



# President Biden Issues Executive Order Supporting the Reopening and Continuing Operation of Schools

January 26, 2021

On Thursday, January 21, 2021, President Biden issued an Executive Order on [Supporting the Reopening and Continuing Operation of Schools and Early Childhood Education Providers](#) to ensure that students nationwide receive a high-quality education during the ongoing COVID-19 pandemic, and to support the safe reopening and continued operation of schools, child care providers, Head Start programs, and higher education institutions. The Executive Order is one of several orders signed by President Biden as part of the White House's new, centralized 200-page [strategy](#) to combat the COVID-19 pandemic.

In this Executive Order, President Biden ordered the Secretary of Education, in consultation with others, to specifically work towards:

- Providing, in consultation with the Secretary of Health and Human Services, higher education institutions with “evidence-based guidance on safely reopening for in-person learning, which shall take into account considerations such as the institution’s setting, resources, and the population it serves.”
- Advising higher education institutions about the importance of mental health, social-emotional wellbeing, and communication with families while adapting to the various teaching models.
- Developing a “Safer Schools and Campuses Best Practices” database as a central resource for higher education institutions. This collaborative approach will allow institutions to learn from each other and implement best practices.
- Providing technical assistance to higher education institutions so they can ensure high-quality learning to their students during the pandemic.
- Directing the Department of Education’s Assistant Secretary for Civil Rights to provide a comprehensive report on the disparate impacts of COVID-19 on students, including those attending historically Black colleges and universities, Tribal colleges and universities, Hispanic-serving institutions, and other minority serving institutions.
- Coordinating with the Director of the Institute of Education Sciences to facilitate the collection of data necessary to fully understand the impact of COVID-19 on students and educators, including data on the status of in-person learning. This data will specify student demographics, including race, ethnicity, disability, English-language-learner status, and appropriate indicators of family income.
- Consulting with institution officials, educators, unions, and families regarding the enormous challenges the COVID-19 pandemic poses for education.

The Executive Order also directs the Department of Health and Human Services to provide guidance and technical support to ensure the development and operation of contact tracing programs at state, local, Tribal and territorial levels to enable institutions to operate safely once they reopen. The Executive Order also encourages the Federal Communications Commission to increase connectivity options for students without reliable internet, so that they can continue to learn if their schools continue with remote learning.

Higher education institutions should be mindful that federal and/or state guidance is likely to be updated or modified as the reopening process continues and should make sure to stay up to date. We will continue to monitor proposed changes and update our clients as more information becomes available. Cullen and Dykman is currently working with institutions to draft and modify reopening plans and assist with the implementation of risk mitigation plans. If you have questions regarding any aspects of education law and/or the implications of COVID-19 on your higher education institution, please feel free to contact Hayley B. Dryer at (516) 357-3745 or via email at [hdryer@cullenllp.com](mailto:hdryer@cullenllp.com), Kevin P. McDonough at (516) 357-3787 or via email at [kmcdonough@cullenllp.com](mailto:kmcdonough@cullenllp.com), James G. Ryan at (516) 357-3750 or via email at [jryan@cullenllp.com](mailto:jryan@cullenllp.com), or Dina L. Vespia at (516) 357-3726 or via email at [dvespia@cullenllp.com](mailto:dvespia@cullenllp.com).

Please note that this is a general overview of developments in the law and does not constitute legal advice. Nothing herein creates an attorney-client relationship between the sender and recipient.

## Practices

- Higher Education

## Attorneys

- Kevin P. McDonough
- Dina L. Vespia