

Congress of the United States
Washington, DC 20510

July 28, 2020

The Honorable Betsy DeVos
Secretary
Department of Education
400 Maryland Avenue SW
Washington, DC 20202

Dr. Robert Redfield
Director
Centers for Disease Control and Prevention
1600 Clifton Road
Atlanta, GA 30329

Dear Secretary DeVos and Director Redfield:

We write to request all correspondence between your agencies, the White House, or members or staff of the White House Coronavirus Task Force regarding guidelines issued by the Centers for Disease Control and Prevention (CDC) for educational settings. Public comments made by President Trump and Vice President Pence and reports from CDC officials¹ have made it clear that the Trump administration is politicizing public health, interfering in the CDC's messages to the public, and prioritizing its political interest in reopening all schools for in-person instruction without regard to the advice of federal, state, and local public health experts. The challenging decision of whether and how to reopen schools safely for in-person instruction should be based on the best available public health information and guidance, without regard to politics. The public deserves to know the extent to which political pressure has affected the CDC's decision making, its updated, July 23, 2020 recommendations for schools and child care programs,² and any additional guidance that CDC issues in the future.

State and local leaders are weighing complex considerations as they decide whether and how to reopen schools safely, involving difficult trade-offs between the risk of infection, the quality of distance and in-person learning, and the individual needs of each student, educator, and school staff member. Parents are struggling with decisions about which approach is best for their family and their children. And educators are forced to balance their desire to meet their students face-to-face with the health risks to themselves and their loved ones. This is a

¹ Washington Post, "CDC director concedes schools in 'hot spots' face tougher call on reopening," Laura Meckler and Rachel Weiner, July 24, 2020, https://www.washingtonpost.com/education/cdc-director-concedes-schools-in-hot-spots-face-tougher-call-on-reopening/2020/07/24/273ee068-cdd8-11ea-b0e3-d55bda07d66a_story.html.

² Centers for Disease Control and Prevention, "Schools and Childcare Programs," Updated July 23, 2020, <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/index.html>.

complicated issue with many considerations and no perfect answer, and any in-person instruction that does resume will require careful planning, leadership, and flexibility.

President Trump, however, has completely ignored these nuances and risks in favor of a one-size-fits-all position at odds with state and local control of education. On July 6, 2020, he tweeted, “SCHOOLS MUST OPEN IN THE FALL!!!”³ On July 7, he stated, “we’re very much going to put pressure on governors and everybody else to open the schools...Get open in the fall. We want your schools open.”⁴ And on July 8, he threatened that the administration “[m]ay cut off funding if [schools are] not open!”⁵ On July 23 – the same day CDC released its updated guidance – he endorsed a proposal to condition billions of dollars in federal aid on schools reopening their buildings and threatened to redirect funding to private or religious schools if they do not,⁶ which could force many public schools to choose between following the guidance of local public health officials and cutting staff and services.

President Trump has repeatedly declared that his desire to see school buildings reopen should overrule the judgment of his own public health experts. On July 8, he tweeted, “I disagree with @CDCgov on their very tough & expensive guidelines for opening schools. While they want them open, they are asking schools to do very impractical things. I will be meeting with them!!!”⁷ Vice President Pence – apparently misunderstanding the role of the CDC in providing authoritative guidance so state and local officials can determine which activities are safe to conduct in-person during this unprecedented public health emergency – has contributed to this political interference, stating, “we don’t want federal guidance to be a reason why schools don’t reopen.”⁸ White House Press Secretary Kayleigh McEnany recently reinforced President Trump’s call for full school reopening without regard to public health guidance, saying, “[t]he science should not stand in the way of this.”⁹

The CDC has been and continues to be under significant political pressure to acquiesce to the President’s demands. As President Trump was tweeting his demands that schools reopen, the CDC was reportedly circulating an internal document that described fully reopening schools and colleges as “highest risk.”¹⁰ Now, Director Robert Redfield says the purpose of the CDC’s

³ Donald J. Trump, July 6, 2020, <https://twitter.com/realDonaldTrump/status/1280209946085339136>. Full capitalization included in the original tweet.

⁴ NPR, “Trump Pledges to ‘Pressure’ Governors to Reopen Schools Despite Health Concerns,” Barbara Sprunt, July 7, 2020, <https://www.npr.org/2020/07/07/888157257/white-house-pushes-to-reopen-schools-despite-a-surge-in-coronavirus-cases>.

⁵ Donald J. Trump, July 8, 2020, <https://twitter.com/realDonaldTrump/status/1280853299600789505>.

⁶ NPR, “In Reversal, Trump Says Schools in Coronavirus Hot Spots Should Delay Reopening,” Anya Kamenetz, July 23, 2020, <https://www.npr.org/sections/coronavirus-live-updates/2020/07/23/894926364/trump-announces-new-guidelines-for-reopening-schools>.

⁷ Donald J. Trump, July 8, 2020, <https://twitter.com/realDonaldTrump/status/1280857657365200902>.

⁸ “Remarks by Vice President Pence During a Roundtable on Higher Education Reopening,” July 14, 2020, <https://www.whitehouse.gov/briefings-statements/remarks-vice-president-pence-roundtable-higher-education-reopening/>.

⁹ USA Today, “‘Science should not stand in the way’ of schools reopening, White House Press Secretary Kayleigh McEnany says,” July 16, 2020, <https://www.usatoday.com/story/news/politics/2020/07/16/mcenany-science-should-not-stand-way-schools-reopening/5454168002/>.

¹⁰ New York Times, “As Trump Demanded Schools Reopen, His Experts Warned of ‘Highest Risk’,” July 10, 2020, <https://www.nytimes.com/2020/07/10/us/politics/trump-schools-reopening.html>.

guidance documents is “to facilitate the reopening and keeping open the schools in this country,” and he echoes Vice President Pence in saying that the CDC’s recommendations “should not be used as a rationale to keep schools closed.”¹¹ However, CDC’s initial Considerations for School Closure, which were released on March 14, 2020,¹² recommended schools close “as part of a larger community mitigation strategy for jurisdictions with substantial community spread,”¹³ which is now occurring at alarming rates from coast to coast.

In announcing the new July 23 guidelines, Director Redfield said, “it is critically important for our public health to open schools this fall,”¹⁴ even as many regions continue to experience significant uncontrolled community spread of the virus¹⁵ that would appear to necessitate a “shelter in place” approach based on the CDC’s standards for mitigation of the pandemic.¹⁶ And last week, on July 23, the CDC issued updated guidance with a statement entitled, “The Importance of Reopening America’s Schools this Fall.”¹⁷ The White House reviewed this statement and reportedly substantially edited at least one of the updated documents.¹⁸ The discrepancy between the advice of public health experts and the public statements of Trump administration officials, and the appearance that public health advice is being shaped by political pressure, causes significant confusion for state and local officials and threatens to undermine the CDC’s credibility when it is needed most, during a global pandemic and national health emergency.

Secretary Betsy DeVos has likewise echoed President Trump’s call for schools to disregard public health advice, refusing to say whether she thinks schools should follow CDC guidelines and stating, “there is nothing in the data that would suggest that kids being back in school is dangerous to them.”¹⁹ She even went so far as to claim that “kids are actually stoppers

¹¹ Yahoo News, “CDC says guidelines for reopening schools are 'not requirements' after Trump calls them 'impractical,’” July 8, 2020, <https://news.yahoo.com/cdc-softens-guidelines-for-reopening-schools-after-trump-calls-them-impractical-and-expensive-181630718.html>.

¹² Oklahoma State Department of Education, “Centers for Disease Control ‘School Decision Tree’ and considerations for school closure resource,” March 14, 2020, <https://sde.ok.gov/newsblog/2020-03-14/centers-disease-control-school-decision-tree-and-considerations-school-closure>.

¹³ Centers for Disease Control and Prevention, “Considerations for School Closure,” <https://www.cdc.gov/coronavirus/2019-ncov/downloads/considerations-for-school-closure.pdf>.

¹⁴ The Hill, “CDC releases updated guidelines in favor of reopening schools,” J. Edward Moreno, July 24, 2020, <https://thehill.com/homenews/news/508842-cdc-releases-updated-guidelines-in-favor-of-reopening-schools>.

¹⁵ Washington Post, “CDC director concedes schools in ‘hot spots’ face tougher call on reopening,” Laura Meckler and Rachel Weiner, July 24, 2020, https://www.washingtonpost.com/education/cdc-director-concedes-schools-in-hot-spots-face-tougher-call-on-reopening/2020/07/24/273ee068-cdd8-11ea-b0e3-d55bda07d66a_story.html.

¹⁶ Centers for Disease Control and Prevention, “Implementation of Mitigation Strategies for Communities with Local COVID-19 Transmission,” updated May 27, 2020, <https://www.cdc.gov/coronavirus/2019-ncov/community/community-mitigation.html>.

¹⁷ Centers for Disease Control and Prevention, “Statement on the Importance of Reopening America’s Schools this Fall,” Updated July 23, 2020, <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/index.html>.

¹⁸ Washington Post, “CDC director concedes schools in ‘hot spots’ face tougher call on reopening,” Laura Meckler and Rachel Weiner, July 24, 2020, https://www.washingtonpost.com/education/cdc-director-concedes-schools-in-hot-spots-face-tougher-call-on-reopening/2020/07/24/273ee068-cdd8-11ea-b0e3-d55bda07d66a_story.html.

¹⁹ CNN, “Education secretary won’t say if schools should listen to CDC guidelines on reopening,” Devan Cole, July 12, 2020, <https://www.cnn.com/2020/07/12/politics/betsy-devos-schools-reopening-coronavirus-cnntv/index.html>.

of the disease.”²⁰ Global public health and education experts are working to understand COVID-19’s risks to children, but there is already an expansive body of data suggesting children can contract and transmit the disease. For example, in Israel, an abrupt decision to fully reopen schools is believed to have led to more than 2,000 students, teachers and staff being infected with COVID-19, more than 28,000 people being placed in quarantine, and a nationwide resurgence of the virus.²¹ And a new study of families and students from South Korea found that older children spread the virus much like adults, leading experts to conclude that “as schools reopen, communities will see clusters of infection take root that include children of all ages.”²²

Secretary DeVos has threatened to withhold funds to public schools in areas where they choose not to reopen fully.²³ This shortsighted proposal would bully schools into making decisions based on resources rather than public health, undermine the safety and health of our communities, and deny desperately needed funds to schools that are facing higher costs alongside falling revenue.²⁴ It has been sharply criticized by pediatricians, educators, and school superintendents, who wrote, “[w]ithholding funding from schools that do not open in person fulltime would be a misguided approach, putting already financially strapped schools in an impossible position that would threaten the health of students and teachers.”²⁵

Parents, educators and students share the goal of returning to school in person safely in the fall. They understand that the risks and tradeoffs are difficult, and they are seeking unbiased, expert advice to guide their decisions. President Trump, Vice President Pence and Secretary DeVos’s repeated attempts to insert politics into public health decision making have created confusion, undermined trust, and needlessly polarized this critical issue. Local education leaders, and the public at large, need to know the extent to which guidance issued by your agencies may have been influenced by political pressure in order to understand whether it can be treated as an objective, expert source for their own decision making.

For that reason, we ask that you please provide the following information by Tuesday, August 11, 2020:

²⁰ Washington Post, “Fact Checker: DeVos’s claim that children are ‘stoppers’ of covid-19,” Glenn Kessler, July 23, 2020, <https://www.washingtonpost.com/politics/2020/07/23/devoss-claim-that-children-are-stoppers-covid-19/>.

²¹ Daily Beast, “Israeli Data Show School Openings Were a Disaster That Wiped Out Lockdown Gains,” Noga Tarnopolsky, July 14, 2020, <https://www.thedailybeast.com/israeli-data-show-school-openings-were-a-disaster-that-wiped-out-lockdown-gains>.

²² New York Times, “Older Children Spread the Coronavirus Just as Much as Adults, Large Study Finds,” July 18, 2020, <https://www.nytimes.com/2020/07/18/health/coronavirus-children-schools.html>.

²³ ABC News, “Education secretary faces backlash after demanding schools reopen full-time amid pandemic,” Libby Cathey, July 13, 2020, <https://abcnews.go.com/Politics/education-secretary-faces-backlash-demanding-schools-reopen-full/story?id=71752468>.

²⁴ Washington Post, “What it could cost to reopen schools with covid-19 safety measures,” Valerie Strauss, July 8, 2020, <https://www.washingtonpost.com/education/2020/07/08/what-it-could-cost-reopen-schools-with-covid-19-safety-measures/>.

²⁵ American Academy of Pediatrics, American Federation of Teachers, National Education Association, and AASA, the School Superintendents Association, “Pediatricians, Educators, and Superintendents Urge a Safe Return to School This Fall,” July 10, 2020, <https://services.aap.org/en/news-room/news-releases/aap/2020/pediatricians-educators-and-superintendents-urge-a-safe-return-to-school-this-fall/>.

1. All correspondence between or among the Department of Education (ED), the CDC, and/or the White House, including members or staff of the White House Coronavirus Task Force and the Office of Management and Budget, regarding CDC guidelines for schools between February 1, 2020 and July 24, 2020.
2. A list of all external individuals, groups and federal agencies who were consulted on revised or newly issued CDC guidelines for educational settings since June 1, 2020.
3. A copy of any draft or final guidance or recommendations on school reopening prepared by CDC officials, and any correspondence related to these drafts or final guidance.
4. The scientific basis for Secretary DeVos's statement that "there is nothing in the data that would suggest that kids being back in school is dangerous to them."²⁶

Thank you for your consideration of this urgent matter.

Sincerely,

Elizabeth Warren
United States Senator

Andy Levin
Member of Congress

CC: The Honorable Alex Azar, Secretary of Health and Human Services, U.S. Department of Health and Human Services

²⁶ CNN, "Education secretary won't say if schools should listen to CDC guidelines on reopening," Devan Cole, July 12, 2020, <https://www.cnn.com/2020/07/12/politics/betsy-devos-schools-reopening-coronavirus-cnntv/index.html>.