

Education Secretary Betsy DeVos on Monday declined to seek waivers to the “core tenets” of the Individuals with Disabilities Education Act that would be in effect during the coronavirus pandemic, according to the Education Department.

But the department is requesting that Congress consider additional flexibilities on administrative requirements under the Carl D. Perkins Vocational and Technical Education Act, the Rehabilitation Act of 1973 and IDEA.

The latest coronavirus relief package, H.R. 748 (116) , required DeVos to submit a report to Congress within 30 days with recommendations for any additional waivers she thinks are needed during the pandemic under IDEA, the Rehabilitation Act of 1973 and other education laws.

She determined a student’s access to a “free appropriate public education,” under IDEA, could continue online, through distance education or other strategies, according to the department.

“While the Department has provided extensive flexibility to help schools transition, there is no reason for Congress to waive any provision designed to keep students learning,” DeVos said in a statement. “With ingenuity, innovation, and grit, I know this nation’s educators and schools can continue to faithfully educate every one of its students.”

Disability laws have raised significant concerns during the pandemic, with some school districts shying away from remote education for fear of running afoul of the laws. DeVos issued clarifying guidance in March that emphasized federal disability law “allows for flexibility in determining how to meet the individual needs of students with disabilities.”

Disability rights advocates urged her to keep the laws intact, while other groups called for temporary, narrowly tailored waivers during the pandemic.

DeVos requested that Congress defer the work or repayment requirements or allow credit to be given for the service obligation for recipients of IDEA personnel development scholarships if their employment was interrupted by the coronavirus.

She also recommended a waiver that would allow local education agencies to keep funds that were allocated to them under the Perkins Act during the 2019-2020 academic year and that have gone unspent during the emergency.

She requested that Congress allow vocational rehabilitation funds to be used to replace expired or spoiled food products at vending sites, authorized under the Randolph-Sheppard Act, that were required to close because of the emergency.

She recommended several additional waiver authorities relating to the Perkins Act, the Adult Education and Family Literacy Act, IDEA and the Rehabilitation Act of 1973, according to the department.