

August 30, 2017

Ms. Hilary Malawer
U.S. Department of Education
400 Maryland Avenue, S.W., Room 6E231
Washington, D.C. 20202

Dear Ms. Malawer:

Re: ED-2017-OS-0074-0001

We are pleased to comment on the U.S. Department of Education's (ED) implementation of Executive Order 13777, "Enforcing the Regulatory Reform Agenda." Under this Executive Order, the U.S. Department of Education has formed a Regulatory Reform Task Force and is seeking comment on which of its regulations are "appropriate for repeal, replacement, or modification" under this Executive Order. We are writing to urge ED's Regulatory Reform Task Force **not to propose repeal, replacement or modification of any regulations under the Individuals with Disabilities Education Act (IDEA)** as part of the implementation of this Executive Order.

Through its statutory and regulatory provisions, IDEA provides the basis for millions of children with disabilities to receive special education and related services. The requirements in the law and regulations ensure the foundation of each child's access to a free appropriate public education (FAPE). Since 1978, this has meant students in our country have had the opportunity to succeed academically, just like their non-disabled peers. This has opened the doors of success for students with disabilities to attend postsecondary education and prepare for employment.

IDEA's regulations all have a strong statutory basis and are extensions of statutory requirements necessary for the implementation of the law. Simply removing a regulation from the Code of Federal Regulations does not undo the statutory basis for the regulation's existence in the first place. The regulation provides all parties with the necessary real world structure to implement the law. Repealing or modifying an IDEA regulation would destabilize IDEA's statutory intent.

A process that would spotlight certain regulatory requirements for repeal, replacement or modification over others would create major problems for parents, teachers and school officials. IDEA's regulatory and statutory requirements all work together to provide the foundation of FAPE for children with disabilities and ensure students with disabilities have access to early intervention and special education services that will help them be successful.

The regulatory notice inviting comment lists several criteria by which regulations for repeal, replacement or modification should be identified. These criteria do not relate to IDEA's regulations. The criteria include whether a regulation negatively impacts jobs or job creation; is outdated, unnecessary or ineffective; imposes costs that exceed benefits; creates serious inconsistency or interference with regulatory reform efforts; or is derived from a subsequently rescinded or modified Executive Order. IDEA's regulations do not negatively impact jobs or job creation. They are not outdated, unnecessary or ineffective, and don't impose costs the exceed benefits as they provide the foundation for free and appropriate education as well as services for children with disabilities. The regulations also don't impact any regulatory reform efforts and are not inconsistent with a previous Executive Order. The criteria by which ED's regulations are to be judged are not applicable to IDEA's regulatory provisions.

We urge ED and its Regulatory Reform Task Force to refrain from proposing to repeal, replace or modify any regulations related to IDEA.

Sincerely,

Cathy Ruiz, Executive Board Member
Ohio Coalition for the Education of Children with Disabilities