B of IDEA (OSERS).** Today or early next week, the Department expects to submit to OMB a draft Questions and Answers document that provides guidance on the permissible uses of funds under Part B of IDEA to address conditions caused by COVID-19. Acting Assistant Secretary Mark Schultz is leading the development of this Questions and Answers document which is in Department clearance.

CARES Act Implementation—Key Activities and Milestones

- **Governor’s Emergency Education Relief Fund (“GEER Fund”) (Office of Elementary and Secondary Education (OESE)).** As of 12:00 PM on Friday, May 15, the Department had received a “Certification and Agreement” from 13 Governors. Twelve awards have been made totaling \$733 million. The Certification and Agreement serves as the application for funds and commits each Governor to abide by the relevant statutory requirements. The purpose of the GEER Fund is to provide emergency assistance to a Governor to support local educational agencies, institutions of higher education, and any other education-related entities the Governor “deems essential for carrying out emergency educational services to students” for certain authorized activities under the CARES Act and the Higher Education Act, as well as for “the provision of child care and early childhood education, social and emotional support, and the protection of education-related jobs.”
- **Elementary and Secondary Education Relief Fund (“ESSER Fund”) (OESE).** As of 12:00 PM on Friday, May 15, the Department had received a “Certification and Agreement” from 42 Chief State School Officers. Awards have been made to 40 applicants totaling \$10.3 billion. The Certification and Agreement serves as the application for funds and commits each Chief State School Officer to abide by the relevant statutory requirements. The purpose of the ESSER Fund is to support continuity of learning for K-12 students whose education has been disrupted by the coronavirus.
- **Reservation of Funds for Outlying Areas from the Education Stabilization Fund (OESE).** The CARES Act requires the Secretary to allocate “not more than ½ of 1 percent” (i.e., \$153.8 million) of the Education Stabilization Fund for the outlying areas (U.S. Virgin Islands, Guam, Commonwealth of the Northern Marianas Islands, and American Samoa). The purpose of these funds is to provide emergency assistance to the outlying areas to prevent, prepare for, and respond to the coronavirus. Governors and State Educational Agencies of the outlying areas may both apply for funding.

ESF-Governors. As of 12:00 PM on Friday, May 15, the Department had received one Certification and Agreement from the Governor of the Commonwealth of the Northern Marianas Islands. The Department made an award of \$4.8 million.

ESF-State Educational Agencies. As of 12:00 PM on Friday, May 15, the Department had received two Certifications and Agreements (Commonwealth of the Northern Marianas Islands and American Samoa) and made one award in the amount of \$23.1 million to the Commonwealth of the Northern Marianas Islands.

- **Higher Education Emergency Relief Fund (“HEER Fund”) to Assist Students (Office of Postsecondary Education (OPE)).** As of 11:00 AM on Friday, May 15, the Department had received a “Certification and Agreement” from 3,968 (adjusted) of 5,135 eligible institutions of higher education. Obligations of \$5.9 billion (94% of the total funds available) have been made to 3,815 institutions (96% of applications received and 74% of eligible institutions). The Certification and Agreement serves as the application for funds and commits each institution to abiding by the relevant statutory provisions for the HEER Fund.

HEER Fund to Assist Institutions of Higher Education (OPE). As of 11:00 AM on Friday, May 15, the Department had received a Certification and Agreement from 3,128 (adjusted) of 5,135 eligible institutions of higher education to assist the institutions with costs associated with significant changes to the delivery of instruction due to the coronavirus. Awards have been made to 2,718 institutions totaling \$4.4 billion (87% of applications received and 53% of eligible institutions).

HEER Fund to Assist Historically Black Colleges and Universities, Other Minority Serving Institutions of Higher Education, Tribally Controlled Colleges and Universities, and Others (OPE). As of 11:00 AM on Friday, May 15, the Department had received applications from 1042 of 1,760 eligible institutions of higher education under section 18004(a)(2) and made awards of \$516 million (adjusted) to 135 institutions (13% of applications received and 8% of eligible institutions). These funds may be used to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education and for grants to students for any component of the student's costs of attendance including food, housing, course materials, technology, health care, and child care.

HEER Fund for the Improvement of Postsecondary Education (OPE). As of 11:00 AM on Friday, May 15, the Department had received applications from 221 of 981 eligible institutions of higher education under section 18004(a)(3). Under section 18004(a)(3), the Secretary will make funds available to "institutions of higher education that the Secretary determines to have the greatest unmet needs related to coronavirus" and who apply for such funds. Funds may be used to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education and for grants to students for any component of the student's costs of attendance including food, housing, course materials, technology, health care and child care.

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Actions That Affect Federal Facilities and Personnel

- None

Other Notable Responses

- None

Talbert, Kent

From: Talbert, Kent
Sent: Saturday, May 16, 2020 3:05 PM
To: Cassell, Mary I. EOP/OMB
Cc: McGuire, Denzel E. EOP/OMB; Redstone, James J. EOP/WHO; Miller, Katie R. EOP/OVP; 'Satya.P.Thallam@omb.eop.gov'; Nevins, Kristan K. EOP/WHO
Subject: ED Daily Report
Attachments: ED_5.16.20_ COVID19 daily report.pdf

COVID-19—Agency Response
May 16, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Waivers Permitting Flexibility in Fiscal Management of Federal Career and Technical Education (CTE) and Adult Education Programs (Office of Career, Technical, and Adult Education (OCTAE)).** As of 1:00 PM on Friday, May 15, the Department had received waiver requests from 30 States and territories. All have received provisional approval under the Carl D. Perkins Career and Technical Education Act of 2006 and the Adult Education and Family Literacy Act, and the General Education Provisions Act. These national emergency “Tydings” waivers (i.e., to extend the period of availability of funds to be spent) are authorized under section 3511 of Division A of the CARES Act.
- **Frequently Asked Questions for Adult Education Programs (OCTAE).** During the week of May 18, the Department expects to send to OMB a third round of draft flexibility guidance (Frequently Asked Questions) for adult education programs. Assistant Secretary Scott Stump of OCTAE is leading the development of the guidance which is based on questions received via email and during listening sessions hosted by OCTAE. The guidance is in Department clearance.
- **Waiver Template for Period of Availability of Funds under Part B of the Individuals with Disabilities (IDEA) Education Act (OSERS).** During the week of May 18, the Department expects to send to OMB a streamlined waiver template that State educational agencies may use to request an extension of the period of availability of funds under Part B of IDEA for an additional year. This national emergency “Tydings” waiver is authorized under section 3511 of Division A of the CARES Act, similar to the CTE and adult education waivers mentioned above. Acting Assistant Secretary Mark Schultz is leading the development of the waiver template which is in Department clearance.
- **Questions and Answers on Use of Funds under Part B of IDEA (OSERS).** During the week of May 18, the Department expects to submit to OMB a draft Questions and Answers document that provides guidance on the permissible uses of funds under Part B of IDEA to address conditions caused by COVID-19. Acting Assistant Secretary Mark Schultz is leading the development of this Questions and Answers document which is in Department clearance.

CARES Act Implementation—Key Activities and Milestones

- **Governor’s Emergency Education Relief Fund (“GEER Fund”) (Office of Elementary and Secondary Education (OESE)).** As of 11:00 AM on Saturday, May 16, the Department had received a “Certification and Agreement” from 13 Governors. Thirteen awards have been made totaling \$838 million. The Certification and Agreement serves as the application for funds and commits each Governor to abide by the relevant statutory requirements. The purpose of the GEER Fund is to provide emergency assistance to a Governor to support local educational agencies, institutions of higher education, and any other education-related entities the Governor “deems essential for carrying out emergency educational services to students” for certain authorized

activities under the CARES Act and the Higher Education Act, as well as for “the provision of child care and early childhood education, social and emotional support, and the protection of education-related jobs.”

- **Elementary and Secondary Education Relief Fund (“ESSER Fund”) (OESE).** As of 11:00 AM on Saturday, May 16, the Department had received a “Certification and Agreement” from 44 Chief State School Officers. Awards have been made to 41 applicants totaling \$11.5 billion. The Certification and Agreement serves as the application for funds and commits each Chief State School Officer to abide by the relevant statutory requirements. The purpose of the ESSER Fund is to support continuity of learning for K-12 students whose education has been disrupted by the coronavirus.
- **Reservation of Funds for Outlying Areas from the Education Stabilization Fund (OESE).** The CARES Act requires the Secretary to allocate “not more than ½ of 1 percent” (i.e., \$153.8 million) of the Education Stabilization Fund for the outlying areas (U.S. Virgin Islands, Guam, Commonwealth of the Northern Marianas Islands, and American Samoa). The purpose of these funds is to provide emergency assistance to the outlying areas to prevent, prepare for, and respond to the coronavirus. Governors and State Educational Agencies of the outlying areas may both apply for funding.

ESF-Governors. As of 11:00 AM on Saturday, May 16, the Department had received one Certification and Agreement from the Governor of the Commonwealth of the Northern Marianas Islands. The Department made an award of \$4.8 million.

ESF-State Educational Agencies. As of 11:00 AM on Saturday, May 16, the Department had received two Certifications and Agreements (Commonwealth of the Northern Marianas Islands and American Samoa) and made one award in the amount of \$23.1 million to the Commonwealth of the Northern Marianas Islands.

- **Higher Education Emergency Relief Fund (“HEER Fund”) to Assist Students (Office of Postsecondary Education (OPE)).** As of 11:00 AM on Friday, May 15, the Department had received a “Certification and Agreement” from 3,968 (adjusted) of 5,135 eligible institutions of higher education. Obligations of \$5.9 billion (94% of the total funds available) have been made to 3,815 institutions (96% of applications received and 74% of eligible institutions). The Certification and Agreement serves as the application for funds and commits each institution to abiding by the relevant statutory provisions for the HEER Fund.

HEER Fund to Assist Institutions of Higher Education (OPE). As of 11:00 AM on Friday, May 15, the Department had received a Certification and Agreement from 3,128 (adjusted) of 5,135 eligible institutions of higher education to assist the institutions with costs associated with significant changes to the delivery of instruction due to the coronavirus. Awards have been made to 2,718 institutions totaling \$4.4 billion (87% of applications received and 53% of eligible institutions).

HEER Fund to Assist Historically Black Colleges and Universities, Other Minority Serving Institutions of Higher Education, Tribally Controlled Colleges and Universities, and Others (OPE). As of 11:00 AM on Friday, May 15, the Department had received applications from 1042 of 1,760 eligible institutions of higher education under section 18004(a)(2) and made awards of

\$516 million (adjusted) to 135 institutions (13% of applications received and 8% of eligible institutions). These funds may be used to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education and for grants to students for any component of the student's costs of attendance including food, housing, course materials, technology, health care, and child care.

HEER Fund for the Improvement of Postsecondary Education (OPE). As of 11:00 AM on Friday, May 15, the Department had received applications from 221 of 981 eligible institutions of higher education under section 18004(a)(3). Under section 18004(a)(3), the Secretary will make funds available to “institutions of higher education that the Secretary determines to have the greatest unmet needs related to coronavirus” and who apply for such funds. Funds may be used to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education and for grants to students for any component of the student's costs of attendance including food, housing, course materials, technology, health care and child care.

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Actions That Affect Federal Facilities and Personnel

- None

Other Notable Responses

- None

Talbert, Kent

From: Talbert, Kent
Sent: Sunday, May 17, 2020 3:18 PM
To: Cassell, Mary I. EOP/OMB
Cc: McGuire, Denzel E. EOP/OMB; Redstone, James J. EOP/WHO; Nevins, Kristan K. EOP/WHO; Miller, Katie R. EOP/OVP; 'Satya.P.Thallam@omb.eop.gov'
Subject: ED daily report for Sunday, May 17 same as Sat, May 16
Attachments: ED_5.17.20_ COVID19 daily report.pdf

COVID-19—Agency Response
May 17, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Waivers Permitting Flexibility in Fiscal Management of Federal Career and Technical Education (CTE) and Adult Education Programs (Office of Career, Technical, and Adult Education (OCTAE)).** As of 1:00 PM on Friday, May 15, the Department had received waiver requests from 30 States and territories. All have received provisional approval under the Carl D. Perkins Career and Technical Education Act of 2006 and the Adult Education and Family Literacy Act, and the General Education Provisions Act. These national emergency “Tydings” waivers (i.e., to extend the period of availability of funds to be spent) are authorized under section 3511 of Division A of the CARES Act.
- **Frequently Asked Questions for Adult Education Programs (OCTAE).** During the week of May 18, the Department expects to send to OMB a third round of draft flexibility guidance (Frequently Asked Questions) for adult education programs. Assistant Secretary Scott Stump of OCTAE is leading the development of the guidance which is based on questions received via email and during listening sessions hosted by OCTAE. The guidance is in Department clearance.
- **Waiver Template for Period of Availability of Funds under Part B of the Individuals with Disabilities (IDEA) Education Act (OSERS).** During the week of May 18, the Department expects to send to OMB a streamlined waiver template that State educational agencies may use to request an extension of the period of availability of funds under Part B of IDEA for an additional year. This national emergency “Tydings” waiver is authorized under section 3511 of Division A of the CARES Act, similar to the CTE and adult education waivers mentioned above. Acting Assistant Secretary Mark Schultz is leading the development of the waiver template which is in Department clearance.
- **Questions and Answers on Use of Funds under Part B of IDEA (OSERS).** During the week of May 18, the Department expects to submit to OMB a draft Questions and Answers document that provides guidance on the permissible uses of funds under Part B of IDEA to address conditions caused by COVID-19. Acting Assistant Secretary Mark Schultz is leading the development of this Questions and Answers document which is in Department clearance.

CARES Act Implementation—Key Activities and Milestones

- **Governor’s Emergency Education Relief Fund (“GEER Fund”) (Office of Elementary and Secondary Education (OESE)).** As of 11:00 AM on Saturday, May 16, the Department had received a “Certification and Agreement” from 13 Governors. Thirteen awards have been made totaling \$838 million. The Certification and Agreement serves as the application for funds and commits each Governor to abide by the relevant statutory requirements. The purpose of the GEER Fund is to provide emergency assistance to a Governor to support local educational agencies, institutions of higher education, and any other education-related entities the Governor “deems essential for carrying out emergency educational services to students” for certain authorized

activities under the CARES Act and the Higher Education Act, as well as for “the provision of child care and early childhood education, social and emotional support, and the protection of education-related jobs.”

- **Elementary and Secondary Education Relief Fund (“ESSER Fund”) (OESE).** As of 11:00 AM on Saturday, May 16, the Department had received a “Certification and Agreement” from 44 Chief State School Officers. Awards have been made to 41 applicants totaling \$11.5 billion. The Certification and Agreement serves as the application for funds and commits each Chief State School Officer to abide by the relevant statutory requirements. The purpose of the ESSER Fund is to support continuity of learning for K-12 students whose education has been disrupted by the coronavirus.
- **Reservation of Funds for Outlying Areas from the Education Stabilization Fund (OESE).** The CARES Act requires the Secretary to allocate “not more than ½ of 1 percent” (i.e., \$153.8 million) of the Education Stabilization Fund for the outlying areas (U.S. Virgin Islands, Guam, Commonwealth of the Northern Marianas Islands, and American Samoa). The purpose of these funds is to provide emergency assistance to the outlying areas to prevent, prepare for, and respond to the coronavirus. Governors and State Educational Agencies of the outlying areas may both apply for funding.

ESF-Governors. As of 11:00 AM on Saturday, May 16, the Department had received one Certification and Agreement from the Governor of the Commonwealth of the Northern Marianas Islands. The Department made an award of \$4.8 million.

ESF-State Educational Agencies. As of 11:00 AM on Saturday, May 16, the Department had received two Certifications and Agreements (Commonwealth of the Northern Marianas Islands and American Samoa) and made one award in the amount of \$23.1 million to the Commonwealth of the Northern Marianas Islands.

- **Higher Education Emergency Relief Fund (“HEER Fund”) to Assist Students (Office of Postsecondary Education (OPE)).** As of 11:00 AM on Friday, May 15, the Department had received a “Certification and Agreement” from 3,968 (adjusted) of 5,135 eligible institutions of higher education. Obligations of \$5.9 billion (94% of the total funds available) have been made to 3,815 institutions (96% of applications received and 74% of eligible institutions). The Certification and Agreement serves as the application for funds and commits each institution to abiding by the relevant statutory provisions for the HEER Fund.

HEER Fund to Assist Institutions of Higher Education (OPE). As of 11:00 AM on Friday, May 15, the Department had received a Certification and Agreement from 3,128 (adjusted) of 5,135 eligible institutions of higher education to assist the institutions with costs associated with significant changes to the delivery of instruction due to the coronavirus. Awards have been made to 2,718 institutions totaling \$4.4 billion (87% of applications received and 53% of eligible institutions).

HEER Fund to Assist Historically Black Colleges and Universities, Other Minority Serving Institutions of Higher Education, Tribally Controlled Colleges and Universities, and Others (OPE). As of 11:00 AM on Friday, May 15, the Department had received applications from 1042 of 1,760 eligible institutions of higher education under section 18004(a)(2) and made awards of

\$516 million (adjusted) to 135 institutions (13% of applications received and 8% of eligible institutions). These funds may be used to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education and for grants to students for any component of the student's costs of attendance including food, housing, course materials, technology, health care, and child care.

HEER Fund for the Improvement of Postsecondary Education (OPE). As of 11:00 AM on Friday, May 15, the Department had received applications from 221 of 981 eligible institutions of higher education under section 18004(a)(3). Under section 18004(a)(3), the Secretary will make funds available to “institutions of higher education that the Secretary determines to have the greatest unmet needs related to coronavirus” and who apply for such funds. Funds may be used to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education and for grants to students for any component of the student's costs of attendance including food, housing, course materials, technology, health care and child care.

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Actions That Affect Federal Facilities and Personnel

- None

Other Notable Responses

- None

Talbert, Kent

From: Talbert, Kent
Sent: Monday, May 18, 2020 5:06 PM
To: Cassell, Mary I. EOP/OMB
Cc: McGuire, Denzel E. EOP/OMB; Redstone, James J. EOP/WHO; Miller, Katie R. EOP/OVP; Nevins, Kristan K. EOP/WHO; 'Satya.P.Thallam@omb.eop.gov'
Subject: ED daily report for Mon, May 18
Attachments: ED_5.18.20_ COVID19 daily report.pdf

COVID-19—Agency Response
May 18, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Guidance to State educational agencies on Providing Services to English learners (Office of Elementary and Secondary Education (OESE)).** Tomorrow, May 19, the Department expects to release guidance setting forth the responsibilities of State educational agencies to English learners under several Elementary and Secondary Education Act programs during COVID-19. Assistant Secretary Frank Brogan of OESE is leading the development of the guidance.
- **Fact Sheet: Addressing the Risk of COVID-19 While Serving Migratory Children (OESE).** Last week (May 14), the Department released a Fact Sheet to support State educational agencies and local operating agencies that may be experiencing challenges in conducting Title I, Part C-Migrant Education Program activities due to COVID-19. Assistant Secretary Frank Brogan of OESE led the development of the guidance.
- **Waivers Permitting Flexibility in Fiscal Management of Federal Career and Technical Education (CTE) and Adult Education Programs (Office of Career, Technical, and Adult Education (OCTAE)).** As of 1:00 PM on Monday, May 18, the Department had received waiver requests from 30 States and territories. All have received provisional approval under the Carl D. Perkins Career and Technical Education Act of 2006 and the Adult Education and Family Literacy Act, and the General Education Provisions Act. These national emergency “Tydings” waivers (i.e., to extend the period of availability of funds to be spent) are authorized under section 3511 of Division A of the CARES Act.
- **Frequently Asked Questions for Adult Education Programs (OCTAE).** During the week of May 18, the Department expects to send to OMB a third round of draft flexibility guidance (Frequently Asked Questions) for adult education programs. Assistant Secretary Scott Stump of OCTAE is leading the development of the guidance which is based on questions received via email and during listening sessions hosted by OCTAE. The guidance is in Department clearance.
- **Waiver Template for Period of Availability of Funds under Part B of the Individuals with Disabilities (IDEA) Education Act (OSERS).** During the week of May 18, the Department expects to send to OMB a streamlined waiver template that State educational agencies may use to request an extension of the period of availability of funds under Part B of IDEA for an additional year. This national emergency “Tydings” waiver is authorized under section 3511 of Division A of the CARES Act, similar to the CTE and adult education waivers mentioned above. Acting Assistant Secretary Mark Schultz is leading the development of the waiver template which is in Department clearance.
- **Questions and Answers on Use of Funds under Part B of IDEA (OSERS).** During the week of May 18, the Department expects to submit to OMB a draft Questions and Answers document that provides guidance on the permissible uses of funds under Part B of IDEA to address conditions

caused by COVID-19. Acting Assistant Secretary Mark Schultz is leading the development of this Questions and Answers document which is in Department clearance.

CARES Act Implementation—Key Activities and Milestones

- **Governor’s Emergency Education Relief Fund (“GEER Fund”) (Office of Elementary and Secondary Education (OESE)).** As of 1:00 PM on Monday, May 18, the Department had received a “Certification and Agreement” from 13 Governors. Thirteen awards have been made totaling \$838 million. The Certification and Agreement serves as the application for funds and commits each Governor to abide by the relevant statutory requirements. The purpose of the GEER Fund is to provide emergency assistance to a Governor to support local educational agencies, institutions of higher education, and any other education-related entities the Governor “deems essential for carrying out emergency educational services to students” for certain authorized activities under the CARES Act and the Higher Education Act, as well as for “the provision of child care and early childhood education, social and emotional support, and the protection of education-related jobs.”
- **Elementary and Secondary Education Relief Fund (“ESSER Fund”) (OESE).** As of 1:00 PM on Monday, May 18, the Department had received a “Certification and Agreement” from 45 Chief State School Officers. Awards have been made to 41 applicants totaling \$11.5 billion. The Certification and Agreement serves as the application for funds and commits each Chief State School Officer to abide by the relevant statutory requirements. The purpose of the ESSER Fund is to support continuity of learning for K-12 students whose education has been disrupted by the coronavirus.
- **Reservation of Funds for Outlying Areas from the Education Stabilization Fund (OESE).** The CARES Act requires the Secretary to allocate “not more than ½ of 1 percent” (i.e., \$153.8 million) of the Education Stabilization Fund for the outlying areas (U.S. Virgin Islands, Guam, Commonwealth of the Northern Marianas Islands, and American Samoa). The purpose of these funds is to provide emergency assistance to the outlying areas to prevent, prepare for, and respond to the coronavirus. Governors and State Educational Agencies of the outlying areas may both apply for funding.

ESF-Governors. As of 1:00 PM on Monday, May 18, the Department had received one Certification and Agreement from the Governor of the Commonwealth of the Northern Marianas Islands. The Department made an award of \$4.8 million.

ESF-State Educational Agencies. As of 1:00 PM on Monday, May 18, the Department had received two Certifications and Agreements (Commonwealth of the Northern Marianas Islands and American Samoa) and made two awards totaling \$61.5 million.

- **Higher Education Emergency Relief Fund (“HEER Fund”) to Assist Students (Office of Postsecondary Education (OPE)).** As of 11:00 AM on Monday, May 18, the Department had received a “Certification and Agreement” from 4,022 (adjusted) of 5,135 eligible institutions of higher education. Obligations of \$5.9 billion (94% of the total funds available) have been made to 3,854 institutions (96% of applications received and 75% of eligible institutions). The Certification and Agreement serves as the application for funds and commits each institution to abiding by the relevant statutory provisions for the HEER Fund.

HEER Fund to Assist Institutions of Higher Education (OPE). As of 11:00 AM on Monday, May 18, the Department had received a Certification and Agreement from 3,184 (adjusted) of 5,135 eligible institutions of higher education to assist the institutions with costs associated with significant changes to the delivery of instruction due to the coronavirus. Awards have been made to 2,837 institutions totaling \$4.8 billion (89% of applications received and 55% of eligible institutions).

HEER Fund to Assist Historically Black Colleges and Universities, Other Minority Serving Institutions of Higher Education, Tribally Controlled Colleges and Universities, and Others (OPE). As of 11:00 AM on Monday, May 18, the Department had received applications from 1071 of 1,760 eligible institutions of higher education under section 18004(a)(2) and made awards of \$516 million (adjusted) to 135 institutions (13% of applications received and 8% of eligible institutions). These funds may be used to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education and for grants to students for any component of the student's costs of attendance including food, housing, course materials, technology, health care, and child care.

HEER Fund for the Improvement of Postsecondary Education (OPE). As of 11:00 AM on Monday, May 18, the Department had received applications from 235 of 981 eligible institutions of higher education under section 18004(a)(3). Under section 18004(a)(3), the Secretary will make funds available to “institutions of higher education that the Secretary determines to have the greatest unmet needs related to coronavirus” and who apply for such funds. Funds may be used to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education and for grants to students for any component of the student's costs of attendance including food, housing, course materials, technology, health care and child care.

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Actions That Affect Federal Facilities and Personnel

- None

Other Notable Responses

- **Federal Student Aid (FSA) and Credit Reporting.** Today, FSA [posted information to its website](#) to inform student loan borrowers about an issue related to credit reporting. The announcement confirms to customers that FSA is aware of the credit reporting issue (see below) and assures customers that the issue is not a result of action related to the implementation of the CARES Act, and advises borrowers of action they can take now.

Specifically, through FSA's efforts with the Consumer Financial Protection Bureau, loan servicers, and the Student Loan Servicing Alliance (professional association of loan servicing

industry), FSA has clarified that the issue borrowers are experiencing is not a change in their credit score. Rather, it is a negative change in the credit information displayed by third-party servicing companies, one of which is Credit Karma. Third-party credit service companies, like Credit Karma, provide free-credit services, including credit scores produced by VantageScore, a competitor to the widely known FICO score (a type of credit score created by the Fair Isaac Corporation).

FSA learned that the VantageScore proprietary scoring methodology may likely be causing the negative change in credit information. VantageScore issued a [statement and Frequently Asked Questions](#) document that commits the company to changing its algorithm, which views deferment and forbearance as a negative status.

Talbert, Kent

From: Talbert, Kent
Sent: Tuesday, May 19, 2020 4:15 PM
To: Cassell, Mary I. EOP/OMB
Cc: McGuire, Denzel E. EOP/OMB; Redstone, James J. EOP/WHO; Miller, Katie R. EOP/OVP; Nevins, Kristan K. EOP/WHO; 'Satya.P.Thallam@omb.eop.gov'
Subject: ED Daily Report for Tues, May 19
Attachments: ED_5.19.20_ COVID19 daily report.pdf

COVID-19—Agency Response
May 19, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Guidance to State educational agencies on Providing Services to English learners (Office of Elementary and Secondary Education (OESE)).** Today, the Department released [guidance](#) setting forth the responsibilities of State educational agencies to English learners under several Elementary and Secondary Education Act programs during COVID-19. Assistant Secretary Frank Brogan of OESE is leading the development of the guidance.
- **Waivers Permitting Flexibility in Fiscal Management of Federal Career and Technical Education (CTE) and Adult Education Programs (Office of Career, Technical, and Adult Education (OCTAE)).** As of 9:30 AM on Tuesday, May 19, the Department had received waiver requests from 31 States and territories. Thirty have received formal approval under the Carl D. Perkins Career and Technical Education Act of 2006 and the Adult Education and Family Literacy Act, and the General Education Provisions Act. These national emergency “Tydings” waivers (i.e., to extend the period of availability of funds to be spent) are authorized under section 3511 of Division A of the CARES Act.
- **Frequently Asked Questions for Adult Education Programs (OCTAE).** During the week of May 18, the Department expects to send to OMB a third round of draft flexibility guidance (Frequently Asked Questions) for adult education programs. Assistant Secretary Scott Stump of OCTAE is leading the development of the guidance which is based on questions received via email and during listening sessions hosted by OCTAE. The guidance is in Department clearance.
- **Waiver Template for Period of Availability of Funds under Part B of the Individuals with Disabilities (IDEA) Education Act (OSERS).** During the week of May 18, the Department expects to send to OMB a streamlined waiver template that State educational agencies may use to request an extension of the period of availability of funds under Part B of IDEA for an additional year. This national emergency “Tydings” waiver is authorized under section 3511 of Division A of the CARES Act, similar to the CTE and adult education waivers mentioned above. Acting Assistant Secretary Mark Schultz is leading the development of the waiver template which is in Department clearance.
- **Questions and Answers on Use of Funds under Part B of IDEA (OSERS).** During the week of May 18, the Department expects to submit to OMB a draft Questions and Answers document that provides guidance on the permissible uses of funds under Part B of IDEA to address conditions caused by COVID-19. Acting Assistant Secretary Mark Schultz is leading the development of this Questions and Answers document which is in Department clearance.

CARES Act Implementation—Key Activities and Milestones

- **Governor’s Emergency Education Relief Fund (“GEER Fund”) (Office of Elementary and Secondary Education (OESE)).** As of 12:00 PM on Tuesday, May 19, the Department had

received a “Certification and Agreement” from 15 Governors. Thirteen awards have been made totaling \$838 million. The Certification and Agreement serves as the application for funds and commits each Governor to abide by the relevant statutory requirements. The purpose of the GEER Fund is to provide emergency assistance to a Governor to support local educational agencies, institutions of higher education, and any other education-related entities the Governor “deems essential for carrying out emergency educational services to students” for certain authorized activities under the CARES Act and the Higher Education Act, as well as for “the provision of child care and early childhood education, social and emotional support, and the protection of education-related jobs.”

- **Elementary and Secondary Education Relief Fund (“ESSER Fund”) (OESE).** As of 12:00 PM on Tuesday, May 19, the Department had received a “Certification and Agreement” from 46 Chief State School Officers. Awards have been made to 43 applicants totaling \$11.8 billion. The Certification and Agreement serves as the application for funds and commits each Chief State School Officer to abide by the relevant statutory requirements. The purpose of the ESSER Fund is to support continuity of learning for K-12 students whose education has been disrupted by the coronavirus.
- **Reservation of Funds for Outlying Areas from the Education Stabilization Fund (OESE).** The CARES Act requires the Secretary to allocate “not more than ½ of 1 percent” (i.e., \$153.8 million) of the Education Stabilization Fund for the outlying areas (U.S. Virgin Islands, Guam, Commonwealth of the Northern Marianas Islands, and American Samoa). The purpose of these funds is to provide emergency assistance to the outlying areas to prevent, prepare for, and respond to the coronavirus. Governors and State Educational Agencies of the outlying areas may both apply for funding.

ESF-Governors. As of 12:00 PM on Tuesday, May 19, the Department had received one Certification and Agreement from the Governor of the Commonwealth of the Northern Marianas Islands. The Department made an award of \$4.8 million.

ESF-State Educational Agencies. As of 12:00 PM on Tuesday, May 19, the Department had received two Certifications and Agreements (Commonwealth of the Northern Marianas Islands and American Samoa) and made two awards totaling \$61.5 million.

- **Higher Education Emergency Relief Fund (“HEER Fund”) to Assist Students (Office of Postsecondary Education (OPE)).** As of 11:00 AM on Tuesday, May 19, the Department had received a “Certification and Agreement” from 4,059 (adjusted) of 5,135 eligible institutions of higher education. Obligations of \$6 billion (96% of the total funds available) have been made to 3,865 institutions (95% of applications received and 75% of eligible institutions). The Certification and Agreement serves as the application for funds and commits each institution to abiding by the relevant statutory provisions for the HEER Fund.

HEER Fund to Assist Institutions of Higher Education (OPE). As of 11:00 AM on Tuesday, May 19, the Department had received a Certification and Agreement from 3,243 (adjusted) of 5,135 eligible institutions of higher education to assist the institutions with costs associated with significant changes to the delivery of instruction due to the coronavirus. Awards have been made to 2,901 institutions totaling \$4.9 billion (89% of applications received and 56% of eligible institutions).

HEER Fund to Assist Historically Black Colleges and Universities, Other Minority Serving Institutions of Higher Education, Tribally Controlled Colleges and Universities, and Others (OPE). As of 11:00 AM on Tuesday, May 19, the Department had received applications from 1,105 of 1,760 eligible institutions of higher education under section 18004(a)(2) and made awards of \$536.8 million (adjusted) to 137 institutions (12% of applications received and 8% of eligible institutions). These funds may be used to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education and for grants to students for any component of the student's costs of attendance including food, housing, course materials, technology, health care, and child care.

HEER Fund for the Improvement of Postsecondary Education (OPE). As of 11:00 AM on Tuesday, May 19, the Department had received applications from 250 of 981 eligible institutions of higher education under section 18004(a)(3). Under section 18004(a)(3), the Secretary will make funds available to "institutions of higher education that the Secretary determines to have the greatest unmet needs related to coronavirus" and who apply for such funds. Funds may be used to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education and for grants to students for any component of the student's costs of attendance including food, housing, course materials, technology, health care and child care.

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Actions That Affect Federal Facilities and Personnel

- None

Other Notable Responses

- None

Talbert, Kent

From: Talbert, Kent
Sent: Wednesday, May 20, 2020 4:22 PM
To: Cassell, Mary I. EOP/OMB
Cc: McGuire, Denzel E. EOP/OMB; Redstone, James J. EOP/WHO; Miller, Katie R. EOP/OVP; Nevins, Kristan K. EOP/WHO; 'Satya.P.Thallam@omb.eop.gov'
Subject: ED Daily Report for Wed, May 20
Attachments: ED_5.20.20_ COVID19 daily report.pdf

COVID-19—Agency Response
May 20, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Waivers Permitting Flexibility in Fiscal Management of Federal Career and Technical Education (CTE) and Adult Education Programs (Office of Career, Technical, and Adult Education (OCTAE)).** As of 1:00 PM on Wednesday, May 20, the Department had received waiver requests from 32 States and territories. Thirty have received formal approval under the Carl D. Perkins Career and Technical Education Act of 2006 and the Adult Education and Family Literacy Act, and the General Education Provisions Act. These national emergency “Tydings” waivers (i.e., to extend the period of availability of funds to be spent) are authorized under section 3511 of Division A of the CARES Act.
- **Frequently Asked Questions for Adult Education Programs (OCTAE).** During the week of May 18, the Department expects to send to OMB a third round of draft flexibility guidance (Frequently Asked Questions) for adult education programs. Assistant Secretary Scott Stump of OCTAE is leading the development of the guidance which is based on questions received via email and during listening sessions hosted by OCTAE. The guidance is in Department clearance.
- **Waiver Template for Period of Availability of Funds under Part B of the Individuals with Disabilities (IDEA) Education Act (OSERS).** During the week of May 18, the Department expects to send to OMB a streamlined waiver template that State educational agencies may use to request an extension of the period of availability of funds under Part B of IDEA for an additional year. This national emergency “Tydings” waiver is authorized under section 3511 of Division A of the CARES Act, like the CTE and adult education waivers mentioned above. Acting Assistant Secretary Mark Schultz is leading the development of the waiver template which is in Department clearance.
- **Questions and Answers on Use of Funds under Part B of IDEA (OSERS).** During the week of May 18, the Department expects to submit to OMB a draft Questions and Answers document that provides guidance on the permissible uses of funds under Part B of IDEA to address conditions caused by COVID-19. Acting Assistant Secretary Mark Schultz is leading the development of this Questions and Answers document which is in Department clearance.

CARES Act Implementation—Key Activities and Milestones

- **Governor’s Emergency Education Relief Fund (“GEER Fund”) (Office of Elementary and Secondary Education (OESE)).** As of 10:30 AM on Wednesday, May 20, the Department had received a “Certification and Agreement” from 17 Governors. Sixteen awards have been made totaling \$1 billion. The Certification and Agreement serves as the application for funds and commits each Governor to abide by the relevant statutory requirements. The purpose of the GEER Fund is to provide emergency assistance to a Governor to support local educational agencies, institutions of higher education, and any other education-related entities the Governor “deems essential for carrying out emergency educational services to students” for certain authorized

activities under the CARES Act and the Higher Education Act, as well as for “the provision of child care and early childhood education, social and emotional support, and the protection of education-related jobs.”

- **Elementary and Secondary Education Relief Fund (“ESSER Fund”) (OESE).** As of 10:30 AM on Wednesday, May 20, the Department had received a “Certification and Agreement” from 46 Chief State School Officers. Awards have been made to 43 applicants totaling \$11.8 billion. The Certification and Agreement serves as the application for funds and commits each Chief State School Officer to abide by the relevant statutory requirements. The purpose of the ESSER Fund is to support continuity of learning for K-12 students whose education has been disrupted by the coronavirus.
- **Reservation of Funds for Outlying Areas from the Education Stabilization Fund (OESE).** The CARES Act requires the Secretary to allocate “not more than ½ of 1 percent” (i.e., \$153.8 million) of the Education Stabilization Fund for the outlying areas (U.S. Virgin Islands, Guam, Commonwealth of the Northern Marianas Islands, and American Samoa). The purpose of these funds is to provide emergency assistance to the outlying areas to prevent, prepare for, and respond to the coronavirus. Governors and State Educational Agencies of the outlying areas may both apply for funding.

ESF-Governors. As of 10:30 AM on Wednesday, May 20, the Department had received one Certification and Agreement from the Governor of the Commonwealth of the Northern Marianas Islands. The Department made an award of \$4.8 million.

ESF-State Educational Agencies. As of 10:30 AM on Wednesday, May 20, the Department had received two Certifications and Agreements (Commonwealth of the Northern Marianas Islands and American Samoa) and made two awards totaling \$61.5 million.

- **Higher Education Emergency Relief Fund (“HEER Fund”) to Assist Students (Office of Postsecondary Education (OPE)).** As of 12:00 PM on Wednesday, May 20, the Department had received a “Certification and Agreement” from 4,128 (adjusted) of 5,135 eligible institutions of higher education. Obligations of \$6 billion (96% of the total funds available) have been made to 3,947 institutions (96% of applications received and 77% of eligible institutions). The Certification and Agreement serves as the application for funds and commits each institution to abiding by the relevant statutory provisions for the HEER Fund.

HEER Fund to Assist Institutions of Higher Education (OPE). As of 12:00 PM on Wednesday, May 20, the Department had received a Certification and Agreement from 3,300 (adjusted) of 5,135 eligible institutions of higher education to assist the institutions with costs associated with significant changes to the delivery of instruction due to the coronavirus. Awards have been made to 2,979 institutions totaling \$5 billion (90% of applications received and 58% of eligible institutions).

HEER Fund to Assist Historically Black Colleges and Universities, Other Minority Serving Institutions of Higher Education, Tribally Controlled Colleges and Universities, and Others (OPE). As of 12:00 PM on Wednesday, May 20, the Department had received applications from 1,142 of 1,760 eligible institutions of higher education under section 18004(a)(2) and made awards of \$536.8 million (adjusted) to 137 institutions (12% of applications received and 8% of eligible

institutions). These funds may be used to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education and for grants to students for any component of the student's costs of attendance including food, housing, course materials, technology, health care, and child care.

HEER Fund for the Improvement of Postsecondary Education (OPE). As of 12:00 PM on Wednesday, May 20, the Department had received applications from 269 of 981 eligible institutions of higher education under section 18004(a)(3). Under section 18004(a)(3), the Secretary will make funds available to “institutions of higher education that the Secretary determines to have the greatest unmet needs related to coronavirus” and who apply for such funds. Funds may be used to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education and for grants to students for any component of the student's costs of attendance including food, housing, course materials, technology, health care and child care.

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Actions That Affect Federal Facilities and Personnel

- None

Other Notable Responses

- None

Talbert, Kent

From: Talbert, Kent
Sent: Thursday, May 21, 2020 6:04 PM
To: Cassell, Mary I. EOP/OMB
Cc: McGuire, Denzel E. EOP/OMB; Redstone, James J. EOP/WHO; Miller, Katie R. EOP/OVP; Nevins, Kristan K. EOP/WHO; 'Satya.P.Thallam@omb.eop.gov'
Subject: ED Daily Report for Thurs, May 21
Attachments: ED_5.21.20_ COVID19 daily report.pdf

COVID-19—Agency Response
May 21, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Waivers Permitting Flexibility in Fiscal Management of Federal Career and Technical Education (CTE) and Adult Education Programs (Office of Career, Technical, and Adult Education (OCTAE)).** As of 3:00 PM on Thursday, May 21, the Department had received waiver requests from 32 States and territories. Thirty have received formal approval under the Carl D. Perkins Career and Technical Education Act of 2006 and the Adult Education and Family Literacy Act, and the General Education Provisions Act. These national emergency “Tydings” waivers (i.e., to extend the period of availability of funds to be spent) are authorized under section 3511 of Division A of the CARES Act.
- **Frequently Asked Questions for Adult Education Programs (OCTAE).** During the week of May 18, the Department expects to send to OMB a third round of draft flexibility guidance (Frequently Asked Questions) for adult education programs. Assistant Secretary Scott Stump of OCTAE is leading the development of the guidance which is based on questions received via email and during listening sessions hosted by OCTAE. The guidance is in Department clearance.
- **Waiver Template for Period of Availability of Funds under Part B of the Individuals with Disabilities (IDEA) Education Act (OSERS).** During the week of May 18, the Department expects to send to OMB a streamlined waiver template that State educational agencies may use to request an extension of the period of availability of funds under Part B of IDEA for an additional year. This national emergency “Tydings” waiver is authorized under section 3511 of Division A of the CARES Act, like the CTE and adult education waivers mentioned above. Acting Assistant Secretary Mark Schultz is leading the development of the waiver template which is in Department clearance.
- **Questions and Answers on Use of Funds under Part B of IDEA (OSERS).** During the week of May 18, the Department expects to submit to OMB a draft Questions and Answers document that provides guidance on the permissible uses of funds under Part B of IDEA to address conditions caused by COVID-19. Acting Assistant Secretary Mark Schultz is leading the development of this Questions and Answers document which is in Department clearance.
- **Questions and Answers for K-12 Schools on Issues Related to COVID-19 (Office for Civil Rights (OCR)).** The Office for Civil Rights (OCR) plans to issue a Questions & Answers “Q&A” technical assistance document addressing questions that have been asked by or about K-12 schools in light of COVID-19 regarding compliance with federal civil rights laws. The topics include compliance with Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, Title IX of the Education Amendments of 1972, and Title VI of the Civil Rights Act of 1964. Assistant Secretary for Civil Rights Kenneth L. Marcus is leading the drafting of this document, which will be placed into ED clearance during the week of May 25.

- **Questions and Answers on Executive Order 13899 (Combating Anti-Semitism) and OCR's Enforcement of Title VI of the Civil Rights Act of 1964 (OCR).** During the week of May 25, the Office for Civil Rights (OCR) plans to issue a Questions and Answers (Q&A) guidance document about Executive Order 13899 on Combating Anti-Semitism, signed on December 11, 2019 (EO 13899), Title VI of the Civil Rights Act of 1964 (Title VI), and OCR's enforcement of Title VI in cases involving anti-Semitism. One of the issues included in the draft Q&A document involves reports of stereotyping and harassment of Jewish students in connection with COVID-19. Assistant Secretary for Civil Rights Kenneth L. Marcus is leading the drafting of this document, which will be placed into ED clearance the week of May 25.

CARES Act Implementation—Key Activities and Milestones

- **Governor's Emergency Education Relief Fund ("GEER Fund") (Office of Elementary and Secondary Education (OESE)).** As of 12:00 PM on Thursday, May 21, the Department had received a "Certification and Agreement" from 20 Governors. Nineteen awards have been made totaling \$1.2 billion. The Certification and Agreement serves as the application for funds and commits each Governor to abide by the relevant statutory requirements. The purpose of the GEER Fund is to provide emergency assistance to a Governor to support local educational agencies, institutions of higher education, and any other education-related entities the Governor "deems essential for carrying out emergency educational services to students" for certain authorized activities under the CARES Act and the Higher Education Act, as well as for "the provision of child care and early childhood education, social and emotional support, and the protection of education-related jobs."
- **Elementary and Secondary Education Relief Fund ("ESSER Fund") (OESE).** As of 12:00 PM on Thursday, May 21, the Department had received a "Certification and Agreement" from 47 Chief State School Officers. Awards have been made to 45 applicants totaling \$12 billion. The Certification and Agreement serves as the application for funds and commits each Chief State School Officer to abide by the relevant statutory requirements. The purpose of the ESSER Fund is to support continuity of learning for K-12 students whose education has been disrupted by the coronavirus.
- **Reservation of Funds for Outlying Areas from the Education Stabilization Fund (OESE).** The CARES Act requires the Secretary to allocate "not more than ½ of 1 percent" (i.e., \$153.8 million) of the Education Stabilization Fund for the outlying areas (U.S. Virgin Islands, Guam, Commonwealth of the Northern Marianas Islands, and American Samoa). The purpose of these funds is to provide emergency assistance to the outlying areas to prevent, prepare for, and respond to the coronavirus. Governors and State Educational Agencies of the outlying areas may both apply for funding.

ESF-Governors. As of 12:00 PM on Thursday, May 21, the Department had received one Certification and Agreement from the Governor of the Commonwealth of the Northern Marianas Islands. The Department made an award of \$4.8 million.

ESF-State Educational Agencies. As of 12:00 PM on Thursday, May 21, , the Department had received two Certifications and Agreements (Commonwealth of the Northern Marianas Islands and American Samoa) and made two awards totaling \$61.5 million.

- **Higher Education Emergency Relief Fund (“HEER Fund”) to Assist Students (Office of Postsecondary Education (OPE)).** As of 11:00 AM on Thursday, May 21, the Department had received a “Certification and Agreement” from 4,169 (adjusted) of 5,135 eligible institutions of higher education. Obligations of \$6 billion (96% of the total funds available) have been made to 4,056 institutions (97% of applications received and 81% of eligible institutions). The Certification and Agreement serves as the application for funds and commits each institution to abiding by the relevant statutory provisions for the HEER Fund.

HEER Fund to Assist Institutions of Higher Education (OPE). As of 11:00 AM on Thursday, May 21, the Department had received a Certification and Agreement from 3,337 (adjusted) of 5,135 eligible institutions of higher education to assist the institutions with costs associated with significant changes to the delivery of instruction due to the coronavirus. Awards have been made to 3,056 institutions totaling \$5 billion (92% of applications received and 64% of eligible institutions).

HEER Fund to Assist Historically Black Colleges and Universities, Other Minority Serving Institutions of Higher Education, Tribally Controlled Colleges and Universities, and Others (OPE). As of 11:00 AM on Thursday, May 21, the Department had received applications from 1,161 of 1,760 eligible institutions of higher education under section 18004(a)(2) and made awards of \$536.8 million (adjusted) to 89 institutions (7.6% of applications received and 51.7% of funds available). These funds may be used to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education and for grants to students for any component of the student’s costs of attendance including food, housing, course materials, technology, health care, and child care.

HEER Fund for the Improvement of Postsecondary Education (OPE). As of 11:00 AM on Thursday, May 21, the Department had received applications from 276 of 981 eligible institutions of higher education under section 18004(a)(3). Under section 18004(a)(3), the Secretary will make funds available to “institutions of higher education that the Secretary determines to have the greatest unmet needs related to coronavirus” and who apply for such funds. Funds may be used to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education and for grants to students for any component of the student’s costs of attendance including food, housing, course materials, technology, health care and child care.

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Actions That Affect Federal Facilities and Personnel

- None

Other Notable Responses

- None

Talbert, Kent

From: Talbert, Kent
Sent: Friday, May 22, 2020 4:53 PM
To: Cassell, Mary I. EOP/OMB
Cc: McGuire, Denzel E. EOP/OMB; Redstone, James J. EOP/WHO; Miller, Katie R. EOP/OVP; Nevins, Kristan K. EOP/WHO; 'Satya.P.Thallam@omb.eop.gov'
Subject: ED Daily Report for Fri, May 22
Attachments: ED_5.22.20_ COVID19 daily report.pdf

COVID-19—Agency Response
May 22, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Waivers Permitting Flexibility in Fiscal Management of Federal Career and Technical Education (CTE) and Adult Education Programs (Office of Career, Technical, and Adult Education (OCTAE)).** As of 2:15 PM on Friday, May 22, the Department had received waiver requests from 33 States and territories, and provided 33 provisional approvals, and 30 formal approvals. These national emergency “Tydings” waivers (i.e., to extend the period of availability of funds to be spent) are authorized under section 3511 of Division A of the CARES Act.
- **Frequently Asked Questions for Adult Education Programs (OCTAE).** During the week of May 25, the Department expects to send to OMB a third round of draft flexibility guidance (Frequently Asked Questions) for adult education programs. Assistant Secretary Scott Stump of OCTAE is leading the development of the guidance which is based on questions received via email and during listening sessions hosted by OCTAE. The guidance is in Department clearance.
- **Waiver Template for Period of Availability of Funds under Part B of the Individuals with Disabilities (IDEA) Education Act (Office of Special Education and Rehabilitative Services (OSERS)).** During the week of May 25, the Department expects to send to OMB a streamlined waiver template that State educational agencies may use to request an extension of the period of availability of funds under Part B of IDEA for an additional year. This national emergency “Tydings” waiver is authorized under section 3511 of Division A of the CARES Act, like the CTE and adult education waivers mentioned above. Mark Schultz, delegated the functions and duties of the Assistant Secretary of the Office of Special Education and Rehabilitative Services, is leading the development of the waiver template which is in Department clearance.
- **Questions and Answers on Use of Funds under Part B of IDEA (OSERS).** During the week of May 25, the Department expects to submit to OMB a draft Questions and Answers document that provides guidance on the permissible uses of funds under Part B of IDEA to address conditions caused by COVID-19. Mark Schultz is leading the development of this Questions and Answers document which is in Department clearance.
- **Questions and Answers on IDEA Part B Dispute Resolution Procedures (OSERS).** During the week of May 25, the Department expects to submit to OMB a draft Questions and Answers document that responds to inquiries concerning implementation of dispute resolution procedures under Part B of IDEA. Mark Schultz is leading the development of this document which has not yet been placed in Department clearance.
- **Questions and Answers on IDEA Part B Fiscal Flexibility (OSERS).** During the week of May 25, the Department expects to submit to OMB a draft Questions and Answers document that responds to inquiries regarding flexibility under the IDEA Part B fiscal requirements. Mark Schultz is leading the development of this document which has not yet been placed in Department clearance.

- **Questions and Answers for K-12 Schools on Issues Related to COVID-19 (Office for Civil Rights (OCR)).** The Office for Civil Rights (OCR) plans to issue a Questions & Answers “Q&A” technical assistance document addressing questions that have been asked by or about K-12 schools in light of COVID-19 regarding compliance with federal civil rights laws. The topics include compliance with Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, Title IX of the Education Amendments of 1972, and Title VI of the Civil Rights Act of 1964. Assistant Secretary for Civil Rights Kenneth L. Marcus is leading the drafting of this document, which will be placed into ED clearance during the week of May 25.
- **Questions and Answers on Executive Order 13899 (Combating Anti-Semitism) and OCR’s Enforcement of Title VI of the Civil Rights Act of 1964 (OCR).** During the week of May 25, the Office for Civil Rights (OCR) plans to issue a Questions and Answers (Q&A) guidance document about Executive Order 13899 on Combating Anti-Semitism, signed on December 11, 2019 (EO 13899), Title VI of the Civil Rights Act of 1964 (Title VI), and OCR’s enforcement of Title VI in cases involving anti-Semitism. One of the issues included in the draft Q&A document involves reports of stereotyping and harassment of Jewish students in connection with COVID-19. Assistant Secretary for Civil Rights Kenneth L. Marcus is leading the drafting of this document, which has been placed into ED clearance.

CARES Act Implementation—Key Activities and Milestones

- **Governor’s Emergency Education Relief Fund (“GEER Fund”) (Office of Elementary and Secondary Education (OESE)).** As of 11:00 AM on Friday, May 22, the Department had received a “Certification and Agreement” from 23 Governors. Twenty-one awards have been made totaling \$1.4 billion. The Certification and Agreement serves as the application for funds and commits each Governor to abide by the relevant statutory requirements. The purpose of the GEER Fund is to provide emergency assistance to a Governor to support local educational agencies, institutions of higher education, and any other education-related entities the Governor “deems essential for carrying out emergency educational services to students” for certain authorized activities under the CARES Act and the Higher Education Act, as well as for “the provision of child care and early childhood education, social and emotional support, and the protection of education-related jobs.”
- **Elementary and Secondary Education Relief Fund (“ESSER Fund”) (OESE).** As of 11:00 AM on Friday, May 22, the Department had received a “Certification and Agreement” from 47 Chief State School Officers. Awards have been made to 45 applicants totaling \$12 billion. The Certification and Agreement serves as the application for funds and commits each Chief State School Officer to abide by the relevant statutory requirements. The purpose of the ESSER Fund is to support continuity of learning for K-12 students whose education has been disrupted by the coronavirus.
- **Reservation of Funds for Outlying Areas from the Education Stabilization Fund (OESE).** The CARES Act requires the Secretary to allocate “not more than ½ of 1 percent” (i.e., \$153.8 million) of the Education Stabilization Fund for the outlying areas (U.S. Virgin Islands, Guam, Commonwealth of the Northern Mariana Islands, and American Samoa). The purpose of these funds is to provide emergency assistance to the outlying areas to prevent, prepare for, and respond to the coronavirus. Governors and State Educational Agencies of the outlying areas may both apply for funding.

ESF-Governors. As of 11:00 AM on Friday, May 22, the Department had received one Certification and Agreement from the Governor of the Commonwealth of the Northern Marianas Islands. The Department made an award of \$4.8 million.

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HEER Fund to Assist Institutions of Higher Education (OPE). As of 10:30 AM on Friday, May 22, the Department had received a Certification and Agreement from 3,374 (adjusted) of 5,135 eligible institutions of higher education to assist the institutions with costs associated with significant changes to the delivery of instruction due to the coronavirus. Awards have been made to 3,124 institutions totaling \$5 billion (93% of applications received and 61% of eligible institutions).

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Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- **None**

Actions That Affect Federal Facilities and Personnel

- **None**

Other Notable Responses

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Talbert, Kent

From: Talbert, Kent
Sent: Saturday, May 23, 2020 5:18 PM
To: Cassell, Mary I. EOP/OMB
Cc: McGuire, Denzel E. EOP/OMB; Redstone, James J. EOP/WHO; Miller, Katie R. EOP/OVP; Nevins, Kristan K. EOP/WHO; 'Satya.P.Thallam@omb.eop.gov'
Subject: ED Daily report for Sat, May 23
Attachments: ED_5.23.20_ COVID19 daily report.pdf

COVID-19—Agency Response
May 23, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

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Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

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Talbert, Kent

From: Talbert, Kent
Sent: Sunday, May 24, 2020 4:31 PM
To: Cassell, Mary I. EOP/OMB
Cc: McGuire, Denzel E. EOP/OMB; Redstone, James J. EOP/WHO; Miller, Katie R. EOP/OVP; Nevins, Kristan K. EOP/WHO; 'Satya.P.Thallam@omb.eop.gov'
Subject: ED Daily Report for Sunday, May 24
Attachments: ED_5.24.20_ COVID19 daily report.pdf

COVID-19—Agency Response
May 24, 2020
Department of Education (ED)

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- **Governor’s Emergency Education Relief Fund (“GEER Fund”) (Office of Elementary and Secondary Education (OESE)).** As of 10:00 AM on Saturday, May 23, the Department had received a “Certification and Agreement” from 24 Governors. Twenty-one awards have been made totaling \$1.4 billion. The Certification and Agreement serves as the application for funds and commits each Governor to abide by the relevant statutory requirements. The purpose of the GEER Fund is to provide emergency assistance to a Governor to support local educational agencies, institutions of higher education, and any other education-related entities the Governor “deems essential for carrying out emergency educational services to students” for certain authorized activities under the CARES Act and the Higher Education Act, as well as for “the provision of child care and early childhood education, social and emotional support, and the protection of education-related jobs.”
- **Elementary and Secondary Education Relief Fund (“ESSER Fund”) (OESE).** As of 10:00 AM on Saturday, May 23, the Department had received a “Certification and Agreement” from 49 Chief State School Officers. Awards have been made to 47 applicants totaling \$12.3 billion. The Certification and Agreement serves as the application for funds and commits each Chief State School Officer to abide by the relevant statutory requirements. The purpose of the ESSER Fund is to support continuity of learning for K-12 students whose education has been disrupted by the coronavirus.
- **Reservation of Funds for Outlying Areas from the Education Stabilization Fund (OESE).** The CARES Act requires the Secretary to allocate “not more than ½ of 1 percent” (i.e., \$153.8 million) of the Education Stabilization Fund for the outlying areas (U.S. Virgin Islands, Guam, Commonwealth of the Northern Mariana Islands, and American Samoa). The purpose of these funds is to provide emergency assistance to the outlying areas to prevent, prepare for, and respond to the coronavirus. Governors and State Educational Agencies of the outlying areas may both apply for funding.

ESF-Governors. As of 10:00 AM on Saturday, May 23, the Department had received one Certification and Agreement from the Governor of the Commonwealth of the Northern Marianas Islands. The Department made an award of \$4.8 million.

ESF-State Educational Agencies. As of 10:00 AM on Saturday, May 23, the Department had received two Certifications and Agreements (Commonwealth of the Northern Marianas Islands and American Samoa) and made two awards totaling \$61.5 million.

- **Higher Education Emergency Relief Fund (“HEER Fund”) to Assist Students (Office of Postsecondary Education (OPE)).** As of 10:30 AM on Friday, May 22, the Department had received a “Certification and Agreement” from 4,206 (adjusted) of 5,135 eligible institutions of higher education. Obligations of \$6 billion (96% of the total funds available) have been made to 4,091 institutions (97% of applications received and 80% of eligible institutions). The Certification and Agreement serves as the application for funds and commits each institution to abiding by the relevant statutory provisions for the HEER Fund.

HEER Fund to Assist Institutions of Higher Education (OPE). As of 10:30 AM on Friday, May 22, the Department had received a Certification and Agreement from 3,374 (adjusted) of 5,135 eligible institutions of higher education to assist the institutions with costs associated with significant changes to the delivery of instruction due to the coronavirus. Awards have been made to 3,124 institutions totaling \$5 billion (93% of applications received and 61% of eligible institutions).

HEER Fund to Assist Historically Black Colleges and Universities, Other Minority Serving Institutions of Higher Education, Tribally Controlled Colleges and Universities, and Others (OPE). As of 10:30 AM on Friday, May 22, the Department had received applications from 1,196 of 1,760 eligible institutions of higher education under section 18004(a)(2) and made awards of \$536.8 million (adjusted) to 87 institutions (7% of applications received and 51.3% of funds available). These funds may be used to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education and for grants to students for any component of the student’s costs of attendance including food, housing, course materials, technology, health care, and child care.

HEER Fund for the Improvement of Postsecondary Education (OPE). As of 10:30 AM on Friday, May 22, the Department had received applications from 279 of 981 eligible institutions of higher education under section 18004(a)(3). Under section 18004(a)(3), the Secretary will make funds available to “institutions of higher education that the Secretary determines to have the greatest unmet needs related to coronavirus” and who apply for such funds. Funds may be used to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education and for grants to students for any component of the student’s costs of attendance including food, housing, course materials, technology, health care and child care.

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Actions That Affect Federal Facilities and Personnel

- None

Other Notable Responses

- None

Talbert, Kent

From: Talbert, Kent
Sent: Tuesday, May 26, 2020 3:53 PM
To: Cassell, Mary I. EOP/OMB
Cc: McGuire, Denzel E. EOP/OMB; Redstone, James J. EOP/WHO; Miller, Katie R. EOP/OVP; Nevins, Kristan K. EOP/WHO; 'Satya.P.Thallam@omb.eop.gov'
Subject: ED Daily Report for Tues, May 26
Attachments: ED_5.26.20_ COVID19 daily report.pdf

COVID-19—Agency Response
May 26, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Waivers Permitting Flexibility in Fiscal Management of Federal Career and Technical Education (CTE) and Adult Education Programs (Office of Career, Technical, and Adult Education (OCTAE)).** As of 9:30 AM on Tuesday, May 26, the Department had received waiver requests from 33 States and territories, and provided 33 provisional approvals, and 30 formal approvals. These national emergency “Tydings” waivers (i.e., to extend the period of availability of funds to be spent) are authorized under section 3511 of Division A of the CARES Act.
- **Frequently Asked Questions for Adult Education Programs (OCTAE).** During the week of May 25, the Department expects to send to OMB a third round of draft flexibility guidance (Frequently Asked Questions) for adult education programs. Assistant Secretary Scott Stump of OCTAE is leading the development of the guidance which is based on questions received via email and during listening sessions hosted by OCTAE. The guidance is in Department clearance.
- **Waiver Template for Period of Availability of Funds under Part B of the Individuals with Disabilities (IDEA) Education Act (Office of Special Education and Rehabilitative Services (OSERS)).** During the week of May 25, the Department expects to send to OMB a streamlined waiver template that State educational agencies may use to request an extension of the period of availability of funds under Part B of IDEA for an additional year. This national emergency “Tydings” waiver is authorized under section 3511 of Division A of the CARES Act, like the CTE and adult education waivers mentioned above. Mark Schultz, delegated the functions and duties of the Assistant Secretary of the Office of Special Education and Rehabilitative Services, is leading the development of the waiver template which is in Department clearance.
- **Questions and Answers on Use of Funds under Part B of IDEA (OSERS).** During the week of May 25, the Department expects to submit to OMB a draft Questions and Answers document that provides guidance on the permissible uses of funds under Part B of IDEA to address conditions caused by COVID-19. Mark Schultz is leading the development of this Questions and Answers document which is in Department clearance.
- **Questions and Answers on IDEA Part B Dispute Resolution Procedures (OSERS).** During the week of May 25, the Department expects to submit to OMB a draft Questions and Answers document that responds to inquiries concerning implementation of dispute resolution procedures under Part B of IDEA. Mark Schultz is leading the development of this document which has not yet been placed in Department clearance.
- **Questions and Answers on IDEA Part B Fiscal Flexibility (OSERS).** During the week of May 25, the Department expects to submit to OMB a draft Questions and Answers document that responds to inquiries regarding flexibility under the IDEA Part B fiscal requirements. Mark Schultz is leading the development of this document which has not yet been placed in Department clearance.

- **Questions and Answers for K-12 Schools on Issues Related to COVID-19 (Office for Civil Rights (OCR)).** The Office for Civil Rights (OCR) plans to issue a Questions & Answers “Q&A” technical assistance document addressing questions that have been asked by or about K-12 schools in light of COVID-19 regarding compliance with federal civil rights laws. The topics include compliance with Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, Title IX of the Education Amendments of 1972, and Title VI of the Civil Rights Act of 1964. Assistant Secretary for Civil Rights Kenneth L. Marcus is leading the drafting of this document, which will be placed into ED clearance during the week of May 25.
- **Questions and Answers on Executive Order 13899 (Combating Anti-Semitism) and OCR’s Enforcement of Title VI of the Civil Rights Act of 1964 (OCR).** During the week of May 25, the Office for Civil Rights (OCR) plans to issue a Questions and Answers (Q&A) guidance document about Executive Order 13899 on Combating Anti-Semitism, signed on December 11, 2019 (EO 13899), Title VI of the Civil Rights Act of 1964 (Title VI), and OCR’s enforcement of Title VI in cases involving anti-Semitism. One of the issues included in the draft Q&A document involves reports of stereotyping and harassment of Jewish students in connection with COVID-19. Assistant Secretary for Civil Rights Kenneth L. Marcus is leading the drafting of this document, which has been placed into ED clearance.

CARES Act Implementation—Key Activities and Milestones

- **Governor’s Emergency Education Relief Fund (“GEER Fund”) (Office of Elementary and Secondary Education (OESE)).** As of 11:30 AM on Tuesday, May 26, the Department had received a “Certification and Agreement” from 24 Governors. Twenty-four awards have been made totaling \$1.5 billion. The Certification and Agreement serves as the application for funds and commits each Governor to abide by the relevant statutory requirements. The purpose of the GEER Fund is to provide emergency assistance to a Governor to support local educational agencies, institutions of higher education, and any other education-related entities the Governor “deems essential for carrying out emergency educational services to students” for certain authorized activities under the CARES Act and the Higher Education Act, as well as for “the provision of child care and early childhood education, social and emotional support, and the protection of education-related jobs.”
- **Elementary and Secondary Education Relief Fund (“ESSER Fund”) (OESE).** As of 11:30 AM on Tuesday, May 26, the Department had received a “Certification and Agreement” from 49 Chief State School Officers. Awards have been made to 47 applicants totaling \$12.3 billion. The Certification and Agreement serves as the application for funds and commits each Chief State School Officer to abide by the relevant statutory requirements. The purpose of the ESSER Fund is to support continuity of learning for K-12 students whose education has been disrupted by the coronavirus.
- **Reservation of Funds for Outlying Areas from the Education Stabilization Fund (OESE).** The CARES Act requires the Secretary to allocate “not more than ½ of 1 percent” (i.e., \$153.8 million) of the Education Stabilization Fund for the outlying areas (U.S. Virgin Islands, Guam, Commonwealth of the Northern Mariana Islands, and American Samoa). The purpose of these funds is to provide emergency assistance to the outlying areas to prevent, prepare for, and respond to the coronavirus. Governors and State Educational Agencies of the outlying areas may both apply for funding.

ESF-Governors. As of 11:30 AM on Tuesday, May 26, the Department had received one Certification and Agreement from the Governor of the Commonwealth of the Northern Marianas Islands. The Department made an award of \$4.8 million.

ESF-State Educational Agencies. As of 11:30 AM on Tuesday, May 26, the Department had received three Certifications and Agreements (Commonwealth of the Northern Marianas Islands, American Samoa, and Guam) and made two awards (Commonwealth of the Northern Marianas Islands and American Samoa) totaling \$61.5 million.

- **Higher Education Emergency Relief Fund (“HEER Fund”) to Assist Students (Office of Postsecondary Education (OPE)).** As of 11:00 AM on Tuesday, May 26, the Department had received a “Certification and Agreement” from 4,248 (adjusted) of 5,135 eligible institutions of higher education. Obligations of \$6.1 billion (96% of the total funds available) have been made to 4,135 institutions (97% of applications received and 80% of eligible institutions). The Certification and Agreement serves as the application for funds and commits each institution to abiding by the relevant statutory provisions for the HEER Fund.

HEER Fund to Assist Institutions of Higher Education (OPE). As of 11:00 AM on Tuesday, May 26, the Department had received a Certification and Agreement from 3,428 (adjusted) of 5,135 eligible institutions of higher education to assist the institutions with costs associated with significant changes to the delivery of instruction due to the coronavirus. Awards have been made to 3,207 institutions totaling \$5.2 billion (94% of applications received and 62% of eligible institutions).

HEER Fund to Assist Historically Black Colleges and Universities, Other Minority Serving Institutions of Higher Education, Tribally Controlled Colleges and Universities, and Others (OPE). As of 11:00 AM on Tuesday, May 26, the Department had received applications from 1,222 of 1,760 eligible institutions of higher education under section 18004(a)(2) and made awards of \$536.8 million (adjusted) to 87 institutions (7% of applications received and 51.3% of funds available). These funds may be used to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education and for grants to students for any component of the student’s costs of attendance including food, housing, course materials, technology, health care, and child care.

HEER Fund for the Improvement of Postsecondary Education (OPE). As of 11:00 AM on Tuesday, May 26, the Department had received applications from 290 of 981 eligible institutions of higher education under section 18004(a)(3). Under section 18004(a)(3), the Secretary will make funds available to “institutions of higher education that the Secretary determines to have the greatest unmet needs related to coronavirus” and who apply for such funds. Funds may be used to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education and for grants to students for any component of the student’s costs of attendance including food, housing, course materials, technology, health care and child care.

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- **None**

Actions That Affect Federal Facilities and Personnel

- **None**

Other Notable Responses

- **None**

Talbert, Kent

From: Talbert, Kent
Sent: Wednesday, May 27, 2020 4:19 PM
To: Cassell, Mary I. EOP/OMB
Cc: McGuire, Denzel E. EOP/OMB; Redstone, James J. EOP/WHO; Miller, Katie R. EOP/OVP; Nevins, Kristan K. EOP/WHO; 'Satya.P.Thallam@omb.eop.gov'
Subject: ED Daily Report for Wed, May 27
Attachments: ED_5.27.20_ COVID19 daily report.pdf

COVID-19—Agency Response
May 27, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Waivers Permitting Flexibility in Fiscal Management of Federal Career and Technical Education (CTE) and Adult Education Programs (Office of Career, Technical, and Adult Education (OCTAE)).** As of 1:00 PM on Wednesday, May 27, the Department had received waiver requests from 33 States and territories, and provided 33 provisional approvals, and 30 formal approvals. These national emergency “Tydings” waivers (i.e., to extend the period of availability of funds to be spent) are authorized under section 3511 of Division A of the CARES Act.
- **Frequently Asked Questions for Adult Education Programs (OCTAE).** During the week of May 25, the Department expects to send to OMB a third round of draft flexibility guidance (Frequently Asked Questions) for adult education programs. Assistant Secretary Scott Stump of OCTAE is leading the development of the guidance which is based on questions received via email and during listening sessions hosted by OCTAE. The guidance is in Department clearance.
- **Waiver Template for Period of Availability of Funds under Part B of the Individuals with Disabilities (IDEA) Education Act (Office of Special Education and Rehabilitative Services (OSERS)).** During the week of May 25, the Department expects to send to OMB a streamlined waiver template that State educational agencies may use to request an extension of the period of availability of funds under Part B of IDEA for an additional year. This national emergency “Tydings” waiver is authorized under section 3511 of Division A of the CARES Act, like the CTE and adult education waivers mentioned above. Mark Schultz, delegated the functions and duties of the Assistant Secretary of the Office of Special Education and Rehabilitative Services, is leading the development of the waiver template which is in Department clearance.
- **Questions and Answers on Use of Funds under Part B of IDEA (OSERS).** During the week of May 25, the Department expects to submit to OMB a draft Questions and Answers document that provides guidance on the permissible uses of funds under Part B of IDEA to address conditions caused by COVID-19. Mark Schultz is leading the development of this Questions and Answers document which is in Department clearance.
- **Questions and Answers on IDEA Part B Dispute Resolution Procedures (OSERS).** During the week of May 25, the Department expects to submit to OMB a draft Questions and Answers document that responds to inquiries concerning implementation of dispute resolution procedures under Part B of IDEA. Mark Schultz is leading the development of this document which has not yet been placed in Department clearance.
- **Questions and Answers on IDEA Part B Fiscal Flexibility (OSERS).** During the week of May 25, the Department expects to submit to OMB a draft Questions and Answers document that responds to inquiries regarding flexibility under the IDEA Part B fiscal requirements. Mark

Schultz is leading the development of this document which has not yet been placed in Department clearance.

- **Questions and Answers for K-12 Schools on Issues Related to COVID-19 (Office for Civil Rights (OCR)).** The Office for Civil Rights (OCR) plans to issue a Questions & Answers “Q&A” technical assistance document addressing questions that have been asked by or about K-12 schools in light of COVID-19 regarding compliance with federal civil rights laws. The topics include compliance with Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, Title IX of the Education Amendments of 1972, and Title VI of the Civil Rights Act of 1964. Assistant Secretary for Civil Rights Kenneth L. Marcus is leading the drafting of this document, which will be placed into ED clearance during the week of May 25.
- **Questions and Answers on Executive Order 13899 (Combating Anti-Semitism) and OCR’s Enforcement of Title VI of the Civil Rights Act of 1964 (OCR).** During the week of May 25, the Office for Civil Rights (OCR) plans to issue a Questions and Answers (Q&A) guidance document about Executive Order 13899 on Combating Anti-Semitism, signed on December 11, 2019 (EO 13899), Title VI of the Civil Rights Act of 1964 (Title VI), and OCR’s enforcement of Title VI in cases involving anti-Semitism. One of the issues included in the draft Q&A document involves reports of stereotyping and harassment of Jewish students in connection with COVID-19. Assistant Secretary for Civil Rights Kenneth L. Marcus is leading the drafting of this document, which has been placed into ED clearance.

CARES Act Implementation—Key Activities and Milestones

- **Governor’s Emergency Education Relief Fund (“GEER Fund”) (Office of Elementary and Secondary Education (OESE)).** As of 10:15 AM on Wednesday, May 27, the Department had received a “Certification and Agreement” from 26 Governors. Twenty-four awards have been made totaling \$1.5 billion. The Certification and Agreement serves as the application for funds and commits each Governor to abide by the relevant statutory requirements. The purpose of the GEER Fund is to provide emergency assistance to a Governor to support local educational agencies, institutions of higher education, and any other education-related entities the Governor “deems essential for carrying out emergency educational services to students” for certain authorized activities under the CARES Act and the Higher Education Act, as well as for “the provision of child care and early childhood education, social and emotional support, and the protection of education-related jobs.”
- **Elementary and Secondary Education Relief Fund (“ESSER Fund”) (OESE).** As of 10:15 AM on Wednesday, May 27, the Department had received a “Certification and Agreement” from 50 Chief State School Officers. Awards have been made to 47 applicants totaling \$12.3 billion. The Certification and Agreement serves as the application for funds and commits each Chief State School Officer to abide by the relevant statutory requirements. The purpose of the ESSER Fund is to support continuity of learning for K-12 students whose education has been disrupted by the coronavirus.
- **Reservation of Funds for Outlying Areas from the Education Stabilization Fund (OESE).** The CARES Act requires the Secretary to allocate “not more than ½ of 1 percent” (i.e., \$153.8 million) of the Education Stabilization Fund for the outlying areas (U.S. Virgin Islands, Guam, Commonwealth of the Northern Marianas Islands, and American Samoa). The purpose of these funds is to provide emergency assistance to the outlying areas to prevent, prepare for, and respond

to the coronavirus. Governors and State Educational Agencies of the outlying areas may both apply for funding.

ESF-Governors. As of 10:15 AM on Wednesday, May 27, the Department had received one Certification and Agreement from the Governor of the Commonwealth of the Northern Marianas Islands. The Department made an award of \$4.8 million.

ESF-State Educational Agencies. As of 10:15 AM on Wednesday, May 27, the Department had received three Certifications and Agreements (Commonwealth of the Northern Marianas Islands, American Samoa, and Guam) and made two awards (Commonwealth of the Northern Marianas Islands and American Samoa) totaling \$61.5 million.

- **Higher Education Emergency Relief Fund (“HEER Fund”) to Assist Students (Office of Postsecondary Education (OPE)).** As of 10:30 AM on Wednesday, May 27, the Department had received a “Certification and Agreement” from 4,267 (adjusted) of 5,135 eligible institutions of higher education. Obligations of \$6.1 billion (96% of the total funds available) have been made to 4,150 institutions (97% of applications received and 81% of eligible institutions). The Certification and Agreement serves as the application for funds and commits each institution to abiding by the relevant statutory provisions for the HEER Fund.

HEER Fund to Assist Institutions of Higher Education (OPE). As of 10:30 AM on Wednesday, May 27, the Department had received a Certification and Agreement from 3,460 (adjusted) of 5,135 eligible institutions of higher education to assist the institutions with costs associated with significant changes to the delivery of instruction due to the coronavirus. Awards have been made to 3,265 institutions totaling \$5.2 billion (94% of applications received and 64% of eligible institutions).

HEER Fund to Assist Historically Black Colleges and Universities, Other Minority Serving Institutions of Higher Education, Tribally Controlled Colleges and Universities, and Others (OPE). As of 10:30 AM on Wednesday, May 27, the Department had received applications from 1,240 of 1,760 eligible institutions of higher education under section 18004(a)(2) and made awards of \$536.8 million (adjusted) to 87 institutions (7% of applications received and 51.3% of funds available). These funds may be used to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education and for grants to students for any component of the student’s costs of attendance including food, housing, course materials, technology, health care, and child care.

HEER Fund for the Improvement of Postsecondary Education (OPE). As of 10:30 AM on Wednesday, May 27, the Department had received applications from 316 of 981 eligible institutions of higher education under section 18004(a)(3). Under section 18004(a)(3), the Secretary will make funds available to “institutions of higher education that the Secretary determines to have the greatest unmet needs related to coronavirus” and who apply for such funds. Funds may be used to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education and for grants to students for any component of the student’s costs of attendance including food, housing, course materials, technology, health care and child care.

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- **None**

Actions That Affect Federal Facilities and Personnel

- **None**

Other Notable Responses

- **None**

Talbert, Kent

From: Talbert, Kent
Sent: Thursday, May 28, 2020 3:33 PM
To: Cassell, Mary I. EOP/OMB
Cc: McGuire, Denzel E. EOP/OMB; Redstone, James J. EOP/WHO; Miller, Katie R. EOP/OVP; Nevins, Kristan K. EOP/WHO; 'Satya.P.Thallam@omb.eop.gov'
Subject: ED Daily Report for Thurs, May 28
Attachments: ED_5.28.20_ COVID19 daily report.pdf

COVID-19—Agency Response
May 28, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Frequently Asked Questions for Adult Education Programs (OCTAE).** Today, the Department released a third round of flexibility guidance (Frequently Asked Questions) for adult education programs. Assistant Secretary Scott Stump of OCTAE led the development of the guidance which was based on questions received via email and during listening sessions hosted by OCTAE.
- **Waivers Permitting Flexibility in Fiscal Management of Federal Career and Technical Education (CTE) and Adult Education Programs (Office of Career, Technical, and Adult Education (OCTAE)).** As of 3:00 PM on Thursday, May 28, the Department had received waiver requests from 33 States and territories, and provided 33 provisional approvals, and 30 formal approvals. These national emergency “Tydings” waivers (i.e., to extend the period of availability of funds to be spent) are authorized under section 3511 of Division A of the CARES Act.
- **Waiver Template for Period of Availability of Funds under Part B of the Individuals with Disabilities (IDEA) Education Act (Office of Special Education and Rehabilitative Services (OSERS)).** During the week of May 25, the Department expects to send to OMB a streamlined waiver template that State educational agencies may use to request an extension of the period of availability of funds under Part B of IDEA for an additional year. This national emergency “Tydings” waiver is authorized under section 3511 of Division A of the CARES Act, like the CTE and adult education waivers mentioned above. Mark Schultz, delegated the functions and duties of the Assistant Secretary of the Office of Special Education and Rehabilitative Services, is leading the development of the waiver template which is in Department clearance.
- **Questions and Answers on Use of Funds under Part B of IDEA (OSERS).** During the week of May 25, the Department expects to submit to OMB a draft Questions and Answers document that provides guidance on the permissible uses of funds under Part B of IDEA to address conditions caused by COVID-19. Mark Schultz is leading the development of this Questions and Answers document which is in Department clearance.
- **Questions and Answers on IDEA Part B Dispute Resolution Procedures (OSERS).** During the week of May 25, the Department expects to submit to OMB a draft Questions and Answers document that responds to inquiries concerning implementation of dispute resolution procedures under Part B of IDEA. Mark Schultz is leading the development of this document which has not yet been placed in Department clearance.
- **Questions and Answers on IDEA Part B Fiscal Flexibility (OSERS).** During the week of May 25, the Department expects to submit to OMB a draft Questions and Answers document that responds to inquiries regarding flexibility under the IDEA Part B fiscal requirements. Mark Schultz is leading the development of this document which has not yet been placed in Department clearance.

- **Questions and Answers for K-12 Schools on Issues Related to COVID-19 (Office for Civil Rights (OCR)).** The Office for Civil Rights (OCR) plans to issue a Questions & Answers “Q&A” technical assistance document addressing questions that have been asked by or about K-12 schools in light of COVID-19 regarding compliance with federal civil rights laws. The topics include compliance with Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, Title IX of the Education Amendments of 1972, and Title VI of the Civil Rights Act of 1964. Assistant Secretary for Civil Rights Kenneth L. Marcus is leading the drafting of this document, which will be placed into ED clearance during the week of May 25.
- **Questions and Answers on Executive Order 13899 (Combating Anti-Semitism) and OCR’s Enforcement of Title VI of the Civil Rights Act of 1964 (OCR).** During the week of May 25, the Office for Civil Rights (OCR) plans to issue a Questions and Answers (Q&A) guidance document about Executive Order 13899 on Combating Anti-Semitism, signed on December 11, 2019 (EO 13899), Title VI of the Civil Rights Act of 1964 (Title VI), and OCR’s enforcement of Title VI in cases involving anti-Semitism. One of the issues included in the draft Q&A document involves reports of stereotyping and harassment of Jewish students in connection with COVID-19. Assistant Secretary for Civil Rights Kenneth L. Marcus is leading the drafting of this document, which has been placed into ED clearance.

CARES Act Implementation—Key Activities and Milestones

- **Governor’s Emergency Education Relief Fund (“GEER Fund”) (Office of Elementary and Secondary Education (OESE)).** As of 11:00 AM on Thursday, May 28, the Department had received a “Certification and Agreement” from 31 Governors. Twenty-eight awards have been made totaling \$1.8 billion. The Certification and Agreement serves as the application for funds and commits each Governor to abide by the relevant statutory requirements. The purpose of the GEER Fund is to provide emergency assistance to a Governor to support local educational agencies, institutions of higher education, and any other education-related entities the Governor “deems essential for carrying out emergency educational services to students” for certain authorized activities under the CARES Act and the Higher Education Act, as well as for “the provision of child care and early childhood education, social and emotional support, and the protection of education-related jobs.”
- **Elementary and Secondary Education Relief Fund (“ESSER Fund”) (OESE).** As of 11:00 AM on Thursday, May 28, the Department had received a “Certification and Agreement” from 51 Chief State School Officers. Awards have been made to 49 applicants totaling \$12.6 billion. The Certification and Agreement serves as the application for funds and commits each Chief State School Officer to abide by the relevant statutory requirements. The purpose of the ESSER Fund is to support continuity of learning for K-12 students whose education has been disrupted by the coronavirus.
- **Reservation of Funds for Outlying Areas from the Education Stabilization Fund (OESE).** The CARES Act requires the Secretary to allocate “not more than ½ of 1 percent” (i.e., \$153.8 million) of the Education Stabilization Fund for the outlying areas (U.S. Virgin Islands, Guam, Commonwealth of the Northern Mariana Islands, and American Samoa). The purpose of these funds is to provide emergency assistance to the outlying areas to prevent, prepare for, and respond to the coronavirus. Governors and State Educational Agencies of the outlying areas may both apply for funding.

ESF-Governors. As of 11:00 AM on Thursday, May 28, the Department had received one Certification and Agreement from the Governor of the Commonwealth of the Northern Marianas Islands. The Department made an award of \$4.8 million.

ESF-State Educational Agencies. As of 11:00 AM on Thursday, May 28, the Department had received three Certifications and Agreements (Commonwealth of the Northern Marianas Islands, American Samoa, and Guam) and made two awards (Commonwealth of the Northern Marianas Islands and American Samoa) totaling \$61.5 million.

- **Higher Education Emergency Relief Fund (“HEER Fund”) to Assist Students (Office of Postsecondary Education (OPE)).** As of 10:00 AM on Thursday, May 28, the Department had received a “Certification and Agreement” from 4,280 (adjusted) of 5,135 eligible institutions of higher education. Obligations of \$6.1 billion (96% of the total funds available) have been made to 4,178 institutions (98% of applications received and 81% of eligible institutions). The Certification and Agreement serves as the application for funds and commits each institution to abiding by the relevant statutory provisions for the HEER Fund.

HEER Fund to Assist Institutions of Higher Education (OPE). As of 10:00 AM on Thursday, May 28, the Department had received a Certification and Agreement from 3,491 (adjusted) of 5,135 eligible institutions of higher education to assist the institutions with costs associated with significant changes to the delivery of instruction due to the coronavirus. Awards have been made to 3,302 institutions totaling \$5.2 billion (95% of applications received and 64% of eligible institutions).

HEER Fund to Assist Historically Black Colleges and Universities, Other Minority Serving Institutions of Higher Education, Tribally Controlled Colleges and Universities, and Others (OPE). As of 10:00 AM on Thursday, May 28, the Department had received applications from 1,250 of 1,760 eligible institutions of higher education under section 18004(a)(2) and made awards of \$556.2 million (adjusted) to 142 institutions (11% of applications received and 53% of funds available). These funds may be used to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education and for grants to students for any component of the student’s costs of attendance including food, housing, course materials, technology, health care, and child care.

HEER Fund for the Improvement of Postsecondary Education (OPE). As of 10:00 AM on Thursday, May 28, the Department had received applications from 349 of 981 eligible institutions of higher education under section 18004(a)(3). Under section 18004(a)(3), the Secretary will make funds available to “institutions of higher education that the Secretary determines to have the greatest unmet needs related to coronavirus” and who apply for such funds. Funds may be used to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education and for grants to students for any component of the student’s costs of attendance including food, housing, course materials, technology, health care and child care.

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- **None**

Actions That Affect Federal Facilities and Personnel

- **None**

Other Notable Responses

- **None**

Talbert, Kent

From: Talbert, Kent
Sent: Friday, May 29, 2020 5:36 PM
To: Cassell, Mary I. EOP/OMB
Cc: McGuire, Denzel E. EOP/OMB; Redstone, James J. EOP/WHO; Miller, Katie R. EOP/OVP; Nevins, Kristan K. EOP/WHO; 'Satya.P.Thallam@omb.eop.gov'
Subject: ED Daily Report for Fri, May 29
Attachments: ED_5.29.20_ COVID19 daily report.pdf

COVID-19—Agency Response
May 29, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Waivers Permitting Flexibility in Fiscal Management of Federal Career and Technical Education (CTE) and Adult Education Programs (Office of Career, Technical, and Adult Education (OCTAE)).** As of 4:00 PM on Friday, May 29, the Department had received waiver requests from 34 States and territories, and provided 34 provisional approvals, and 30 formal approvals. These national emergency “Tydings” waivers (i.e., to extend the period of availability of funds to be spent) are authorized under section 3511 of Division A of the CARES Act.
- **Waiver Template for Period of Availability of Funds under Part B of the Individuals with Disabilities (IDEA) Education Act (Office of Special Education and Rehabilitative Services (OSERS)).** During the week of June 1, the Department expects to send to OMB a streamlined waiver template that State educational agencies may use to request an extension of the period of availability of funds under Part B of IDEA for an additional year. This national emergency “Tydings” waiver is authorized under section 3511 of Division A of the CARES Act, like the CTE and adult education waivers mentioned above. Mark Schultz, delegated the functions and duties of the Assistant Secretary of the Office of Special Education and Rehabilitative Services, is leading the development of the waiver template which is in Department clearance.
- **Questions and Answers on Use of Funds under Part B of IDEA (OSERS).** During the week of June 1, the Department expects to submit to OMB a draft Questions and Answers document that provides guidance on the permissible uses of funds under Part B of IDEA to address conditions caused by COVID-19. Mark Schultz is leading the development of this Questions and Answers document which is in Department clearance.
- **Questions and Answers on IDEA Part B Dispute Resolution Procedures (OSERS).** During the week of June 1, the Department expects to submit to OMB a draft Questions and Answers document that responds to inquiries concerning implementation of dispute resolution procedures under Part B of IDEA. Mark Schultz is leading the development of this document which has not yet been placed in Department clearance.
- **Questions and Answers on IDEA Part B Fiscal Flexibility (OSERS).** During the week of June 1, the Department expects to submit to OMB a draft Questions and Answers document that responds to inquiries regarding flexibility under the IDEA Part B fiscal requirements. Mark Schultz is leading the development of this document which has not yet been placed in Department clearance.
- **Questions and Answers for K-12 Schools on Issues Related to COVID-19 (Office for Civil Rights (OCR)).** The Office for Civil Rights (OCR) expects to issue a Questions & Answers “Q&A” technical assistance document next week addressing questions that have been asked by or about K-12 schools in light of COVID-19 regarding compliance with federal civil rights laws. The topics include compliance with Section 504 of the Rehabilitation Act of 1973, Title II

of the Americans with Disabilities Act, Title IX of the Education Amendments of 1972, and Title VI of the Civil Rights Act of 1964. Assistant Secretary for Civil Rights Kenneth L. Marcus is leading the drafting of this document. The document is in Department clearance.

- **Questions and Answers on Executive Order 13899 (Combating Anti-Semitism) and OCR's Enforcement of Title VI of the Civil Rights Act of 1964 (OCR).** During the week of June 1, the Office for Civil Rights (OCR) plans to issue a Questions and Answers (Q&A) guidance document about Executive Order 13899 on Combating Anti-Semitism, signed on December 11, 2019 (EO 13899), Title VI of the Civil Rights Act of 1964 (Title VI), and OCR's enforcement of Title VI in cases involving anti-Semitism. One of the issues included in the draft Q&A document involves reports of stereotyping and harassment of Jewish students in connection with COVID-19. Assistant Secretary for Civil Rights Kenneth L. Marcus is leading the drafting of this document, which has been placed into ED clearance.

CARES Act Implementation—Key Activities and Milestones

- **Governor's Emergency Education Relief Fund ("GEER Fund") (Office of Elementary and Secondary Education (OESE)).** As of 11:00 AM on Friday, May 29, the Department had received a "Certification and Agreement" from 38 Governors. Thirty-four awards have been made totaling \$2.0 billion. The Certification and Agreement serves as the application for funds and commits each Governor to abide by the relevant statutory requirements. The purpose of the GEER Fund is to provide emergency assistance to a Governor to support local educational agencies, institutions of higher education, and any other education-related entities the Governor "deems essential for carrying out emergency educational services to students" for certain authorized activities under the CARES Act and the Higher Education Act, as well as for "the provision of child care and early childhood education, social and emotional support, and the protection of education-related jobs."
- **Elementary and Secondary Education Relief Fund ("ESSER Fund") (OESE).** As of 11:00 AM on Friday, May 29, the Department had received a "Certification and Agreement" from all 52 Chief State School Officers. Awards have been made to 50 applicants totaling \$12.6 billion. The Certification and Agreement serves as the application for funds and commits each Chief State School Officer to abide by the relevant statutory requirements. The purpose of the ESSER Fund is to support continuity of learning for K-12 students whose education has been disrupted by the coronavirus.
- **Reservation of Funds for Outlying Areas from the Education Stabilization Fund (OESE).** The CARES Act requires the Secretary to allocate "not more than ½ of 1 percent" (i.e., \$153.8 million) of the Education Stabilization Fund for the outlying areas (U.S. Virgin Islands, Guam, Commonwealth of the Northern Mariana Islands, and American Samoa). The purpose of these funds is to provide emergency assistance to the outlying areas to prevent, prepare for, and respond to the coronavirus. Governors and State Educational Agencies of the outlying areas may both apply for funding.

ESF-Governors. As of 11:00 AM on Friday, May 29, the Department had received one Certification and Agreement from the Governor of the Commonwealth of the Northern Mariana Islands. The Department made an award of \$4.8 million.

ESF-State Educational Agencies. As of 11:00 AM on Friday, May 29, the Department had received three Certifications and Agreements (Commonwealth of the Northern Marianas Islands, American Samoa, and Guam) and made three awards totaling \$103 million.

- **Higher Education Emergency Relief Fund (“HEER Fund”) to Assist Students (Office of Postsecondary Education (OPE)).** As of 11:00 AM on Friday, May 29, the Department had received a “Certification and Agreement” from 4,308 (adjusted) of 5,135 eligible institutions of higher education. Obligations of \$6.1 billion (96% of the total funds available) have been made to 4,206 institutions (98% of applications received and 82% of eligible institutions). The Certification and Agreement serves as the application for funds and commits each institution to abiding by the relevant statutory provisions for the HEER Fund.

HEER Fund to Assist Institutions of Higher Education (OPE). As of 11:00 AM on Friday, May 29, the Department had received a Certification and Agreement from 3,524 (adjusted) of 5,135 eligible institutions of higher education to assist the institutions with costs associated with significant changes to the delivery of instruction due to the coronavirus. Awards have been made to 3,352 institutions totaling \$5.3 billion (95% of applications received and 65% of eligible institutions).

HEER Fund to Assist Historically Black Colleges and Universities, Other Minority Serving Institutions of Higher Education, Tribally Controlled Colleges and Universities, and Others (OPE). As of 11:00 AM on Friday, May 29, the Department had received applications from 1,260 of 1,760 eligible institutions of higher education under section 18004(a)(2) and made awards of \$607.6 million (adjusted) to 262 institutions (21% of applications received and 58% of funds available). These funds may be used to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education and for grants to students for any component of the student’s costs of attendance including food, housing, course materials, technology, health care, and child care.

HEER Fund for the Improvement of Postsecondary Education (OPE). As of 11:00 AM on Friday, May 29, the Department had received applications from 364 of 981 eligible institutions of higher education under section 18004(a)(3). Under section 18004(a)(3), the Secretary will make funds available to “institutions of higher education that the Secretary determines to have the greatest unmet needs related to coronavirus” and who apply for such funds. Funds may be used to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education and for grants to students for any component of the student’s costs of attendance including food, housing, course materials, technology, health care and child care.

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Actions That Affect Federal Facilities and Personnel

- None

Other Notable Responses

- **None**

Talbert, Kent

From: Talbert, Kent
Sent: Saturday, May 30, 2020 2:45 PM
To: Cassell, Mary I. EOP/OMB
Cc: McGuire, Denzel E. EOP/OMB; Redstone, James J. EOP/WHO; Miller, Katie R. EOP/OVP; Nevins, Kristan K. EOP/WHO; 'Satya.P.Thallam@omb.eop.gov'
Subject: ED Daily Report for Sat, May 30
Attachments: ED_5.30.20_ COVID19 daily report.pdf

COVID-19—Agency Response
Saturday, May 30, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Waivers Permitting Flexibility in Fiscal Management of Federal Career and Technical Education (CTE) and Adult Education Programs (Office of Career, Technical, and Adult Education (OCTAE)).** As of 4:00 PM on Friday, May 29, the Department had received waiver requests from 34 States and territories, and provided 34 provisional approvals, and 30 formal approvals. These national emergency “Tydings” waivers (i.e., to extend the period of availability of funds to be spent) are authorized under section 3511 of Division A of the CARES Act.
- **Waiver Template for Period of Availability of Funds under Part B of the Individuals with Disabilities (IDEA) Education Act (Office of Special Education and Rehabilitative Services (OSERS)).** During the week of June 1, the Department expects to send to OMB a streamlined waiver template that State educational agencies may use to request an extension of the period of availability of funds under Part B of IDEA for an additional year. This national emergency “Tydings” waiver is authorized under section 3511 of Division A of the CARES Act, like the CTE and adult education waivers mentioned above. Mark Schultz, delegated the functions and duties of the Assistant Secretary of the Office of Special Education and Rehabilitative Services, is leading the development of the waiver template which is in Department clearance.
- **Questions and Answers on Use of Funds under Part B of IDEA (OSERS).** During the week of June 1, the Department expects to submit to OMB a draft Questions and Answers document that provides guidance on the permissible uses of funds under Part B of IDEA to address conditions caused by COVID-19. Mark Schultz is leading the development of this Questions and Answers document which is in Department clearance.
- **Questions and Answers on IDEA Part B Dispute Resolution Procedures (OSERS).** During the week of June 1, the Department expects to submit to OMB a draft Questions and Answers document that responds to inquiries concerning implementation of dispute resolution procedures under Part B of IDEA. Mark Schultz is leading the development of this document which has not yet been placed in Department clearance.
- **Questions and Answers on IDEA Part B Fiscal Flexibility (OSERS).** During the week of June 1, the Department expects to submit to OMB a draft Questions and Answers document that responds to inquiries regarding flexibility under the IDEA Part B fiscal requirements. Mark Schultz is leading the development of this document which has not yet been placed in Department clearance.
- **Questions and Answers for K-12 Schools on Issues Related to COVID-19 (Office for Civil Rights (OCR)).** The Office for Civil Rights (OCR) expects to issue a Questions & Answers “Q&A” technical assistance document during the week of June 1 addressing questions that have been asked by or about K-12 schools in light of COVID-19 regarding compliance with federal civil rights laws. The topics include compliance with Section 504 of the Rehabilitation Act of

1973, Title II of the Americans with Disabilities Act, Title IX of the Education Amendments of 1972, and Title VI of the Civil Rights Act of 1964. Assistant Secretary for Civil Rights Kenneth L. Marcus is leading the drafting of this document. The document is in Department clearance.

- **Questions and Answers on Executive Order 13899 (Combating Anti-Semitism) and OCR's Enforcement of Title VI of the Civil Rights Act of 1964 (OCR).** During the week of June 1, the Office for Civil Rights (OCR) plans to issue a Questions and Answers (Q&A) guidance document about Executive Order 13899 on Combating Anti-Semitism, signed on December 11, 2019 (EO 13899), Title VI of the Civil Rights Act of 1964 (Title VI), and OCR's enforcement of Title VI in cases involving anti-Semitism. One of the issues included in the draft Q&A document involves reports of stereotyping and harassment of Jewish students in connection with COVID-19. Assistant Secretary for Civil Rights Kenneth L. Marcus is leading the drafting of this document, which has been placed into ED clearance.

CARES Act Implementation—Key Activities and Milestones

- **Governor's Emergency Education Relief Fund ("GEER Fund") (Office of Elementary and Secondary Education (OESE)).** As of 11:00 AM on Saturday, May 30, the Department had received a "Certification and Agreement" from 44 Governors. Thirty-four awards have been made totaling \$2.0 billion. The Certification and Agreement serves as the application for funds and commits each Governor to abide by the relevant statutory requirements. The purpose of the GEER Fund is to provide emergency assistance to a Governor to support local educational agencies, institutions of higher education, and any other education-related entities the Governor "deems essential for carrying out emergency educational services to students" for certain authorized activities under the CARES Act and the Higher Education Act, as well as for "the provision of child care and early childhood education, social and emotional support, and the protection of education-related jobs."
- **Elementary and Secondary Education Relief Fund ("ESSER Fund") (OESE).** As of 11:00 AM on Saturday, May 30, the Department had received a "Certification and Agreement" from all 52 Chief State School Officers. Awards have been made to 51 applicants totaling \$13.4 billion. The Certification and Agreement serves as the application for funds and commits each Chief State School Officer to abide by the relevant statutory requirements. The purpose of the ESSER Fund is to support continuity of learning for K-12 students whose education has been disrupted by the coronavirus.
- **Reservation of Funds for Outlying Areas from the Education Stabilization Fund (OESE).** The CARES Act requires the Secretary to allocate "not more than ½ of 1 percent" (i.e., \$153.8 million) of the Education Stabilization Fund for the outlying areas (U.S. Virgin Islands, Guam, Commonwealth of the Northern Marianas Islands, and American Samoa). The purpose of these funds is to provide emergency assistance to the outlying areas to prevent, prepare for, and respond to the coronavirus. Governors and State Educational Agencies of the outlying areas may both apply for funding.

ESF-Governors. As of 11:00 AM on Saturday, May 30, the Department had received one Certification and Agreement from the Governor of the Commonwealth of the Northern Marianas Islands. The Department made an award of \$4.8 million.

ESF-State Educational Agencies. As of 11:00 AM on Saturday, May 30, the Department had received three Certifications and Agreements (Commonwealth of the Northern Marianas Islands, American Samoa, and Guam) and made three awards totaling \$103 million.

- **Higher Education Emergency Relief Fund (“HEER Fund”) to Assist Students (Office of Postsecondary Education (OPE)).** As of 11:00 AM on Friday, May 29, the Department had received a “Certification and Agreement” from 4,308 (adjusted) of 5,135 eligible institutions of higher education. Obligations of \$6.1 billion (96% of the total funds available) have been made to 4,206 institutions (98% of applications received and 82% of eligible institutions). The Certification and Agreement serves as the application for funds and commits each institution to abiding by the relevant statutory provisions for the HEER Fund.

HEER Fund to Assist Institutions of Higher Education (OPE). As of 11:00 AM on Friday, May 29, the Department had received a Certification and Agreement from 3,524 (adjusted) of 5,135 eligible institutions of higher education to assist the institutions with costs associated with significant changes to the delivery of instruction due to the coronavirus. Awards have been made to 3,352 institutions totaling \$5.3 billion (95% of applications received and 65% of eligible institutions).

HEER Fund to Assist Historically Black Colleges and Universities, Other Minority Serving Institutions of Higher Education, Tribally Controlled Colleges and Universities, and Others (OPE). As of 11:00 AM on Friday, May 29, the Department had received applications from 1,260 of 1,760 eligible institutions of higher education under section 18004(a)(2) and made awards of \$607.6 million (adjusted) to 262 institutions (21% of applications received and 58% of funds available). These funds may be used to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education and for grants to students for any component of the student’s costs of attendance including food, housing, course materials, technology, health care, and child care.

HEER Fund for the Improvement of Postsecondary Education (OPE). As of 11:00 AM on Friday, May 29, the Department had received applications from 364 of 981 eligible institutions of higher education under section 18004(a)(3). Under section 18004(a)(3), the Secretary will make funds available to “institutions of higher education that the Secretary determines to have the greatest unmet needs related to coronavirus” and who apply for such funds. Funds may be used to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education and for grants to students for any component of the student’s costs of attendance including food, housing, course materials, technology, health care and child care.

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Actions That Affect Federal Facilities and Personnel

- None

Other Notable Responses

- **None**

Talbert, Kent

From: Talbert, Kent
Sent: Sunday, May 31, 2020 1:24 PM
To: Cassell, Mary I. EOP/OMB
Cc: McGuire, Denzel E. EOP/OMB; Redstone, James J. EOP/WHO; Miller, Katie R. EOP/OVP; Nevins, Kristan K. EOP/WHO; 'Satya.P.Thallam@omb.eop.gov'
Subject: ED Daily Report for Sun, May 31
Attachments: ED_5.31.20_ COVID19 daily report.pdf

COVID-19—Agency Response
Sunday, May 31, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Waivers Permitting Flexibility in Fiscal Management of Federal Career and Technical Education (CTE) and Adult Education Programs (Office of Career, Technical, and Adult Education (OCTAE)).** As of 4:00 PM on Friday, May 29, the Department had received waiver requests from 34 States and territories, and provided 34 provisional approvals, and 30 formal approvals. These national emergency “Tydings” waivers (i.e., to extend the period of availability of funds to be spent) are authorized under section 3511 of Division A of the CARES Act.
- **Waiver Template for Period of Availability of Funds under Part B of the Individuals with Disabilities (IDEA) Education Act (Office of Special Education and Rehabilitative Services (OSERS)).** During the week of June 1, the Department expects to send to OMB a streamlined waiver template that State educational agencies may use to request an extension of the period of availability of funds under Part B of IDEA for an additional year. This national emergency “Tydings” waiver is authorized under section 3511 of Division A of the CARES Act, like the CTE and adult education waivers mentioned above. Mark Schultz, delegated the functions and duties of the Assistant Secretary of the Office of Special Education and Rehabilitative Services, is leading the development of the waiver template which is in Department clearance.
- **Questions and Answers on Use of Funds under Part B of IDEA (OSERS).** During the week of June 1, the Department expects to submit to OMB a draft Questions and Answers document that provides guidance on the permissible uses of funds under Part B of IDEA to address conditions caused by COVID-19. Mark Schultz is leading the development of this Questions and Answers document which is in Department clearance.
- **Questions and Answers on IDEA Part B Dispute Resolution Procedures (OSERS).** During the week of June 1, the Department expects to submit to OMB a draft Questions and Answers document that responds to inquiries concerning implementation of dispute resolution procedures under Part B of IDEA. Mark Schultz is leading the development of this document which has not yet been placed in Department clearance.
- **Questions and Answers on IDEA Part B Fiscal Flexibility (OSERS).** During the week of June 1, the Department expects to submit to OMB a draft Questions and Answers document that responds to inquiries regarding flexibility under the IDEA Part B fiscal requirements. Mark Schultz is leading the development of this document which has not yet been placed in Department clearance.
- **Questions and Answers for K-12 Schools on Issues Related to COVID-19 (Office for Civil Rights (OCR)).** The Office for Civil Rights (OCR) expects to issue a Questions & Answers “Q&A” technical assistance document during the week of June 1 addressing questions that have been asked by or about K-12 schools in light of COVID-19 regarding compliance with federal civil rights laws. The topics include compliance with Section 504 of the Rehabilitation Act of

1973, Title II of the Americans with Disabilities Act, Title IX of the Education Amendments of 1972, and Title VI of the Civil Rights Act of 1964. Assistant Secretary for Civil Rights Kenneth L. Marcus is leading the drafting of this document. The document is in Department clearance.

- **Questions and Answers on Executive Order 13899 (Combating Anti-Semitism) and OCR's Enforcement of Title VI of the Civil Rights Act of 1964 (OCR).** During the week of June 1, the Office for Civil Rights (OCR) plans to issue a Questions and Answers (Q&A) guidance document about Executive Order 13899 on Combating Anti-Semitism, signed on December 11, 2019 (EO 13899), Title VI of the Civil Rights Act of 1964 (Title VI), and OCR's enforcement of Title VI in cases involving anti-Semitism. One of the issues included in the draft Q&A document involves reports of stereotyping and harassment of Jewish students in connection with COVID-19. Assistant Secretary for Civil Rights Kenneth L. Marcus is leading the drafting of this document, which has been placed into ED clearance.

CARES Act Implementation—Key Activities and Milestones

- **Governor's Emergency Education Relief Fund ("GEER Fund") (Office of Elementary and Secondary Education (OESE)).** As of 11:00 AM on Saturday, May 30, the Department had received a "Certification and Agreement" from 44 Governors. Thirty-four awards have been made totaling \$2.0 billion. The Certification and Agreement serves as the application for funds and commits each Governor to abide by the relevant statutory requirements. The purpose of the GEER Fund is to provide emergency assistance to a Governor to support local educational agencies, institutions of higher education, and any other education-related entities the Governor "deems essential for carrying out emergency educational services to students" for certain authorized activities under the CARES Act and the Higher Education Act, as well as for "the provision of child care and early childhood education, social and emotional support, and the protection of education-related jobs."
- **Elementary and Secondary Education Relief Fund ("ESSER Fund") (OESE).** As of 11:00 AM on Saturday, May 30, the Department had received a "Certification and Agreement" from all 52 Chief State School Officers. Awards have been made to 51 applicants totaling \$13.4 billion. The Certification and Agreement serves as the application for funds and commits each Chief State School Officer to abide by the relevant statutory requirements. The purpose of the ESSER Fund is to support continuity of learning for K-12 students whose education has been disrupted by the coronavirus.
- **Reservation of Funds for Outlying Areas from the Education Stabilization Fund (OESE).** The CARES Act requires the Secretary to allocate "not more than ½ of 1 percent" (i.e., \$153.8 million) of the Education Stabilization Fund for the outlying areas (U.S. Virgin Islands, Guam, Commonwealth of the Northern Mariana Islands, and American Samoa). The purpose of these funds is to provide emergency assistance to the outlying areas to prevent, prepare for, and respond to the coronavirus. Governors and State Educational Agencies of the outlying areas may both apply for funding.

ESF-Governors. As of 11:00 AM on Saturday, May 30, the Department had received one Certification and Agreement from the Governor of the Commonwealth of the Northern Mariana Islands. The Department made an award of \$4.8 million.

ESF-State Educational Agencies. As of 11:00 AM on Saturday, May 30, the Department had received three Certifications and Agreements (Commonwealth of the Northern Marianas Islands, American Samoa, and Guam) and made three awards totaling \$103 million.

- **Higher Education Emergency Relief Fund (“HEER Fund”) to Assist Students (Office of Postsecondary Education (OPE)).** As of 11:00 AM on Friday, May 29, the Department had received a “Certification and Agreement” from 4,308 (adjusted) of 5,135 eligible institutions of higher education. Obligations of \$6.1 billion (96% of the total funds available) have been made to 4,206 institutions (98% of applications received and 82% of eligible institutions). The Certification and Agreement serves as the application for funds and commits each institution to abiding by the relevant statutory provisions for the HEER Fund.

HEER Fund to Assist Institutions of Higher Education (OPE). As of 11:00 AM on Friday, May 29, the Department had received a Certification and Agreement from 3,524 (adjusted) of 5,135 eligible institutions of higher education to assist the institutions with costs associated with significant changes to the delivery of instruction due to the coronavirus. Awards have been made to 3,352 institutions totaling \$5.3 billion (95% of applications received and 65% of eligible institutions).

HEER Fund to Assist Historically Black Colleges and Universities, Other Minority Serving Institutions of Higher Education, Tribally Controlled Colleges and Universities, and Others (OPE). As of 11:00 AM on Friday, May 29, the Department had received applications from 1,260 of 1,760 eligible institutions of higher education under section 18004(a)(2) and made awards of \$607.6 million (adjusted) to 262 institutions (21% of applications received and 58% of funds available). These funds may be used to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education and for grants to students for any component of the student’s costs of attendance including food, housing, course materials, technology, health care, and child care.

HEER Fund for the Improvement of Postsecondary Education (OPE). As of 11:00 AM on Friday, May 29, the Department had received applications from 364 of 981 eligible institutions of higher education under section 18004(a)(3). Under section 18004(a)(3), the Secretary will make funds available to “institutions of higher education that the Secretary determines to have the greatest unmet needs related to coronavirus” and who apply for such funds. Funds may be used to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education and for grants to students for any component of the student’s costs of attendance including food, housing, course materials, technology, health care and child care.

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Actions That Affect Federal Facilities and Personnel

- None

Other Notable Responses

- **Response to Government Accountability Office’s (GAO) Draft “Exit Document” in GAO engagement “Higher Education Aid and Student Loan Relief in Response to the Coronavirus Pandemic” (Office of the Secretary).** On Friday, May 29, in consultation with the Offices of Federal Student Aid, Postsecondary Education, and General Counsel, Deputy Secretary Mick Zais transmitted a detailed letter to GAO in response to its draft “exit document” in the engagement titled “Higher Education Aid and Student Loan Relief in Response to the Coronavirus Pandemic,” GAO job code 104254.

Talbert, Kent

From: Talbert, Kent
Sent: Tuesday, June 2, 2020 5:06 PM
To: Cassell, Mary I. EOP/OMB
Cc: McGuire, Denzel E. EOP/OMB; Redstone, James J. EOP/WHO; Miller, Katie R. EOP/OVP; Nevins, Kristan K. EOP/WHO; 'Satya.P.Thallam@omb.eop.gov'
Subject: ED Daily Report for Tues, June 2
Attachments: ED_6.2.20_ COVID19 daily report.pdf

COVID-19—Agency Response
Tuesday, June 2, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Waivers Permitting Flexibility in Fiscal Management of Federal Career and Technical Education (CTE) and Adult Education Programs (Office of Career, Technical, and Adult Education (OCTAE)).** As of 1:00 PM on Tuesday, June 2, the Department had received waiver requests from 34 States and territories, and provided 34 provisional approvals, and 30 formal approvals. These national emergency “Tydings” waivers (i.e., to extend the period of availability of funds to be spent) are authorized under section 3511 of Division A of the CARES Act.
- **Waiver Template for Period of Availability of Funds under Part B of the Individuals with Disabilities (IDEA) Education Act (Office of Special Education and Rehabilitative Services (OSERS)).** Within the next few days, the Department expects to send to OMB a streamlined waiver template that State educational agencies may use to request an extension of the period of availability of funds under Part B of IDEA for an additional year. This national emergency “Tydings” waiver is authorized under section 3511 of Division A of the CARES Act, like the CTE and adult education waivers mentioned above. Mark Schultz, delegated the functions and duties of the Assistant Secretary of the Office of Special Education and Rehabilitative Services, is leading the development of the waiver template which is nearing completion of round two of Department clearance.
- **Questions and Answers on Use of Funds under Part B of IDEA (OSERS).** During the week of June 1, the Department expects to submit to OMB a draft Questions and Answers document that provides guidance on the permissible uses of funds under Part B of IDEA to address conditions caused by COVID-19. Mark Schultz is leading the development of this Questions and Answers document which is in round two of Department clearance.
- **Questions and Answers on IDEA Part B Dispute Resolution Procedures (OSERS).** During the week of June 1, the Department expects to submit to OMB a draft Questions and Answers document that responds to inquiries concerning implementation of dispute resolution procedures under Part B of IDEA. Mark Schultz is leading the development of this document which is in round one of Department clearance.
- **Questions and Answers on IDEA Part B Fiscal Flexibility (OSERS).** During the week of June 1, the Department expects to submit to OMB a draft Questions and Answers document that responds to inquiries regarding flexibility under the IDEA Part B fiscal requirements. Mark Schultz is leading the development of this document which is in round one of Department clearance.
- **Questions and Answers for K-12 Schools on Issues Related to COVID-19 (Office for Civil Rights (OCR)).** The Department expects to transmit to OMB near the end of this week a Questions & Answers “Q&A” technical assistance document during the week of June 1 addressing questions that have been asked by or about K-12 schools in light of COVID-19 regarding

compliance with federal civil rights laws. The topics include compliance with Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, Title IX of the Education Amendments of 1972, and Title VI of the Civil Rights Act of 1964. Assistant Secretary for Civil Rights Kenneth L. Marcus is leading the drafting of this document which is nearing completion of Department clearance.

- **Questions and Answers on Executive Order 13899 (Combating Anti-Semitism) and OCR's Enforcement of Title VI of the Civil Rights Act of 1964 (OCR).** The Department expects to transmit to OMB near the end of this week a Questions and Answers (Q&A) guidance document about Executive Order 13899 on Combating Anti-Semitism, signed on December 11, 2019 (EO 13899), Title VI of the Civil Rights Act of 1964 (Title VI), and OCR's enforcement of Title VI in cases involving anti-Semitism. One of the issues included in the draft Q&A document involves reports of stereotyping and harassment of Jewish students in connection with COVID-19. Assistant Secretary for Civil Rights Kenneth L. Marcus is leading the drafting of this document which is nearing completion of Department clearance.

CARES Act Implementation—Key Activities and Milestones

- **Governor's Emergency Education Relief Fund ("GEER Fund") (Office of Elementary and Secondary Education (OESE)).** As of 10:30 AM on Tuesday, June 2, the Department had received a "Certification and Agreement" from all 52 Governors. Fifty-one awards have been made totaling \$2.9 billion. The Certification and Agreement serves as the application for funds and commits each Governor to abide by the relevant statutory requirements. The purpose of the GEER Fund is to provide emergency assistance to a Governor to support local educational agencies, institutions of higher education, and any other education-related entities the Governor "deems essential for carrying out emergency educational services to students" for certain authorized activities under the CARES Act and the Higher Education Act, as well as for "the provision of child care and early childhood education, social and emotional support, and the protection of education-related jobs."
- **Elementary and Secondary Education Relief Fund ("ESSER Fund") (OESE).** As of 10:30 AM on Tuesday, June 2, the Department had received a "Certification and Agreement" from all 52 Chief State School Officers. Awards have been made to 51 applicants totaling \$13.4 billion. The Certification and Agreement serves as the application for funds and commits each Chief State School Officer to abide by the relevant statutory requirements. The purpose of the ESSER Fund is to support continuity of learning for K-12 students whose education has been disrupted by the coronavirus.
- **Reservation of Funds for Outlying Areas from the Education Stabilization Fund (OESE).** The CARES Act requires the Secretary to allocate "not more than ½ of 1 percent" (i.e., \$153.8 million) of the Education Stabilization Fund for the outlying areas (U.S. Virgin Islands, Guam, Commonwealth of the Northern Marianas Islands, and American Samoa). The purpose of these funds is to provide emergency assistance to the outlying areas to prevent, prepare for, and respond to the coronavirus. Governors and State Educational Agencies of the outlying areas may both apply for funding.

ESF-Governors. As of 10:30 AM on Tuesday, June 2, the Department had received one Certification and Agreement from the Governor of the Commonwealth of the Northern Marianas Islands. The Department made an award of \$4.8 million.

ESF-State Educational Agencies. As of 10:30 AM on Tuesday, June 2, the Department had received three Certifications and Agreements (Commonwealth of the Northern Marianas Islands, American Samoa, and Guam) and made three awards totaling \$103 million.

- **Higher Education Emergency Relief Fund (“HEER Fund”) to Assist Students (Office of Postsecondary Education (OPE)).** As of 10:00 AM on Tuesday, June 2, the Department had received a “Certification and Agreement” from 4,345 (adjusted) of 5,135 eligible institutions of higher education. Obligations of \$6.1 billion (96% of the total funds available) have been made to 4,249 institutions (98% of applications received and 83% of eligible institutions). The Certification and Agreement serves as the application for funds and commits each institution to abiding by the relevant statutory provisions for the HEER Fund.

HEER Fund to Assist Institutions of Higher Education (OPE). As of 10:00 AM on Tuesday, June 2, the Department had received a Certification and Agreement from 3,592 (adjusted) of 5,135 eligible institutions of higher education to assist the institutions with costs associated with significant changes to the delivery of instruction due to the coronavirus. Awards have been made to 3,375 institutions totaling \$5.3 billion (94% of applications received and 66% of eligible institutions).

HEER Fund to Assist Historically Black Colleges and Universities, Other Minority Serving Institutions of Higher Education, Tribally Controlled Colleges and Universities, and Others (OPE). As of 10:00 AM on Tuesday, June 2, the Department had received applications from 1,289 of 1,760 eligible institutions of higher education under section 18004(a)(2) and made awards of \$734.9 million (adjusted) to 687 institutions (53% of applications received and 70% of funds available). These funds may be used to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education and for grants to students for any component of the student’s costs of attendance including food, housing, course materials, technology, health care, and child care.

HEER Fund for the Improvement of Postsecondary Education (OPE). As of 10:00 AM on Tuesday, June 2, the Department had received applications from 379 of 981 eligible institutions of higher education under section 18004(a)(3). Under section 18004(a)(3), the Secretary will make funds available to “institutions of higher education that the Secretary determines to have the greatest unmet needs related to coronavirus” and who apply for such funds. Funds may be used to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education and for grants to students for any component of the student’s costs of attendance including food, housing, course materials, technology, health care and child care.

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Actions That Affect Federal Facilities and Personnel

- None

Other Notable Responses

- None

Talbert, Kent

From: Talbert, Kent
Sent: Wednesday, June 3, 2020 4:28 PM
To: Cassell, Mary I. EOP/OMB
Cc: McGuire, Denzel E. EOP/OMB; Redstone, James J. EOP/WHO; Miller, Katie R. EOP/OVP; Nevins, Kristan K. EOP/WHO; 'Satya.P.Thallam@omb.eop.gov'
Subject: ED Daily Report for Wed, June 3
Attachments: ED_6.3.20_ COVID19 daily report.pdf

COVID-19—Agency Response
Wednesday, June 3, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Waivers Permitting Flexibility in Fiscal Management of Federal Career and Technical Education (CTE) and Adult Education Programs (Office of Career, Technical, and Adult Education (OCTAE)).** As of 9:30 AM on Wednesday, June 3, the Department had received waiver requests from 35 States and territories and provided 34 provisional approvals and 30 formal approvals. These national emergency “Tydings” waivers (i.e., to extend the period of availability of funds to be spent) are authorized under section 3511 of Division A of the CARES Act.
- **Waiver Template for Period of Availability of Funds under Part B of the Individuals with Disabilities (IDEA) Education Act (Office of Special Education and Rehabilitative Services (OSERS)).** Within the next few days, the Department expects to send to OMB a streamlined waiver template that State educational agencies may use to request an extension of the period of availability of funds under Part B of IDEA for an additional year. This national emergency “Tydings” waiver is authorized under section 3511 of Division A of the CARES Act, like the CTE and adult education waivers mentioned above. Mark Schultz, delegated the functions and duties of the Assistant Secretary of the Office of Special Education and Rehabilitative Services, is leading the development of the waiver template which is nearing completion of round two of Department clearance.
- **Questions and Answers on Use of Funds under Part B of IDEA (OSERS).** During the week of June 1, the Department expects to submit to OMB a draft Questions and Answers document that provides guidance on the permissible uses of funds under Part B of IDEA to address conditions caused by COVID-19. Mark Schultz is leading the development of this Questions and Answers document which is in round two of Department clearance.
- **Questions and Answers on IDEA Part B Dispute Resolution Procedures (OSERS).** During the week of June 1, the Department expects to submit to OMB a draft Questions and Answers document that responds to inquiries concerning implementation of dispute resolution procedures under Part B of IDEA. Mark Schultz is leading the development of this document which is in round one of Department clearance.
- **Questions and Answers on IDEA Part B Fiscal Flexibility (OSERS).** During the week of June 1, the Department expects to submit to OMB a draft Questions and Answers document that responds to inquiries regarding flexibility under the IDEA Part B fiscal requirements. Mark Schultz is leading the development of this document which is in round one of Department clearance.
- **Questions and Answers for K-12 Schools on Issues Related to COVID-19 (Office for Civil Rights (OCR)).** The Department expects to transmit to OMB near the end of this week a Questions & Answers “Q&A” technical assistance document during the week of June 1 addressing questions that have been asked by or about K-12 schools in light of COVID-19 regarding

compliance with federal civil rights laws. The topics include compliance with Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, Title IX of the Education Amendments of 1972, and Title VI of the Civil Rights Act of 1964. Assistant Secretary for Civil Rights Kenneth L. Marcus is leading the drafting of this document which is nearing completion of Department clearance.

- **Questions and Answers on Executive Order 13899 (Combating Anti-Semitism) and OCR's Enforcement of Title VI of the Civil Rights Act of 1964 (OCR).** The Department expects to transmit to OMB near the end of this week a Questions and Answers (Q&A) guidance document about Executive Order 13899 on Combating Anti-Semitism, signed on December 11, 2019 (EO 13899), Title VI of the Civil Rights Act of 1964 (Title VI), and OCR's enforcement of Title VI in cases involving anti-Semitism. One of the issues included in the draft Q&A document involves reports of stereotyping and harassment of Jewish students in connection with COVID-19. Assistant Secretary for Civil Rights Kenneth L. Marcus is leading the drafting of this document which is nearing completion of Department clearance.

CARES Act Implementation—Key Activities and Milestones

- **Governor's Emergency Education Relief Fund ("GEER Fund") (Office of Elementary and Secondary Education (OESE)).** As of 9:00 AM on Wednesday, June 3, the Department had received a "Certification and Agreement" from all 52 Governors. Fifty-one awards have been made totaling \$2.9 billion. For the one remaining Governor (Puerto Rico), disbursement is pending the establishment of a third-party fiduciary agreement.

The Certification and Agreement serves as the application for funds and commits each Governor to abide by the relevant statutory requirements. The purpose of the GEER Fund is to provide emergency assistance to a Governor to support local educational agencies, institutions of higher education, and any other education-related entities the Governor "deems essential for carrying out emergency educational services to students" for certain authorized activities under the CARES Act and the Higher Education Act, as well as for "the provision of child care and early childhood education, social and emotional support, and the protection of education-related jobs."

- **Elementary and Secondary Education Relief Fund ("ESSER Fund") (OESE).** As of 9:00 AM on Wednesday, June 3, the Department had received a "Certification and Agreement" from all 52 Chief State School Officers. Awards have been made to 51 applicants totaling \$13.4 billion. For the one remaining Chief State School Officer (Puerto Rico), disbursement is pending the establishment of a third-party fiduciary agreement.

The Certification and Agreement serves as the application for funds and commits each Chief State School Officer to abide by the relevant statutory requirements. The purpose of the ESSER Fund is to support continuity of learning for K-12 students whose education has been disrupted by the coronavirus.

- **Reservation of Funds for Outlying Areas from the Education Stabilization Fund (OESE).** The CARES Act requires the Secretary to allocate "not more than ½ of 1 percent" (i.e., \$153.8 million) of the Education Stabilization Fund for the outlying areas (U.S. Virgin Islands, Guam, Commonwealth of the Northern Mariana Islands, and American Samoa). The purpose of these funds is to provide emergency assistance to the outlying areas to prevent, prepare for, and respond

to the coronavirus. Governors and State Educational Agencies of the outlying areas may both apply for funding.

ESF-Governors. As of 9:00 AM on Wednesday, June 3, the Department had received one Certification and Agreement from the Governor of the Commonwealth of the Northern Marianas Islands. The Department made an award of \$4.8 million.

ESF-State Educational Agencies. As of 9:00 AM on Wednesday, June 3, the Department had received three Certifications and Agreements (Commonwealth of the Northern Marianas Islands, American Samoa, and Guam) and made three awards totaling \$103 million.

- **Higher Education Emergency Relief Fund (“HEER Fund”) to Assist Students (Office of Postsecondary Education (OPE)).** As of 10:00 AM on Wednesday, June 3, the Department had received a “Certification and Agreement” from 4,365 (adjusted) of 5,135 eligible institutions of higher education. Obligations of \$6.1 billion (96% of the total funds available) have been made to 4,254 institutions (97% of applications received and 83% of eligible institutions). The Certification and Agreement serves as the application for funds and commits each institution to abiding by the relevant statutory provisions for the HEER Fund.

HEER Fund to Assist Institutions of Higher Education (OPE). As of 10:00 AM on Wednesday, June 3, the Department had received a Certification and Agreement from 3,610 (adjusted) of 5,135 eligible institutions of higher education to assist the institutions with costs associated with significant changes to the delivery of instruction due to the coronavirus. Awards have been made to 3,465 institutions totaling \$5.4 billion (96% of applications received and 67% of eligible institutions).

HEER Fund to Assist Historically Black Colleges and Universities, Other Minority Serving Institutions of Higher Education, Tribally Controlled Colleges and Universities, and Others (OPE). As of 10:00 AM on Wednesday, June 3, the Department had received applications from 1,313 of 1,760 eligible institutions of higher education under section 18004(a)(2) and made awards of \$748.5 million (adjusted) to 735 institutions (56% of applications received and 72% of funds available). These funds may be used to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education and for grants to students for any component of the student’s costs of attendance including food, housing, course materials, technology, health care, and child care.

HEER Fund for the Improvement of Postsecondary Education (OPE). As of 10:00 AM on Wednesday, June 3, the Department had received applications from 385 of 981 eligible institutions of higher education under section 18004(a)(3). Under section 18004(a)(3), the Secretary will make funds available to “institutions of higher education that the Secretary determines to have the greatest unmet needs related to coronavirus” and who apply for such funds. Funds may be used to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education and for grants to students for any component of the student’s costs of attendance including food, housing, course materials, technology, health care and child care.

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Actions That Affect Federal Facilities and Personnel

- None

Other Notable Responses

- **Federal Student Aid Takes Additional Steps to Stop Wage Garnishment (Office of Federal Student Aid (FSA)).** At the direction of FSA, the default loan servicer has modified its outreach campaign to make calls to employers who continue to garnish wages of borrowers with defaulted federal student loans. The campaign focuses on targeted calls to the top-20 non-compliant employers, based on the number of borrowers associated with the employer. During the calls, customer service representatives' primary objective is to confirm each employer has taken action to stop wage garnishments. For the period May 26-29, 2020, the default loan servicer has confirmed garnishments have been stopped at eight employers affecting nearly 600 borrowers. This effort is ongoing.

Talbert, Kent

From: Talbert, Kent
Sent: Thursday, June 4, 2020 4:51 PM
To: Cassell, Mary I. EOP/OMB
Cc: McGuire, Denzel E. EOP/OMB; Redstone, James J. EOP/WHO; Miller, Katie R. EOP/OVP; Nevins, Kristan K. EOP/WHO; 'Satya.P.Thallam@omb.eop.gov'
Subject: ED Daily Report for Thurs, June 4
Attachments: ED_6.4.20_ COVID19 daily report.pdf

COVID-19—Agency Response
Thursday, June 4, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Supplemental Questions and Answers on Higher Education Emergency Relief Fund (“HEER Fund”) to Assist Students (Office of Postsecondary Education (OPE)).** The Department transmitted to OMB on June 3 a Questions and Answers guidance document that responds to inquiries from institutions of higher education concerning the HEER Fund under the CARES Act. Acting Under Secretary Diane Jones is leading the drafting of this document.
- **Waivers Permitting Flexibility in Fiscal Management of Federal Career and Technical Education (CTE) and Adult Education Programs (Office of Career, Technical, and Adult Education (OCTAE)).** As of 2:30 PM on Thursday, June 4, the Department had received waiver requests from 35 States and territories and provided 34 provisional approvals and 30 formal approvals. These national emergency “Tydings” waivers (i.e., to extend the period of availability of funds to be spent) are authorized under section 3511 of Division A of the CARES Act.
- **Waiver Template for Period of Availability of Funds under Part B of the Individuals with Disabilities (IDEA) Education Act (Office of Special Education and Rehabilitative Services (OSERS)).** Today, the Department expects transmitted to OMB a draft streamlined waiver template that State educational agencies may use to request an extension of the period of availability of funds under Part B of IDEA for an additional year. This national emergency “Tydings” waiver is authorized under section 3511 of Division A of the CARES Act, like the CTE and adult education waivers mentioned above. Mark Schultz, delegated the functions and duties of the Assistant Secretary of the Office of Special Education and Rehabilitative Services, is leading the development of the waiver template which is nearing completion of round two of Department clearance.
- **Questions and Answers on Use of Funds under Part B of IDEA (OSERS).** During the week of June 1, the Department expects to submit to OMB a draft Questions and Answers document that provides guidance on the permissible uses of funds under Part B of IDEA to address conditions caused by COVID-19. Mark Schultz is leading the development of this Questions and Answers document which is in round two of Department clearance.
- **Questions and Answers on IDEA Part B Dispute Resolution Procedures (OSERS).** During the week of June 1, the Department expects to submit to OMB a draft Questions and Answers document that responds to inquiries concerning implementation of dispute resolution procedures under Part B of IDEA. Mark Schultz is leading the development of this document which is in round one of Department clearance.
- **Questions and Answers on IDEA Part B Fiscal Flexibility (OSERS).** During the week of June 1, the Department expects to submit to OMB a draft Questions and Answers document that responds to inquiries regarding flexibility under the IDEA Part B fiscal requirements. Mark

Schultz is leading the development of this document which is in round one of Department clearance.

- **Questions and Answers for K-12 Schools on Issues Related to COVID-19 (Office for Civil Rights (OCR)).** The Department expects to transmit to OMB near the end of this week a Questions & Answers “Q&A” technical assistance document during the week of June 1 addressing questions that have been asked by or about K-12 schools in light of COVID-19 regarding compliance with federal civil rights laws. The topics include compliance with Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, Title IX of the Education Amendments of 1972, and Title VI of the Civil Rights Act of 1964. Assistant Secretary for Civil Rights Kenneth L. Marcus is leading the drafting of this document which is nearing completion of Department clearance.
- **Questions and Answers on Executive Order 13899 (Combating Anti-Semitism) and OCR’s Enforcement of Title VI of the Civil Rights Act of 1964 (OCR).** The Department expects to transmit to OMB near the end of this week a Questions and Answers (Q&A) guidance document about Executive Order 13899 on Combating Anti-Semitism, signed on December 11, 2019 (EO 13899), Title VI of the Civil Rights Act of 1964 (Title VI), and OCR’s enforcement of Title VI in cases involving anti-Semitism. One of the issues included in the draft Q&A document involves reports of stereotyping and harassment of Jewish students in connection with COVID-19. Assistant Secretary for Civil Rights Kenneth L. Marcus is leading the drafting of this document which is nearing completion of Department clearance.

CARES Act Implementation—Key Activities and Milestones

- **Governor’s Emergency Education Relief Fund (“GEER Fund”) (Office of Elementary and Secondary Education (OESE)).** As of 12:00 PM on Thursday, June 4, the Department had received a “Certification and Agreement” from all 52 Governors. Fifty-one awards have been made totaling \$2.9 billion. For the one remaining Governor (Puerto Rico), disbursement is pending the establishment of a third-party fiduciary agreement.

The Certification and Agreement serves as the application for funds and commits each Governor to abide by the relevant statutory requirements. The purpose of the GEER Fund is to provide emergency assistance to a Governor to support local educational agencies, institutions of higher education, and any other education-related entities the Governor “deems essential for carrying out emergency educational services to students” for certain authorized activities under the CARES Act and the Higher Education Act, as well as for “the provision of child care and early childhood education, social and emotional support, and the protection of education-related jobs.”

- **Elementary and Secondary Education Relief Fund (“ESSER Fund”) (OESE).** As of 12:00 PM on Thursday, June 4, the Department had received a “Certification and Agreement” from all 52 Chief State School Officers. Awards have been made to 51 applicants totaling \$13.4 billion. For the one remaining Chief State School Officer (Puerto Rico), disbursement is pending the establishment of a third-party fiduciary agreement.

The Certification and Agreement serves as the application for funds and commits each Chief State School Officer to abide by the relevant statutory requirements. The purpose of the ESSER Fund is to support continuity of learning for K-12 students whose education has been disrupted by the coronavirus.

- **Reservation of Funds for Outlying Areas from the Education Stabilization Fund (OESE).** The CARES Act requires the Secretary to allocate “not more than ½ of 1 percent” (i.e., \$153.8 million) of the Education Stabilization Fund for the outlying areas (U.S. Virgin Islands, Guam, Commonwealth of the Northern Marianas Islands, and American Samoa). The purpose of these funds is to provide emergency assistance to the outlying areas to prevent, prepare for, and respond to the coronavirus. Governors and State Educational Agencies of the outlying areas may both apply for funding.

ESF-Governors. As of 12:00 PM on Thursday, June 4, the Department had received one Certification and Agreement from the Governor of the Commonwealth of the Northern Marianas Islands. The Department made an award of \$4.8 million.

ESF-State Educational Agencies. As of 12:00 PM on Thursday, June 4, the Department had received three Certifications and Agreements (Commonwealth of the Northern Marianas Islands, American Samoa, and Guam) and made three awards totaling \$103 million.

- **Higher Education Emergency Relief Fund (“HEER Fund”) to Assist Students (Office of Postsecondary Education (OPE)).** As of 10:00 AM on Thursday, June 4, the Department had received a “Certification and Agreement” from 4,380 (adjusted) of 5,135 eligible institutions of higher education. Obligations of \$6.1 billion (96% of the total funds available) have been made to 4,254 institutions (97% of applications received and 83% of eligible institutions). The Certification and Agreement serves as the application for funds and commits each institution to abiding by the relevant statutory provisions for the HEER Fund.

HEER Fund to Assist Institutions of Higher Education (OPE). As of 10:00 AM on Thursday, June 4, the Department had received a Certification and Agreement from 3,639 (adjusted) of 5,135 eligible institutions of higher education to assist the institutions with costs associated with significant changes to the delivery of instruction due to the coronavirus. Awards have been made to 3,465 institutions totaling \$5.4 billion (95% of applications received and 67% of eligible institutions).

HEER Fund to Assist Historically Black Colleges and Universities, Other Minority Serving Institutions of Higher Education, Tribally Controlled Colleges and Universities, and Others (OPE). As of 10:00 AM on Thursday, June 4, the Department had received applications from 1,330 of 1,760 eligible institutions of higher education under section 18004(a)(2) and made awards of \$781.4 million (adjusted) to 866 institutions (65% of applications received and 75% of funds available). These funds may be used to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education and for grants to students for any component of the student’s costs of attendance including food, housing, course materials, technology, health care, and child care.

HEER Fund for the Improvement of Postsecondary Education (OPE). As of 10:00 AM on Thursday, June 4, the Department had received applications from 391 of 981 eligible institutions of higher education under section 18004(a)(3). Under section 18004(a)(3), the Secretary will make funds available to “institutions of higher education that the Secretary determines to have the greatest unmet needs related to coronavirus” and who apply for such funds. Funds may be used to defray expenses (including lost revenue, reimbursement for expenses already incurred,

technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education and for grants to students for any component of the student's costs of attendance including food, housing, course materials, technology, health care and child care.

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Actions That Affect Federal Facilities and Personnel

- None

Other Notable Responses

- **Federal Student Aid Takes Additional Steps to Stop Wage Garnishment (Office of Federal Student Aid (FSA)).** At the direction of FSA, the default loan servicer has modified its outreach campaign to make calls to employers who continue to garnish wages of borrowers with defaulted federal student loans. The campaign focuses on targeted calls to the top-20 non-compliant employers, based on the number of borrowers associated with the employer. During the calls, customer service representatives' primary objective is to confirm each employer has taken action to stop wage garnishments. For the period May 26-29, 2020, the default loan servicer has confirmed garnishments have been stopped at eight employers affecting nearly 600 borrowers. This effort is ongoing.

Talbert, Kent

From: Talbert, Kent
Sent: Friday, June 5, 2020 3:53 PM
To: Cassell, Mary I. EOP/OMB
Cc: 'McGuire, Denzel E. EOP/OMB'; Redstone, James J. EOP/WHO; Miller, Katie R. EOP/OVP; Nevins, Kristan K. EOP/WHO; 'Satya.P.Thallam@omb.eop.gov'
Subject: ED Daily Report, Fri, June 5
Attachments: ED_6.5.20_ COVID19 daily report.pdf

COVID-19—Agency Response
Friday, June 5, 2020
Department of Education (ED)

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- **Supplemental Questions and Answers on Higher Education Emergency Relief Fund (“HEER Fund”) to Assist Students (Office of Postsecondary Education (OPE)).** The Department transmitted to OMB on Wednesday, June 3, a Questions and Answers guidance document that responds to inquiries from institutions of higher education concerning the HEER Fund under the CARES Act. Acting Under Secretary Diane Jones is leading the drafting of this document.
- **Waivers Permitting Flexibility in Fiscal Management of Federal Career and Technical Education (CTE) and Adult Education Programs (Office of Career, Technical, and Adult Education (OCTAE)).** As of 9:00 AM on Friday, June 5, the Department had received waiver requests from 35 States and territories and provided 35 provisional approvals and 30 formal approvals. These national emergency “Tydings” waivers (i.e., to extend the period of availability of funds to be spent) are authorized under section 3511 of Division A of the CARES Act.
- **Waiver Template for Period of Availability of Funds under Part B of the Individuals with Disabilities (IDEA) Education Act (Office of Special Education and Rehabilitative Services (OSERS)).** Yesterday, the Department transmitted to OMB a draft streamlined waiver template that State educational agencies may use to request an extension of the period of availability of funds under Part B of IDEA for an additional year. This national emergency “Tydings” waiver is authorized under section 3511 of Division A of the CARES Act, like the CTE and adult education waivers mentioned above. Mark Schultz, delegated the functions and duties of the Assistant Secretary of the Office of Special Education and Rehabilitative Services, is leading the development of the waiver template.
- **Questions and Answers on Use of Funds under Part B of IDEA (OSERS).** During the week of June 8, the Department expects to submit to OMB a draft Questions and Answers document that provides guidance on the permissible uses of funds under Part B of IDEA to address conditions caused by COVID-19. Mark Schultz is leading the development of this Questions and Answers document which is in round two of Department clearance.
- **Questions and Answers on IDEA Part B Dispute Resolution Procedures (OSERS).** During the week of June 8, the Department expects to submit to OMB a draft Questions and Answers document that responds to inquiries concerning implementation of dispute resolution procedures under Part B of IDEA. Mark Schultz is leading the development of this document which is in round one of Department clearance.

- **Questions and Answers on IDEA Part B Fiscal Flexibility (OSERS).** During the week of June 8, the Department expects to submit to OMB a draft Questions and Answers document that responds to inquiries regarding flexibility under the IDEA Part B fiscal requirements. Mark Schultz is leading the development of this document which is in round one of Department clearance.
- **Questions and Answers on Executive Order 13899 (Combating Anti-Semitism) and OCR's Enforcement of Title VI of the Civil Rights Act of 1964 (OCR).** Later today or during the week of June 8, the Department expects to transmit to OMB a Questions and Answers (Q&A) guidance document about Executive Order 13899 on Combating Anti-Semitism, signed on December 11, 2019 (EO 13899), Title VI of the Civil Rights Act of 1964 (Title VI), and OCR's enforcement of Title VI in cases involving anti-Semitism. One of the issues included in the draft Q&A document involves reports of stereotyping and harassment of Jewish students in connection with COVID-19. Assistant Secretary for Civil Rights Kenneth L. Marcus is leading the drafting of this document which is nearing completion of Department clearance.

CARES Act Implementation—Key Activities and Milestones

- **Governor's Emergency Education Relief Fund ("GEER Fund") (Office of Elementary and Secondary Education (OESE)).** As of 11:00 AM on Friday, June 5, the Department had received a "Certification and Agreement" from all 52 Governors. Fifty-one awards have been made totaling \$2.9 billion. For the one remaining Governor (Puerto Rico), disbursement is pending the establishment of a third-party fiduciary agreement.

The Certification and Agreement serves as the application for funds and commits each Governor to abide by the relevant statutory requirements. The purpose of the GEER Fund is to provide emergency assistance to a Governor to support local educational agencies, institutions of higher education, and any other education-related entities the Governor "deems essential for carrying out emergency educational services to students" for certain authorized activities under the CARES Act and the Higher Education Act, as well as for "the provision of child care and early childhood education, social and emotional support, and the protection of education-related jobs."

- **Elementary and Secondary Education Relief Fund ("ESSER Fund") (OESE).** As of 11:00 AM on Friday, June 5, the Department had received a "Certification and Agreement" from all 52 Chief State School Officers. Awards have been made to 51 applicants totaling \$13.4 billion. For the one remaining Chief State School Officer (Puerto Rico), disbursement is pending the establishment of a third-party fiduciary agreement.

The Certification and Agreement serves as the application for funds and commits each Chief State School Officer to abide by the relevant statutory requirements. The purpose of the ESSER Fund is to support continuity of learning for K-12 students whose education has been disrupted by the coronavirus.

- **Reservation of Funds for Outlying Areas from the Education Stabilization Fund (OESE).** The CARES Act requires the Secretary to allocate “not more than ½ of 1 percent” (i.e., \$153.8 million) of the Education Stabilization Fund for the outlying areas (U.S. Virgin Islands, Guam, Commonwealth of the Northern Marianas Islands, and American Samoa). The purpose of these funds is to provide emergency assistance to the outlying areas to prevent, prepare for, and respond to the coronavirus. Governors and State Educational Agencies of the outlying areas may both apply for funding.

ESF-Governors. As of 11:00 AM on Friday, June 5, the Department had received one Certification and Agreement from the Governor of the Commonwealth of the Northern Marianas Islands. The Department made an award of \$4.8 million.

ESF-State Educational Agencies. As of 11:00 AM on Friday, June 5, the Department had received three Certifications and Agreements (Commonwealth of the Northern Marianas Islands, American Samoa, and Guam) and made three awards totaling \$103 million.

- **Higher Education Emergency Relief Fund (“HEER Fund”) to Assist Students (Office of Postsecondary Education (OPE)).** As of 10:30 AM on Friday, June 5, the Department had received a “Certification and Agreement” from 4,397 (adjusted) of 5,135 eligible institutions of higher education. Obligations of \$6.1 billion (96% of the total funds available) have been made to 4,293 institutions (98% of applications received and 84% of eligible institutions). The Certification and Agreement serves as the application for funds and commits each institution to abiding by the relevant statutory provisions for the HEER Fund.

HEER Fund to Assist Institutions of Higher Education (OPE). As of 10:30 AM on Friday, June 5, the Department had received a Certification and Agreement from 3,669 (adjusted) of 5,135 eligible institutions of higher education to assist the institutions with costs associated with significant changes to the delivery of instruction due to the coronavirus. Awards have been made to 3,488 institutions totaling \$5.4 billion (95% of applications received and 68% of eligible institutions).

HEER Fund to Assist Historically Black Colleges and Universities, Other Minority Serving Institutions of Higher Education, Tribally Controlled Colleges and Universities, and Others (OPE). As of 10:30 AM on Friday, June 5, the Department had received applications from 1,348 of 1,760 eligible institutions of higher education under section 18004(a)(2) and made awards of \$822.2 million (adjusted) to 929 institutions (69% of applications received and 79% of funds available). These funds may be used to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education and for grants to students for any component of the student’s costs of attendance including food, housing, course materials, technology, health care, and child care.

HEER Fund for the Improvement of Postsecondary Education (OPE). As of 10:30 AM on Friday, June 5, the Department had received applications from 398 of 981 eligible institutions of higher education under section 18004(a)(3). Under section 18004(a)(3), the Secretary will make funds available to “institutions of higher education that the Secretary determines to have the greatest unmet needs related to coronavirus” and who apply for such funds. Funds may be used to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education and for grants to students for any component of the student’s costs of attendance including food, housing, course materials, technology, health care and child care.

Major Upcoming Decisions that Require POTUS or Task Force-level Decisions

- None

Actions That Affect Federal Facilities and Personnel

- None

Other Notable Responses

- None