

September 20, 2017

Hilary Malawer
Assistant General Counsel
Office of the General Counsel
U.S. Department of Education
400 Maryland Ave., SW
Room 6E231
Washington, DC 20202

Re: Docket ID: ED-2017-OS-0074, Evaluation of Existing Regulations

Dear Ms. Malawer:

Disability Rights Wisconsin (DRW) is the state's designated Protection and Advocacy system, charged with protecting the rights of individuals with disabilities, including students receiving special education services. We support families of children with disabilities who are protected by many of the federal regulations that your department is currently reviewing for repeal, replace, or modification. These regulations ensure that over 120,000 students in Wisconsin with disabilities have access to the same opportunities to get an education and find employment as every other child.

DRW sees firsthand how these federal regulations and non-regulatory guidance help states and school districts fully implement the laws, such as the IDEA, ESSA, and WIOA, which are critical to ensuring students with disabilities have the same opportunities as other children without disabilities. During the last year, our agency has supported over 250 families seeking assistance in the areas of education. As an advocacy agency, we rely on these regulations and guidance to hold school districts accountable for providing the necessary services to students in Wisconsin. Without such guidance, school districts would be left to interpret the laws as they see fit, leading to direct conflict between families and schools who disagree on what services must be provided to a child with a disability. While the law provides protections, it is the regulations and guidance that serve as the necessary specifics to implement to the law. Furthermore, the regulations under review have already gone through the regular notice and comment period as laid out in the Administrative Procedures Act.

DRW stands behind the laws listed below and their federal implementing regulations and non-regulatory guidance, which are essential to ensuring states and school districts fulfill their obligations to students with disabilities and their families in Wisconsin: Civil Rights Act of 1964

MADISON

131 W. Wilson St.
Suite 700
Madison, WI 53703
608 267-0214
608 267-0368 FAX

MILWAUKEE

6737 West Washington St.
Suite 3230
Milwaukee, WI 53214
414 773-4646
414 773-4647 FAX

RICE LAKE

217 West Knapp St.
Rice Lake, WI 54868
715 736-1232
715 736-1252 FAX

disabilityrightswi.org

800 928-8778 consumers & family

- Every Student Succeeds Act (ESSA)
- Section 504 of the Rehabilitation Act of 1973
- Individuals with Disabilities Education Act (IDEA)
- Higher Education Act
- Americans with Disabilities Act (ADA)
- Workforce Innovation and Opportunity Act (WIOA) amending Title I of the Rehabilitation Act of 1973

For nearly 50 years, the civil rights of students, including those with disabilities – from infancy into adulthood – have been the focus of key federal laws passed by the U.S. Congress. These laws, upheld by the courts, regularly reauthorized, and consistently aligned to create unified federal policy, provide the strong basis to promote and uphold equity and access to a public education for America’s children, including students with disabilities. I write to urge you not to repeal, replace, or modify any of the regulations or guidance that ensure they are implemented appropriately.

Very truly yours,



Daniel Idzikowski
Executive Director

MADISON

131 W. Wilson St.
Suite 700
Madison, WI 53703

608 267-0214
608 267-0368 FAX

MILWAUKEE

6737 West Washington St.
Suite 3230
Milwaukee, WI 53214

414 773-4646
414 773-4647 FAX

RICE LAKE

217 West Knapp St.
Rice Lake, WI 54868

715 736-1232
715 736-1252 FAX

disabilityrightswi.org

800 928-8778 consumers & family