



Hilary Malawer, Assistant General Counsel
Office of the General Counsel
US Department of Education
400 Maryland Avenue SW Room 6E231
Washington DC 20202

**Re: EXECUTIVE ORDER FOR REVIEW OF FEDERAL REGULATIONS & GUIDANCE
Priorities for Family-Led Organizations**

Dear Ms. Malawer:

I am writing on behalf of the National Center for Parent Leadership, Advocacy, and Community Empowerment to provide comments relating to the review of US Department of Education regulations and guidance from the perspective of family-led organizations who use those regulations every day to assist families of and youth to access quality, equitable education.

BACKGROUND | The National Center for Parent Leadership, Advocacy, and Community Empowerment (National PLACE) is a national non-profit organization – composed of 40+ family-led non-profits - committed to helping family-led organizations and individual families acquire the knowledge and skills needed to effectively “sit at the table” and influence the policies and decisions that impact the lives of children, youth, and families, including families that face the greatest challenges due to disability, special healthcare needs, poverty, and discrimination.

Our Mission: Empowering families and family-led organizations to advocate for enhanced, meaningful parent involvement and leadership in all policy decision-making that impacts services for children and families

Our members: National PLACE has 40 national, state, and local member organizations, including 3 national organizations (Children’s mental health, Parent to Parent, Disability); 25 state organizations; and 12 local organizations. Our member organizations focus on a wide array of issues, including family/parent-to-parent support (40); early childhood (40); education (35); and health/mental health (25).

National PLACE is aware that the US Department of Education has requested public input to assist you in your effort to “identify regulations that: (i) Eliminate jobs, or inhibit job creation; (ii) Are outdated, unnecessary, or ineffective; (iii) Impose costs that exceed benefits; (iv) Create a serious inconsistency or otherwise interfere with regulatory reform initiatives and policies; (v) Are

inconsistent with the requirements of section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note), or the guidance issued pursuant to that provision, in particular those regulations that rely in whole or in part on data, information, or methods that are not publicly available or that are insufficiently transparent to meet the standard for reproducibility; or 4 (vi) Derive from or implement Executive Orders or other Presidential directives that have been subsequently rescinded or substantially modified.”
(www.federalregister.gov/documents/2017/06/22/2017-13157/evaluation-of-existing-regulations).

The comments below expand upon comments that were shared with the US Department of Education at the listening session for parent centers facilitated at the biannual Office for Special Education Programs (OSEP) Leadership Conference on July 17, 2017. They are divided into three primary substantive areas - Family Engagement, Accountability, and Non-Discrimination – as well as a section on the process itself.

Family Engagement

- Regulatory requirements related to education laws, including but not limited to the Elementary and Secondary Education Act, Every Student Succeeds Act (ESSA); Individuals with Disabilities Education Act (IDEA); Section 504 of the Vocational Rehabilitation Act, Carl D. Perkins Career and Technical Education Act, and the Family Educational Rights and Privacy Act (FERPA) pertaining to family engagement, participation, decision-making rights, and procedural safeguards to protect the parents’ role(s), ***should NOT be eliminated or weakened***. Research demonstrates that family engagement in education leads to better outcomes for students, and it would be counterproductive to weaken or eliminate support for such engagement.
- Regulations regarding Parent Centers (Parent Training and Information Centers and Community Parent Resource Centers) ***should NOT be eliminated or weakened***. Parent Centers play a critical role in helping families understand how early intervention, special education, and transition to adult life systems work; their roles in decision-making on behalf of their individual children and in systems improvement; and how to collaborate with EI providers and schools, minimizing disputes and litigation.
- Policy guidance related to family and stakeholder engagement, such as the Joint Policy Statement on Family Engagement: From the Early Years to the Early Grades, or provisions regarding family and stakeholder engagement in other policy guidance such as the guidance on Consolidated State ESSA Plans or Early Intervention or Special Education State Systemic Improvement Plans, Dear Colleague Letters regarding Rights of Students with Disabilities in Charter Schools, Restraint and Seclusion, Students with ADD/ADHD, Gender Equity, English Learner Students and Limited English Proficient Parents, Nondiscriminatory Administration of Discipline, Bullying, Harassment and Intimidation, Education for Homeless Children and Youth, Inclusion of English Language Learner Student with Disabilities in Assessment, State and Local Report Cards, Race to the Top and Race to the Top Early Learning Challenge, Migrant Education, Inclusion of Behavioral Supports in IEPs, Free and Appropriate Education, WIOA, Secondary Transition, IEPs, Evaluations and Re-Evaluations, Procedural Safeguards and Due Process procedures, and Transgender Students, among others, ***should NOT be eliminated or weakened***, as they support the importance of the role of the intended beneficiaries of early childhood and education programs at all levels.

- Regulatory requirements and policy guidance supporting the informed and meaningful participation of families in their children’s early intervention and education ***do not eliminate jobs or inhibit job creation; are not outdated, unnecessary, or ineffective; do not impose costs that exceed benefits; do not create a serious inconsistency or otherwise interfere with regulatory reform initiatives and policies; are not inconsistent with the requirements of section 515 of the Treasury and General Government Appropriations Act; and do not derive from or implement Executive Orders or other Presidential directives that have been subsequently rescinded or substantially modified.***
- It is not timely to review existing regulations for IDEA until after IDEA reauthorization.
- Any review of regulations and guidance related to parent engagement must be conducted thoughtfully and with the active and meaningful participation of representatives of parents of infants, toddlers, children, youth and young adults served by US ED-funded programs.

Accountability

- Regulatory requirements and other guidance related to the ability of families, stakeholders, and the public to hold early intervention programs and schools, including charter schools, accountable ***should NOT be eliminated or weakened.*** These are public institutions which must be accountable to those for whom their services are intended and who are the intended beneficiaries – infants, toddlers, children, youth, young adults, and their families.
- Regulatory requirements and policy guidance supporting accountability of early intervention and education systems ***do not eliminate jobs or inhibit job creation; are not outdated, unnecessary, or ineffective; do not impose costs that exceed benefits; do not create a serious inconsistency or otherwise interfere with regulatory reform initiatives and policies; are not inconsistent with the requirements of section 515 of the Treasury and General Government Appropriations Act; and do not derive from or implement Executive Orders or other Presidential directives that have been subsequently rescinded or substantially modified.***
- Any review of accountability-related regulations and guidance must be conducted thoughtfully and with the active and meaningful participation of representatives of the diverse range of students and families who are the intended beneficiaries of EI and education.

Non-Discrimination

- Regulatory requirements and other guidance related to ensuring the rights of all infants, toddlers, children, youth, young adults and their families, regardless of race, ethnicity, immigrant status, economic status, language, gender, sexual orientation, family composition, religion, disability or special health/mental health needs, or other characteristics, ***should NOT be eliminated or weakened.*** This guidance has been developed over the years to clarify civil rights laws for schools and other US ED-funded programs as well as for families and youth, and to provide tools for families and advocates to use when the rights of children and families who traditionally face discrimination are threatened. Any review of such regulations and guidance must be conducted thoughtfully and with the active and meaningful participation of representatives of the underserved students and families who face discrimination on the above grounds. *National PLACE and our members oppose any effort to rescind, modify, weaken, or replace regulations and guidance that clarify our civil rights and education laws, whether related to school discipline, language access, supports for students with disabilities, immigrant students, students speaking languages other than English, low-income students, etc. and their families*

including the rights and roles of their families related to participating in education decision-making at the individual, school and systemic level, bullying, harassment and intimidation, use of aversives, restraint and seclusion, sexual violence in schools and on college campuses, etc. In particular, National PLACE stands behind the following laws and their federal implementing regulations and non-regulatory guidance: Civil Rights Act of 1964; Elementary and Secondary Education Act (ESSA); Family Educational Rights and Privacy Act; Rehabilitation Act of 1973 (particularly Section 504); Individuals with Disabilities Education Act; Americans with Disabilities Act; Higher Education Act; and Workforce Investment and Opportunity Act.

- Regulatory requirements and policy guidance supporting the protection of the civil rights of children, youth and families in early intervention and education ***do not eliminate jobs or inhibit job creation; are not outdated, unnecessary, or ineffective; do not impose costs that exceed benefits; do not create a serious inconsistency or otherwise interfere with regulatory reform initiatives and policies; are not inconsistent with the requirements of section 515 of the Treasury and General Government Appropriations Act; and do not derive from or implement Executive Orders or other Presidential directives that have been subsequently rescinded or substantially modified.***
- Any review of civil rights-related regulations and guidance must be conducted thoughtfully and with the active and meaningful participation of representatives of the diverse range of students and families who are the intended beneficiaries of EI and education.

The Process | National PLACE, like the Consortium for Citizens with Disabilities, is concerned about the proposed process of wholesale evaluation of existing regulations for the purpose of repeal, replacement, or modification reflected by Executive Order 13777, which we believe is both unusual and misguided. The process of promulgating regulations is codified in the Administrative Procedures Act (APA) and is a bedrock of administrative law. The ED regulations listed for possible “repeal, replace or modify” have already gone through the open, transparent, and prescribed procedure mandated by the APA: review of a draft rule by the Office of Management and Budget; 30-90 days for public comment/feedback; a review of all comments and development of responses by the responsible agency; revision of proposed regulations that are sent to OMB for final review; and in some cases, a second comment period before publication of final regulations.

As part of this process, the costs and benefits of regulatory action are already considered, as well as estimation of the time necessary to report information required by the regulations, consultation with elected officials in state and local governments affected by the regulations, and other steps that together ensure that development of regulations is based on a wide range of input and sound information. Further, the normal process of promulgating regulations already takes into account the factors included in Executive Order 13777.

While National PLACE agrees that agencies should periodically review their regulations to ensure that they remain relevant and effective, eliminating regulations for the sake of elimination is harmful and misguided. The US Department of Education’s Mission Statement, to “promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access,” should guide any such review. Any effort to repeal, replace, or modify regulations without regard to the impact on the diverse students and families served by the Department, and without the deep and meaningful input of those diverse students and families,

will violate that Mission Statement and cause real harm to diverse students and diminish the involvement and role of their families.

No wholesale review of regulations and non-regulatory guidance, particularly within such a limited time span, can do justice to the thoughtful, participatory process needed to ensure a high-quality, fair, and equitable outcome.

Thus, **National PLACE strongly opposes the process itself, as well as any specific proposals to weaken the regulations and non-regulatory guidance that protects our nation's most vulnerable students and the participation and involvement of their families.**

We look forward to the opportunity to work with you to strengthen existing regulations and guidance as needed.

Thank you for the opportunity to provide these comments.

Very truly yours,

A handwritten signature in black ink that reads "Diana MTK Autin". The signature is written in a cursive, flowing style.

Diana MTK Autin
Executive Director
National PLACE