

United States Senate

WASHINGTON, DC 20510

March 20, 2020

The Honorable Alex M. Azar II
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, D.C. 20201

Dear Secretary Azar:

As the novel coronavirus (COVID-19) continues to spread, we write on the topic of K-12 school closures and the lack of sufficient guidance for child care operations. We are concerned that there has not been an official guidance for child care operators to determine whether these centers should remain open, leaving administrators and parents without direction for how to best protect the safety of children and limit the spread of the virus.

As you well know, several states have ordered K-12 schools to close in recent days. On March 13, 2020, all K-12 schools in Virginia closed for a minimum of two weeks in response to the continued spread of the novel coronavirus. School closures in Virginia and across the country mean that millions of children are no longer under the supervision of teachers and school administrators each day. We have heard widespread confusion from child care operators about whether they should remain open to care for this population, with no guidance from the federal government.

Despite a lack of guidance, many day care centers have opted to remain open because of increased need for child care services during the coronavirus outbreak, since many parents are unable to stay at home with their children who are no longer at school.

This increased demand on child care centers contradicts guidance from the Centers for Disease Control and Prevention (CDC), which announced a federal guidance limiting gatherings of ten people or more. As the National Institutes of Health (NIH) Director Anthony Fauci said during a White House briefing on Monday afternoon, "There is no social distancing in child care. It's impossible." As you well know, guidelines on social-distancing that may be feasible in schools, work places, and public areas may not be feasible in child care centers.

On March 18, 2020, the Virginia Department of Health (VDH) announced that it would issue guidance for child care services in Virginia. This guidance informs child care centers on how to best protect the health and safety of the children they serve. We encourage the Administration to follow Virginia's example and issue guidance for child care countries across the nation to follow.

We recognize that the CDC has posted resources and minimal guidance on its website. While these guidelines mention child care centers periodically, they do not specifically mention guidelines child care centers should take. This non-comprehensive and contradictory guidance from the Administration are not only causing frustration, but may cause an unintentional spread of the virus. Therefore, we request that your Department issue guidance clarifying the following questions:

- What guidelines should child care centers follow in determining the need for closures?
- Are there particular variables that child care centers serving families of health care providers and first responders should take into account as they weigh the decision of whether or not to close?
- What mitigation measures must child care centers implement in order to limit the spread of the virus among the children they serve and the staff who care for them?
- What information can you provide regarding the safety of child care centers during this outbreak?

It is our hope that you continue to issue additional guidance to diminish confusion surrounding this issue. Furthermore, we encourage you to consider the broader implications of such confusion on Americans' health and safety. We urge you to proactively issue guidance in this already unsettling time.

Thank you in advance for your attention to this matter. We look forward to your response on the issue.

Sincerely,

/s/Mark R. Warner
United States Senator

/s/Tim Kaine
United States Senator