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<a href="https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-2873&amp;attachmentNumber=1&amp;contentType=pdf">https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-2873&amp;attachmentNumber=1&amp;contentType=pdf</a>	<p>See Attached</p>	7
<a href="https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-13206&amp;attachmentNumber=1&amp;contentType=pdf">https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-13206&amp;attachmentNumber=1&amp;contentType=pdf</a>	<p>Ms. Hilary Malawer U.S. Department of Education 400 Maryland Avenue, S.W., Room 6E231 Washington, D.C. 20202</p> <p>September 18, 2017</p> <p>Dear Ms. Malawer: Re: ED-2017-OS-0074-0001</p> <p>Thank you for the opportunity to comment on the U.S. Department of Education's (ED) implementation of Executive Order 13777, "Enforcing the Regulatory Reform Agenda. 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.</p> <p>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.</p> <p>IDEA's regulations all have a strong statutory basis and are extensions of statutory requirements necessary for the implementation of the law. The regulations provide 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.</p> <p>The 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 FAPE. The regulations also don't impact any regulatory reform efforts and are not inconsistent with a previous Executive Order. We believe the criteria by which ED's regulations are to be judged are not applicable to IDEA's regulatory provisions.</p> <p>Please refrain from proposing to repeal, replace or modify any regulations related to IDEA.</p> <p>Sincerely,</p> <p>Bryce Loveland Karen Taycher Governing Board Chairperson Executive Director</p> <p>The National Alliance to End Sexual Violence is the voice in Washington for state and local organizations dedicated to supporting survivors and ending sexual violence. We submit these comments to express our support of the 2011 Title IX Dear Colleague Letter including the clarification by the Office of Civil Rights (OCR) of the correct evidentiary standard for sexual harassment cases (preponderance of the evidence).</p>	352
<a href="https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-13206&amp;attachmentNumber=1&amp;contentType=pdf">https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-13206&amp;attachmentNumber=1&amp;contentType=pdf</a>		8

[1833&attachmentNumber=1&contentType=pdf](#)

Sexual violence is widespread and devastating to survivors. The clarifications in the Dear Colleague guidance were needed and welcome because of the serious, discriminatory harms that victims of sexual face as a result of their experiences and entrenched victim blaming attitudes.

The 2011 Dear Colleague Letters clarifications of OCRs previous regulatory guidance and enforcement actions are fully consistent with the civil rights approach to discriminatory harassment and the rules in the vast majority of other civil proceedings. Indeed, if OCR had adopted a different approach, it would have engaged in a dangerous kind of exceptionalism for only sexual violence and its victims, the majority of whom are women and girls.

The preponderance of the evidence standard has been required by OCR in sexual harassment and violence cases for over two decades and through both Democratic and Republican presidencies. The 2011 Dear Colleague Letter helped schools to better understand OCRs long-standing practice regarding this standard and, in doing so, helped protect schools from expensive liability by explaining how schools can better protect their students.

We urge the U.S. Department of Education to keep the 2011 Dear Colleague Letter in place as extraordinarily helpful existing clarifying guidance articulating necessary, legally correct, and historically-followed standards that help both students and schools.

For further information about our positions on key issues related to sexual violence protections for students, please see our position paper: Responding to Campus Sexual Assault: Key Issues (attached).

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<a href="https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-13095&amp;attachmentNumber=1&amp;contentType=pdf">https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-13095&amp;attachmentNumber=1&amp;contentType=pdf</a>	Good afternoon Secretary DeVos	361
	My son is profoundly disabled and has been a public school student since the age of 3; he is now 19.	
	Do not under any circumstances make any changes to	
	IDEA WIOA ESSA	
	Students with disabilities need as much federal, state, local, and community support as they can get. When I was a youngster, "retarded" kids weren't ALLOWED to attend school. Children who used wheelchairs, walkers, or crutches for mobility didn't have a way to get INTO a school building.	
	Don't step back to those dark days. Leave these important federal regulations alone!!	
	Thank you.	
<a href="https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-16047&amp;attachmentNumber=1&amp;contentType=pdf">https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-16047&amp;attachmentNumber=1&amp;contentType=pdf</a>	See attached file(s)	39
<a href="https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-14244&amp;attachmentNumber=1&amp;contentType=pdf">https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-14244&amp;attachmentNumber=1&amp;contentType=pdf</a>	See attached file(s)	242
<a href="https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-15315&amp;attachmentNumber=1&amp;contentType=pdf">https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-15315&amp;attachmentNumber=1&amp;contentType=pdf</a>	Please see attached letter.	164
	Thank you,	
	Chad W. Underwood, MPA Chief Executive Officer Access to Independence of Cortland County, Inc.	
<a href="https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-14785&amp;attachmentNumber=1&amp;contentType=pdf">https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-14785&amp;attachmentNumber=1&amp;contentType=pdf</a>	See Attached Document	203
<a href="https://www.regulations.gov/contentStreamer?documentId=ED-">https://www.regulations.gov/contentStreamer?documentId=ED-</a>	See attached file(s)	18

<a href="https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-16270&amp;attachmentNumber=1&amp;contentType=pdf">2017-OS-0074-16270&amp;attachmentNumber=1&amp;contentType=pdf https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-16270&amp;attachmentNumber=1&amp;contentType=pdf</a>	See attached file(s)	257
<a href="https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-14136&amp;attachmentNumber=1&amp;contentType=pdf">2017-OS-0074-14136&amp;attachmentNumber=1&amp;contentType=pdf https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-14136&amp;attachmentNumber=1&amp;contentType=pdf</a>	See attached file(s)	489
<a href="https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-9588&amp;attachmentNumber=1&amp;contentType=pdf">2017-OS-0074-9588&amp;attachmentNumber=1&amp;contentType=pdf https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-9588&amp;attachmentNumber=1&amp;contentType=pdf</a>	See attached file(s)	185
<a href="https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-15112&amp;attachmentNumber=1&amp;contentType=pdf">2017-OS-0074-15112&amp;attachmentNumber=1&amp;contentType=pdf https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-15112&amp;attachmentNumber=1&amp;contentType=pdf</a>	See attached file(s)	446
<a href="https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-10533&amp;attachmentNumber=1&amp;contentType=pdf">2017-OS-0074-10533&amp;attachmentNumber=1&amp;contentType=pdf https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-10533&amp;attachmentNumber=1&amp;contentType=pdf</a>	<p>These 285 constituents representing New Jersey join with the American Association of University Women (AAUW) in urging the U.S. Department of Education to protect Title IX, preserve all of its current regulations and guidance, and fully enforce the law.</p>	250
<a href="https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-14175&amp;attachmentNumber=1&amp;contentType=pdf">2017-OS-0074-14175&amp;attachmentNumber=1&amp;contentType=pdf https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-14175&amp;attachmentNumber=1&amp;contentType=pdf</a>	<p>Title IX of the Education Amendments of 1972 is the federal law that prohibits sex discrimination in education. This vital law affects all areas of education. It requires recipients of federal education funding to evaluate their current policies and practices, adopt and publish a policy against sex discrimination, and implement grievance procedures providing for prompt and equitable resolution of student and employee discrimination complaints.</p>	
<a href="https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-14175&amp;attachmentNumber=1&amp;contentType=pdf">https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-14175&amp;attachmentNumber=1&amp;contentType=pdf</a>	<p>Unfortunately, many students still do not have access to an equitable education free from sex discrimination. As Secretary of Education, you have the power to address this critical civil rights issue and help make schools safer and more equitable for all students. These 285 individuals join with AAUW in urging the U.S. Department of Education to keep in place current Title IX guidance and regulations and fully enforce the law.</p>	
<a href="https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-14175&amp;attachmentNumber=1&amp;contentType=pdf">https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-14175&amp;attachmentNumber=1&amp;contentType=pdf</a>	See attached file(s)	125

<https://www.regulations.gov/comment/ED-2017-OS-0074-15578&attachme ntNumber=1&contentStreamType=pdf>

My name is Elizabeth Marsh and I have a 7 year old daughter who has cerebral palsy, hydrocephalus and has cognitive delays. Our daughter Allison is one of the most happy, bubbly, smiley little girls you will ever meet. She is friendly and she loves to play and have fun and be at school with her peers. Our daughter Allison received services from Early Childhood special ed these Services were amazing to our family. When Allison was born she ended up needing a shunt for her hydrocephalus. She was seven months old when she had her first shunt put in. This is brain surgery. You can imagine I'm sure how worried two new parents were that their little seven month old baby was going to be having brain surgery. We received amazing in-home services from the school district that provided PT and ot to Allison. These Services were so valuable to us in the fact that they came to our home was absolutely priceless. Allison also receives amazing support from her school district in Elk River. From the mainstream teacher, to her special needs teacher, to her helpers that assist her everyday we have been blown away by the kindness and the caring attitude of those that work with her everyday. As a mother my goals are to raise Allison and her sister to be two strong, smart young ladies and we also want to instill with them the feeling that they can achieve anything they put their minds to. The funding within the Early Childhood system and also the school district is so important to each and everyone who has a child like Allison.

52

<https://www.regulations.gov/comment/ED-2017-OS-0074-10578&attachme ntNumber=1&contentStreamType=pdf>

Dear Assistant Counsel Malawer:

437

Attached please find Pepperdine University's comments on the Report of the Task Force on Federal Regulation of Higher Education (Docket Number ED-2017-OS-0074). We appreciate the opportunity to provide this feedback. Please let us know if there is any additional information that we can provide that would prove helpful.

Very truly yours,  
Rhiannon L. Bailard  
Associate Vice President, Governmental & Regulatory Affairs  
Pepperdine University

Comment is attached as a file. Thank you.

145

<https://www.regulations.gov/comment/ED-2017-OS-0074-15436&attachme ntNumber=1&contentStreamType=msw12>

Please see attached letter on behalf of Autism Alliance of Michigan

378

<https://www.regulations.gov/comment/ED-2017-OS-0074-12766&attachme ntNumber=1&contentStreamType=pdf>  
<https://www.regulations.gov/comment/ED-2017-OS-0074-15521&attachme ntNumber=1&contentStreamType=pdf>

Please see attached letter from the National Association of Charter School Authorizers.

135

<https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-15533&attachmentNumber=1&contentType=pdf>  
<https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-14312&attachmentNumber=1&contentType=pdf>  
<https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-13433&attachmentNumber=1&contentType=pdf>

Please see the attached file for comments.

133

Please see attached comments.

240

Subject: Recommendations to Improve Implementation of the Workforce Innovation and Opportunity Act (WIOA)

330

Maryland Division of Rehabilitation Services (DORS) identified language in Department of Education (DOE) regulations, policy statements, and guidance that causes undue hardship and implementation barriers for designated state agencies. The following regulations, in addition to the new Rehabilitation Services Administration (RSA) 911 reporting requirements, were amended and developed in response to the Workforce Innovation and Opportunity Act (WIOA):

34 C.F.R. Part 361 (2016) State Vocational Rehabilitation Services Program  
34 C.F.R. Part 363 (2016) The State Supported Employment Services Program  
34 C.F.R. Part 397 (2016) Limitations on the Use of Subminimum Wage

In the attached document, DORS outlines policy areas that are constrained by specific sections within each of the above regulations and related policy guidance from the Rehabilitation Services Administration (RSA) that create conflicts for designated state units (DSUs), and recommends solutions for each problem. Policy guidance cited in the text below comes from several sources, including statements from the preamble of the regulations, communications and meetings with RSA staff, and RSA training for state administrators.

See attached file(s)

180

<https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-15198&attachmentNumber=1&contentType=pdf>  
<https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-15752&attachmentNumber=2&contentType=pdf>  
<https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074->

American Public Education, Inc. ("APEI") appreciates the opportunity to submit comments to the U.S. Department of Education in response to the Department's June 22, 2017 request for comments. Please see the attached files, which offers APEI's input on regulations that may be appropriate for repeal, replacement, or modification.

90

Below is an abbreviated comment; my full-length comment, including references, is attached as a PDF document.

43

I am extremely disheartened by your desire to do away with the orders in the Dear Colleague letter that came from the Department of Education in April 2011. This letter articulated several critical

ways in which universities can prevent sexual violence from happening in their communities; it is vital that these recommendations and obligations stand as expectations for schools across the country.

While I write the following comments as a private citizen, I want to acknowledge that my work at Montana State University and UC Berkeley has strengthened my commitment to violence prevention and survivor support in a university setting. It is widely understood that 1 in 5 female undergraduate students, and 1 in 18 male undergraduate students, will be sexually assaulted while in college. For transgender and gender nonconforming students, sexual assault rates are estimated to be between 1 in 2 and 1 in 4. Looking beyond the numbers, I have seen these statistics play out in real life. I have worked with many students who have been subjected to sexual assault and rape during their time in college. For each and every one of these students, the effects have been devastating. The consequences of experiencing this time of harm range from the short term-- immediate housing needs, medical care, needing to reschedule an exam-- to the long term-- symptoms of PTSD, needing to take time off of school, enforcing and renewing no-contact orders.

While Title IX of the Education Amendments of 1972 underscores the value of education as a civil right, to people of all sexes and genders, it is the Dear Colleague letter that truly connects this civil right to the need to protect students from sexual assault and harassment. Specifically, there are three key areas of the letter and its implications that I feel are particularly important to uphold:

1. Campuses must prioritize primary prevention and culture change efforts, which include widespread activities to raise awareness of resources, policies, and procedures. Promoting education and accurate information about expectations, social norms, and resources allows every student to both be held accountable for their actions and seek support from the appropriate resources should they be impacted by sexual violence.
2. The criminal justice system is imperfect in its very nature, particularly when seen as a solution to sexual violence. Universities have an important opportunity to provide students with safety and healing outside of what the criminal justice system has to offer. It is imperative that survivors have other options available to them to access safety and support. The Title IX reporting process is an important way that institutions can fill these gaps left by the criminal justice system. By taking, investigating, and acting on reports of sexual violence, universities can provide measures and options to students that are tailored to the ways in which sexual violence impacts a student's access to education.
3. By acknowledging the sheer number of people on campuses across the country who have been impacted by sexual violence, institutions can address effects of trauma that are both general and also specific to that community. Doing away with the expectation for universities to address sexual violence would immediately eliminate the ability for those impacted by sexual violence to receive the specific support they need based on their situations and identities. In short, context matters, and universities are uniquely positioned to prevent and respond to the violence that is happening within their communities.

Beyond the specific points outlined above, the Dear Colleague letter sends a pivotal message to all students: To survivors, you will be believed and we will take your experience seriously; to perpetrators, you will be held accountable for your actions and we will sanction those who fail to adhere to our community's expectations for healthy and consensual behavior; to all members of the campus community, we are committed to creating safe educational opportunities for all.

It is imperative that the provisions outlined in the Dear Colleague letter remain in place. Survivors across the country are counting on the Department of Education to center their rights and needs. Everyone deserves to have access to a safe education, and to the related supports and resources.

Sincerely,  
Elizabeth Wilmerding, MSW

elizabeth.wilmerding@gmail.com

443-844-0145

<https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-16217&attachmentNumber=1&contentType=pdf>

Thank you for the opportunity to submit comments as the Department works to evaluate existing regulations. Please see the attached file for recommendations from the First Five Years Fund. **26**

<https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-14565&attachmentNumber=1&contentType=pdf>

See attached file(s) **222**

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

**300**

RE: Docket ID: ED2017OS0074: Evaluation of Existing Regulations

Dear Ms. Malawer:

I am a parent of a 9 year old son with special needs who is enrolled in public school in Port Washington, NY. He has had both a 504 and now an IEP. I have worked closely with School Staff and outside professionals to advocate for access to the best education and supports that he is entitled to. I am submitting a comment on regulations that may be appropriate for repeal, replacement, or modification as directed by Executive Order 13777 and as part of the Enforcing the Regulatory Reform Agenda led by the Administration.

My comments are found in the attached document.

I appreciate the opportunity to comment.

Sincerely,

Claire Kabot  
32 N. Bayles Avenue  
Port Washington, NY 11050

<https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-14171&attachmentNumber=1&contentType=pdf>

These 319 constituents representing Wisconsin join with the American Association of University Women (AAUW) in urging the U.S. Department of Education to protect Title IX, preserve all of its current regulations and guidance, and fully enforce the law. **254**

Title IX of the Education Amendments of 1972 is the federal law that prohibits sex discrimination in education. This vital law affects all areas of education. It requires recipients of federal education funding to evaluate their current policies and practices, adopt and publish a policy against sex discrimination, and implement grievance procedures providing for prompt and equitable resolution of student and employee discrimination complaints.

Unfortunately, many students still do not have access to an equitable education free from sex discrimination. As Secretary of Education, you have the power to address this critical civil rights



<https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-12271&attachmentNumber=1&contentType=pdf>

issue and help make schools safer and more equitable for all students. These 319 individuals join with AAUW in urging the U.S. Department of Education to keep in place current Title IX guidance and regulations and fully enforce the law.

Docket ID: ED-2017-OS-0074

The Dear Colleague Letter and Resource Guide on ADHD

<https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201607-504-adhd.pdf>

404

I am a parent of an elementary school child officially diagnosed with ADHD two years ago in between his third and fourth grade year. He qualified for an IEP which is now in place. I feel strongly that if he didn't have the IEP he may very well be expelled from school due to the behavior issues that come about as a result of his ADHD deficits.

Despite the IEP and supports in place at school it is largely my impression that ADHD is not well understood, accepted, and accommodated to the best that it could be in our schools. I think that educators at all levels need multiple, good resources such as the guide listed above in order to assist these students or they potentially face being lost in the system.

I am attaching an article regarding this very subject from Attitude Magazine's website.

"Since 1998, millions have trusted ADDitude to deliver expert advice and caring support, making us the leading media network for parents and adults living with attention-deficit disorder, and for professionals working in the field. We provide well-vetted expert guidance and in-the-trenches understanding to help you navigate the very real challenges that arise from ADHD and related mental health conditions. It remains our mission to be your most reliable advisor and ally, and a source of inspiration along your path to health and well-being."

Thank you

Initial Set of Comments (attached) from the Council of the Great City Schools on U.S. Department of Education Existing Regulations

506

<https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-9395&attachmentNumber=1&contentType=pdf>  
<https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-15532&attachmentNumber=1&contentType=pdf>  
<https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-13846&attachmentNumber=1&contentType=pdf>  
<https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-13846&attachmentNumber=1&contentType=pdf>

See attached file(s)

134

SourceAmerica's comments on "Evaluation of Existing Regulations" (ED\_2017\_OS\_0074)

298

See attached file(s)

Docket ID: ED-2017-OS-0074

The "Dear Colleague Letter and Resource Guide on ADHD"

<https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201607-504-adhd.pdf>

12

I attached a pdf file with my story

[https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-13963&attachmentNumber=1&contentType=pdf](https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-13963&attachmentNumber=1&contentType=msw12)

These 88 constituents representing Nevada join with the American Association of University Women (AAUW) in urging the U.S. Department of Education to protect Title IX, preserve all of its current regulations and guidance, and fully enforce the law.

269

Title IX of the Education Amendments of 1972 is the federal law that prohibits sex discrimination in education. This vital law affects all areas of education. It requires recipients of federal education funding to evaluate their current policies and practices, adopt and publish a policy against sex discrimination, and implement grievance procedures providing for prompt and equitable resolution of student and employee discrimination complaints.

Unfortunately, many students still do not have access to an equitable education free from sex discrimination. As Secretary of Education, you have the power to address this critical civil rights issue and help make schools safer and more equitable for all students. These 88 individuals join with AAUW in urging the U.S. Department of Education to keep in place current Title IX guidance and regulations and fully enforce the law.

See attached file(s)

370

<https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-13016&attachmentNumber=1&contentType=msw12>  
<https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-13960&attachmentNumber=1&contentType=pdf>

These 32 constituents representing Alaska join with the American Association of University Women (AAUW) in urging the U.S. Department of Education to protect Title IX, preserve all of its current regulations and guidance, and fully enforce the law.

272

Title IX of the Education Amendments of 1972 is the federal law that prohibits sex discrimination in education. This vital law affects all areas of education. It requires recipients of federal education funding to evaluate their current policies and practices, adopt and publish a policy against sex discrimination, and implement grievance procedures providing for prompt and equitable resolution of student and employee discrimination complaints.

Unfortunately, many students still do not have access to an equitable education free from sex discrimination. As Secretary of Education, you have the power to address this critical civil rights issue and help make schools safer and more equitable for all students. These 32 individuals join with AAUW in urging the U.S. Department of Education to keep in place current Title IX guidance and regulations and fully enforce the law.

See attached file(s)

177

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[2017-OS-0074-9312&attachmen tNumber=1&cont entType=msw12 https://www.reg ulations.gov/cont entStreamer?doc umentId=ED-2017-OS-0074-8742&attachmen tNumber=1&cont entType=pdf https://www.reg ulations.gov/cont entStreamer?doc umentId=ED-2017-OS-0074-9650&attachmen tNumber=1&cont entType=msw12](https://www.regulations.gov/cont entStreamer?doc umentId=ED-2017-OS-0074-9312&attachmen tNumber=1&cont entType=msw12)

See attached file(s)

515

To substantially reduce the costs, to both schools and parents, and the time required for resolution of special education disputes, arbitration should be an optional procedure. Existing procedures - the due process hearing and subsequent civil litigation - divert resources (primarily attorneys) that would be better devoted to education. And the time required deprives the student of years of educational benefit. While facilitated meetings and mediation offer shorter timelines and require less resources, too often these alternatives focus on the needs of the parties, both educators and parents, rather than the needs of the student. **479**

Many of these concerns can be substantially reduced, if not eliminated, by offering schools and parents the option of arbitration, as outlined in the draft regulation reproduced below. The sole focus of the arbitration proceeding would be the student's educational program. Attorneys would not participate unless the parties agree, and even then the extent of their participation would be at the discretion of the arbitration panel. The arbitration decision would be required within 30 school days, absent exceptional circumstances, and would be implemented under the timeline set by the arbitration panel. Equally important, the arbitration decision would be final with no right of appeal.

The three-member arbitration panel would include the primary sources of expertise required to determine an appropriate education for the student: an expert in the child's primary disability, an educator with special education experience, and an attorney familiar with special education law. All would have training in the practice and ethics of arbitration, and each would be chosen randomly.

Last, but arguable most important, parents would be provided expert and independent counseling on the strengths and weaknesses of participating in an arbitration proceeding prior to consenting to arbitration

Attached are:

- (1) the text of a proposed regulation 34 CFR 300.521, and
- (2) the text of a law review article, Rosenfeld, S.James, It's Time for an Alternative Dispute Resolution Procedure, 32-2 NAALJ 361 (Fall 2012), discussing the benefits of arbitration in more detail.

See attached file(s)

42

[https://www.reg ulations.gov/cont entStreamer?doc umentId=ED-2017-OS-0074-16017&attachme ntNumber=1&co ntentType=pdf https://www.reg ulations.gov/cont entStreamer?doc](https://www.regulations.gov/cont entStreamer?doc umentId=ED-2017-OS-0074-16017&attachme ntNumber=1&co ntentType=pdf https://www.reg ulations.gov/cont entStreamer?doc)

These 110 constituents representing New Mexico join with the American Association of University Women (AAUW) in urging the U.S. Department of Education to protect Title IX, preserve all of its current regulations and guidance, and fully enforce the law. **279**

Title IX of the Education Amendments of 1972 is the federal law that prohibits sex discrimination in education. This vital law affects all areas of education. It requires recipients of federal education funding to evaluate their current policies and practices, adopt and publish a policy against sex discrimination, and implement grievance procedures providing for prompt and equitable resolution of student and employee discrimination complaints.

Unfortunately, many students still do not have access to an equitable education free from sex discrimination. As Secretary of Education, you have the power to address this critical civil rights issue and help make schools safer and more equitable for all students. These 110 individuals join with AAUW in urging the U.S. Department of Education to keep in place current Title IX guidance and regulations and fully enforce the law.

The Docket ID is ED-2017-OS-0074-0001.

113

Commenting on: Regulation ID: ED-2015-OSERS-001-1167 Date Posted: Aug 19, 2016 RIN:1820-AB70

CFR:34 CFR Parts 361, 363, and 397 Federal Register Number: 2016-15980

Submitted by Henrico Area Mental Health and Developmental Services.

We are an Employment Services organization (ESO) providing assistance to those with behavioral health and developmental disabilities. With our assistance, over 200 individuals are earning paychecks and paying taxes. The regulations for the Workforce Innovation and Opportunities Act are threatening the success of the individuals we serve to find employment. Rehabilitation Services Administration (RSA) within DOE has expanded the regulations beyond the original Statute passed by Congress.

1. There is dignity in work. Americans with disabilities must be able to choose where they work and what work they want to do - just like Americans without disabilities. This is a basic human right!
2. It is difficult to imagine but this will limit job opportunities and choice for Americans with disabilities when the unemployment rate for individuals with disabilities already hovers around 70-75% year after year.
3. The Department (DOE) and RSA specifically, should focus on expanding employment choice for people with disabilities, not further limiting it. People with disabilities want and deserve a full array of options. A definition that limits their menu of choices will not lead to further integration, but rather will reduce opportunities and cost people with disabilities jobs.
4. The definition of "competitive integrated employment" (34 CFR 361.5(c)(9)) was rewritten and re-defined during the regulatory process. The Department of Education changed what Congress intended by narrowing and limiting what qualifies as "competitive integrated employment". This narrow definition should be eliminated and replaced with the definition in the WIOA statute until a broader, more expansive definition that does not eliminate job opportunities and choice can be put in its place.
5. In both the definition of "competitive integrated employment" (CIE) and the definition of "integrated setting" (34 CFR 361.5(c)(32)), the Department describes integration occurring at the "work unit" level. This language is not found in the WIOA statute. It was added by RSA in the regulatory process. Defining integration as occurring at the "work unit" level is job limiting and so subjective that it would be impossible to apply to the general workforce given that people with disabilities have every right to their privacy. It only targets people who work through providers of services to people with disabilities, which is inherently unfair and treats people with disabilities differently from the workforce at large. Moreover, as a simple matter of math, requiring a two-person crew currently employing two people with disabilities to be fully integrated would mean one person on the crew would have to be without disabilities. The narrow interpretations of

"Community Integrated Employment (CIE)" and integrated settings have ultimately diminished work opportunities for people with disabilities.

The following language must be deleted. Specifically, excerpts that overreach on defining the "typically found in the community" component of "competitive integrated employment (CIE)" and discriminate against not-for-profit employers (community rehabilitation programs) that provide services and jobs to individuals with disabilities. DOE should eliminate the following guidance sections published in the Federal Register:

Federal Register/Vol. 81, No. 161/Friday, August 19, 2016/Rules and Regulations. Page 55643: "As explained earlier, businesses established by community rehabilitation programs or any other entity for the primary purpose of employing individuals with disabilities do not satisfy this criterion and, are therefore, not considered integrated settings, because these are not within the competitive labor market".

The factors that generally would result in a business being considered "not typically found in the community," include: (1) The funding of positions through Javits-Wagner-O'Day Act (JWOD); (2) allowances under the FLSA for compensatory subminimum wages; and (3) compliance with a mandated direct labor - hour ratio of persons with disabilities"

Please see attached for additional comments on the impact of these regulations on youth and those under 25 years of age.

Dear Secretary DeVos,

<https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-16199&attachmentNumber=1&contentType=pdf>

28

The National Coalition of Anti-Violence Programs (NCAVP) is comprised of more than 50 organizations and groups across the country that are dedicated to preventing, responding to, and ending all forms of violence against LGBTQ and HIV affected communities. We strongly believe that all students deserve and are entitled to a quality education in an environment free of violence. Unfortunately, this is not a reality for many students with marginalized identities, especially students who identify as people of color, LGBTQ, immigrants, and Muslims. When a school or school district perpetrates or allows violence, civil rights laws require the Department of Education to step in. In order to make sure that schools understand what the law requires of them, and to make sure that everyone understands the protections students have, regulations (or rules) and guidance have been developed over the past several years to clarify the law. We fully support our civil rights laws and these tools that help to make sure students receive the protections and supports they deserve. Which is why, we oppose any effort to rescind, modify or replace regulations and guidance that clarify our civil rights and education laws.

Through our community work, we know firsthand that LGBTQ students face extensive barriers to educational success. The Centers for Disease Control and Prevention (CDC) published a report that found 17.8% of gay, lesbian, and bisexual high school students have been forced to have sexual intercourse compared to 5.4% of heterosexual high school students. The largest national survey examining the experiences of transgender people in the U.S. found that 13% of respondents who were out or perceived as transgender in K-12 were sexually assaulted because of their gender identity. This same report also found that 54% of Transgender K-12 students have experienced verbal harassment, and 24% were physically attacked. This violence and mistreatment was so pervasive that 17% of transgender students left a K-12 school, and 6% were expelled. For transgender individuals who continued onto college or vocation school, 24% experienced verbal, physical, or sexual harassment during their high education experience. The 2015 AAU Climate Survey on Sexual Assault and Sexual Misconduct determined that 21% of TGQN (transgender, genderqueer, and non-conforming) college students have been sexually assaulted, compared to 18% of non-TGQN females, and 4% of non-TGQN males. Any rollback of Title IX protections for student survivors will undoubtedly serve to undermine the dignity of LGBTQ student survivors, making it dangerous to report violence and drastically altering the way they experience their school environments.

It's the Department of Education's job to help our nation's schools provide high-quality education for all students. We urge you not to roll-back these protections.

Sincerely,

The National Coalition of Anti-Violence Programs

See attached file(s)

100

<https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-15688&attachmentNumber=1&contentType=pdf>

NDRN rejects the notion that the process the Department is engaging in, in response to Executive Order 13777 Enforcing the Regulatory Reform Agenda, will benefit the 50.4 million K-12 students and will aid the Department in fulfilling its stated mission to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

503

<https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-9431&attachmentNumber=1&contentType=pdf>

See attached file(s)

457

<https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-10411&attachmentNumber=1&contentType=pdf>

Please see the attached letter.

302

<https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-13821&attachmentNumber=1&contentType=pdf>

September 11, 2017

416

<https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-11856&attachmentNumber=1&contentType=pdf>

Secretary Betsy DeVos  
United States Department of Education  
400 Maryland Ave. S  
Washington, DC 20202

Comments on Federal Regulations  
Docket ID: ED-2017-OS-0074  
82 FR 28431 (June 22, 2017) and 82 FR 37555 (August 11, 2017)  
Comment Closing Date: September 20, 2017

Dear Secretary DeVos:

My comment is in regards to regulations and sub-regulatory guidance issued by the U.S. Department of Education (DoEd), Rehabilitation Services Administration (RSA) for the purpose of implementing the integrated settings criteria under the definition of competitive integrated employment [34 CFR 361.5(c)(9)(ii) and 361.5(c)(32)(ii)] in the Workforce Innovation and

Opportunity Act. These regulations and guidance are having a job-killing impact for people who are blind or who have other significant disabilities. People who face extreme barriers to employment do not need additional unnecessary harmful obstacles. Specifically, RSAs guidance is indiscriminately disqualifying vocational rehabilitation job placements to certain nonprofit agencies (NPAs) based upon their participation in the congressionally-mandated U.S. AbilityOne Program.

The language in the integrated settings criteria guidance promulgated by RSA restricts access to quality competitive integrated jobs for people with disabilities and is inconsistent with other parts of the regulation, the departments longstanding practice and technical guidance. Each case is to be evaluated on its own merit, not as a blanket policy as the RSA language suggests.

Arizona Industries for the Blind is an NPA participating in the AbilityOne Program and has created over 120 good jobs whereby employees thrive in a quality work environment and earn competitive wages. We do not want to see people who are blind in our local community hindered from acquiring meaningful employment of their choice because of generalized guidance from RSA.

We request that the DoEd immediately rescinds the FAQ guidance (posted on DoEds website, <https://www2.ed.gov/about/offices/list/osers/rsa/wioa/competitive-integrated-employment-faq.html> ) related to the definition of integrated settings and issue clarifying guidance and that employment at community rehabilitation programs, including employment positions through the AbilityOne program, may be considered competitive integrated employment as long as it meets the criteria defined in RSA-TAC-06-01 and the WIOA (P.L. 113-128).

Thank you for the opportunity to comment on existing regulations that eliminate jobs, or inhibit job creation.

Sincerely,

Richard J. Monaco  
President, CEO  
Arizona Industries for the Blind  
See attached file(s)

414

<https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-11925&attachmentNumber=2&contentType=pdf>

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<https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-13805&attachmentNumber=1&contentType=pdf>

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<https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-14533&attachmentNumber=1&contentType=pdf>



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<a href="https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-15814&amp;attachmentNumber=1&amp;contentType=pdf">https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-15814&amp;attachmentNumber=1&amp;contentType=pdf</a>	See attached file: CU System Comments ED-2017-OS-0074-0001 9-20-17	74
<a href="https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-14851&amp;attachmentNumber=1&amp;contentType=msw12">https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-14851&amp;attachmentNumber=1&amp;contentType=msw12</a>	See attached file(s)	200
<a href="https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-13082&amp;attachmentNumber=1&amp;contentType=pdf">https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-13082&amp;attachmentNumber=1&amp;contentType=pdf</a>	See attached file(s)	363
<a href="https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-15372&amp;attachmentNumber=1&amp;contentType=pdf">https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-15372&amp;attachmentNumber=1&amp;contentType=pdf</a>	National School Boards Association Response to ED Request for Comments on Evaluation of Existing Regulations--See Attachment	155
<a href="https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-12206&amp;attachmentNumber=1&amp;contentType=pdf">https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-12206&amp;attachmentNumber=1&amp;contentType=pdf</a>	<p>Ms. 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</p> <p>Dear Ms. Malawer:</p> <p>After being brought to our attention in a staff meeting with the Director of Strategy and Innovation and A Senior Social Worker/Case Manager, at InspirTec, Inc., I am requesting input and recommending changes to the current Regulation ID: ED-2015-OSERS-001-1167, Date Posted: Aug 19, 2016 RIN:1820-AB70 CFR:34 CFR Parts 361, 363, and 397 Federal Register Number: 2016-15980.</p> <p>Thank you for the opportunity to recommend changes on existing regulations that eliminate jobs,</p>	408



or inhibit job creation.

Sincerely,

David W. Powers

<https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-15622&attachmentNumber=1&contentType=pdf>  
<https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-16012&attachmentNumber=1&contentType=pdf>

See attached file(s)

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COMMENT FROM EAGLE FORUM OF ALABAMA IN SUPPORT OF RESCINDING  
34 CFR 99 AND RESTORING THE CORRESPONDING REGULATION THAT EXISTED BEFORE 2012

44

Since FERPA was passed in 1974 technology has rapidly advanced but the privacy protections at the federal level have remained antiquated in public education. Instead of increasing protections to meet the latest demands in technology and data collection techniques the U. S. Department of Education (USED) reduced protections under the Obama administration. When the USED under the Obama administration implemented a new regulation (34 CFR 99) under the Family Educational Rights and Privacy Act (FERPA), 20 USC 1232g, in January 2012, the USED it essentially eliminated important privacy protections for millions of Americans. This meant millions of Americans, primarily students in their earliest years of learning would be made more vulnerable to privacy violations and targeted for harm. Eagle Forum of Alabama urges USED to withdraw that regulation in its entirety. It is important to revert to the previous regulation and guidance issued, then either the statute or the regulations, or preferably both, can be rewritten to address pressing issues of student data-privacy today.

The regulation in question severely weakened the statute in major ways:

It abandoned the settled, longstanding interpretation of the term "authorized representative" (34 CFR 99.3). FERPA prohibits nonconsensual disclosure of personally identifiable information (PII) except in several limited circumstances, one of which allows disclosure to "authorized representatives" of certain education institutions and individuals. Since at least 2003, USED had allowed such disclosure only to "authorized representatives" that are under the direct control of the disclosing entity (i.e., either an employee or a contractor). The 2012 regulation eliminated the "direct control" requirement, allowing instead the disclosing entity to designate "any entity or individual" as an authorized representative for purposes of receiving PII. This has led to a "data free-for-all" in which "nongovernmental entities, including non-profits, religious organizations, foundations, independent researchers, and for-profit companies, as well as individuals, could be granted access to [PII] without notice or consent."

It created a broad definition of "education program" that includes programs not administered by an education agency under FERPA (34 CFR 99.3). This means that government officials can be given nonconsensual access to students' PII from any private program that receives any federal or state aid (such as preschool, recreation, special education, or job-training programs). This expansion provides "virtually unlimited access to education records in the name of evaluating program outcomes to any pro-program evaluators that can convince an authorized representative that they are reviewing an education pro-program, as loosely defined [in the regulation]."

To assist "research studies," it allowed nonconsensual redisclosure of PII that was provided by certain educational agencies and institutions to other such agencies and institutions pursuant to FERPA requirements (34 CFR 99.31(a)(6)). For example, a state department of education would be allowed to grant researchers access to PII that the DOE received from a local school district for other purposes, without the knowledge or consent of that local district or the students/families

whose data is being passed along. USED has no legal authority to allow such redisclosure - and the "implied disclosure" enshrined by the regulation is a lawless usurpation of statutory authority.

It removed the requirement (previously contained in 34 CFR 99.35(a)(2)) that in order for a state or local educational authority to conduct an audit, evaluation, or compliance or enforcement activity, it must demonstrate authority to do so under some federal, state, or local grant of authority (because FERPA itself does not confer such authority) (34 CFR 99.35(a)(1),(2). Instead, the SEA or LEA can simply cite "audit or evaluation" as justification for disclosing PII, even if there is no statutory authority for the SEA/LEA's action. This change "turns another narrow consent exception into a magic incantation by which entities with no legal authority and no intention of actually conducting audits or studies can circumvent congressional intent, violate the privacy rights of students and families, and obtain unfettered access to [PII]."

FERPA must be revised to address such threats. In the meantime, USED can at least withdraw the January 2012 regulation and restore the protections that existed before the Obama administration eliminated them. Eagle Forum of Alabama urges USED to act swiftly to restore these protections for students in America.

<https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-13446&attachmentNumber=1&contentType=pdf>

Dear Ms. Malawer:

326

I am a parent and educational advocate from Belmont, MA. I am writing in response to the U.S. Department of Education's (ED) request for public comment on regulations that may be appropriate for repeal, replacement, or modification as directed by Executive Order 13777 and as part of the Enforcing the Regulatory Reform Agenda led by the Administration.

I strongly believe that the test of any regulation, guidance, technical assistance and/or other administrative activity must be whether it advances educational equity and serves the interests of all students. My concern is that the focus in this regulatory review tilts too far toward reducing burden on entities significantly affected by Federal regulations while completely disregarding the most important entity served by our nation's education laws: students.

The existing regulations, guidance, and technical assistance are all thoughtfully written in plain English and very helpful to me in supporting my child and school in doing our best to help children achieve post-secondary success. Therefore, I strongly believe in the following:

1. Maintain all Federal Regulations pertaining to all education laws.

I strongly recommend that ED maintain all regulation, joint regulation and guidance related to the following laws:

The Civil Rights Act of 1964

The Elementary and Secondary Education Act (ESEA), currently known as the Every Student Succeeds Act (ESSA)

Education Amendments Act of 1972 (particularly Title IX)

The Rehabilitation Act of 1973 (Particularly Section 504)

The Individuals with Disabilities Education Act (IDEA)

The Higher Education Act (HEA)

The Americans with Disabilities Act (ADA)

The Workforce Investment and Opportunity Act (WIOA)

The Carl D. Perkins Vocational and Technical Education Act (PERKINS)

Freedom of Information Act (FOIA)

Family Educational Rights and Privacy Act (FERPA)

With respect to IDEA (the Individuals with Disabilities Education Act), it is my understanding that 20 U.S.C. Sec. 1232 states: The Secretary may not implement, or publish in final form, any regulation prescribed pursuant to this Act which would procedurally or substantively lessen the protections provided to handicapped children under this Act, as embodied in regulations in effect on July 20, 1983 (particularly as such protections relate to parental consent to initial evaluation or initial placement in special education, least restrictive environment, related services, timelines, attendance of evaluation personnel at Individualized Education Program meetings, or qualifications of personnel), except to the extent that such regulation reflects the clear and unequivocal intent of the Congress in legislation.

2. Maintain all guidance pertaining to all education and civil rights laws.

3. Maintain the majority of ED Memos and Dear Colleague Letters.

4. Rescind a select few Dear Colleague Letters (DCL) that actually run counter to the IDEA and impede a parents right to be equal partners with the school system under the IDEA.

The letters to rescind are:

Re: Parents right to include/invite participants to IEP meetings:

- o Letter to Anonymous (2003)
- o Letter to Byrd (2003)

Re: Parent(s) and expert(s) right to observe [the child] in the classroom:

Letter to Mamas (2004)

Re: Independent Education Evaluations (IEE): The right of the family to include recommendations [to the IEP team] from the evaluator:

Letter to LaDolce (2007)

Re: Failure to consent to IEP under IDEA should not impact eligibility for Section 504:

Letter to McKethan, 25 IDELR 295, 296 (OCR 1996)

Please see the attachment for complete rationale for rescinding each suggested letter.

I appreciate the opportunity to comment.

Sincerely,

Seetha Burtner

Please see the attached letter.

494

<https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-9578&attachmentNumber=1&contentType=msw12>

Attached is the statement from the IDEA Infant Toddler Coordinators Association (ITCA)  
See attached file(s)

199

<https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-14853&attachmentNumber=1&contentType=pdf>

See attached file(s)

313

<https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-13807&attachmentNumber=1&contentType=pdf>

See attached file(s)

162

<https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-15339&attachmentNumber=1&contentType=msw12>

Please see attached for my comment

303

<https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-13820&attachmentNumber=1&contentType=msw12>

The California Coalition Against Sexual Assault (CALCASA) formally requests that binding regulations on the enforcement and interpretation of Title IX of the Educational Amendments of 1972 be updated to include provisions that clearly connect sexual violence to sex discrimination, forward trauma-informed and wellness-centered protocols and practices, and build transparent and accessible accountability structures separate from the criminal justice system. Details on language and reasoning for these regulatory changes are detailed in the attachment to comments. CALCASA is the technical assistance and training provider for 84 rape crisis centers in California, as well as the founding member of Raliance, a long time service provider and collaborator with campus programs throughout the United States, and a California and national voice for survivors of sexual assault. Just a few short years ago, Title IX was seriously under-utilized and under-enforced.

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<https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-14334&attachmentNumber=1&contentType=pdf>

Survivors of sexual assault on and around campus were silenced, ignored, and chastised. Sexual violence was an accepted social norm on many campuses. Students and advocates organized to shine a light on this unacceptable state and many survivors came forward with similar stories of schools ignoring sexual harassment and sexual violence, or shared experiences of schools having largely inappropriate and useless processes for handling grievances. As a nation, we cannot go back to these dark ages of ignoring sexual harassment on campus and failing to create safe and healthy school systems from Kindergarten to graduate school. Now is the time to preserve valuable gains in how sexual harassment is taken seriously in schools throughout the nation.

I am writing as a former long-time Department of Education researcher and editor of two Handbooks for Achieving Gender Equity through Education. I oppose activities to repeal, replace or weaken any of the OCR Title IX guidance documents.

183

<https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-15140&attachmentNumber=1&contentType=pdf>  
<https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-15355&attachmentNumber=1&contentType=msw12>  
<https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-8568&attachmentNumber=1&contentType=msw12>

See full statement in attached file.

See attached file(s)

Council of the Great City Schools Comments attached on Existing Education Department IDEA Regulations

159

Ms. Hilary Malawer  
Assistant General Counsel, Office of the General Counsel  
U.S. Department of Education  
400 Maryland Ave SW., Room 6E231  
Washington, DC 20202  
Via electronic submission at <http://www.regulations.gov>  
Re: Docket ID: ED-2017-OS-0074

518

Dear Ms. Malawer:

Our comment is in regards to regulations and sub-regulatory guidance issued by the U.S. Department of Education (DoEd), Rehabilitation Services Administration (RSA) for the purpose of implementing the integrated settings criteria under the definition of competitive integrated employment [34 CFR 361.5(c)(9)(ii) and 361.5(c)(32)(ii)] in the Workforce Innovation and Opportunity Act. These regulations and guidance are having an unintentional, but deleterious, job-killing impact for people with significant disabilities. Specifically, RSA's guidance is indiscriminately disqualifying vocational rehabilitation job placements to certain nonprofit agencies (NPAs) based upon their participation in the congressionally-mandated U.S. AbilityOne Program.

The language in the integrated settings criteria promulgated by RSA restricts access to quality competitive integrated jobs for people with disabilities and is inconsistent with other parts of the regulation, the department's longstanding practice and technical guidance. My state's vocational rehabilitation (VR) agency is one of at least 19 states VR that have stopped referring and placing individuals with disabilities through NPAs that participate in the AbilityOne Program.

PRIDE Industries is an NPA participating in the AbilityOne Program and creates over 2100 jobs through this program. The average pay on these jobs is over 16.00 per hour with full benefits. Because referrals and placements from state vocational rehabilitation counselors have ceased employment opportunities at my agency are going un-filled. Deserving individuals with significant disabilities are denied these opportunities and the ability to be a vital part of our community. We request that the DoEd immediately rescinds the FAQ guidance (posted on DoEd's website, <https://www2.ed.gov/about/offices/list/osers/rsa/wioa/competitive-integrated-employment-faq.html>) related to the definition of integrated settings and issue clarifying guidance and that

employment at community rehabilitation programs, including employment positions funded through the AbilityOne program, may be considered competitive integrated employment as long as it meets the criteria defined in RSA-TAC-06-01 and the WIOA (P.L. 113-128).  
Thank you for the opportunity to comment on existing regulations that eliminate jobs, or inhibit job creation.  
Sincerely,

PRIDE Industries  
10030 Foothills Blvd  
Roseville CA. 95747

<https://www.regulations.gov/comment/ED-2017-OS-0074-8681&attachmentNumber=1&contentType=pdf>

We request that the DoEd immediately rescinds the FAQ guidance (posted on DoEd's website, <https://www2.ed.gov/about/offices/list/osers/rsa/wioa/competitive-integrated-employment-faq.html> ) related to the definition of integrated settings and issue clarifying guidance and that employment at community rehabilitation programs, including employment positions funded through the AbilityOne program, may be considered competitive integrated employment as long as it meets the criteria defined in RSA-TAC-06-01 and the WIOA (P.L. 113-128).

516

Currently, individuals employed on our AbilityOne sourced contracts earn \$19.25 per hour, with pension and full health care benefits. Toolworks has never paid sub-minimum wage and has never pursued these types of opportunities. Our workforce is integrated. We understand the intent behind this regulation, but the affect actually puts these opportunities for people with disabilities to have full time employment that offers a living wage at risk. We believe that working with the Commission to make other AbilityOne programs more closely mirror ours to be a more effective approach than the current regulations.

The language in the integrated settings criteria promulgated by RSA restricts access to quality competitive integrated jobs for people with disabilities and is inconsistent with other parts of the regulation, the department's longstanding practice and technical guidance. My state's vocational rehabilitation (VR) agency is one of at least 19 states VR that have stopped referring and placing individuals with disabilities through NPAs that participate in the AbilityOne Program. Toolworks is a NPA participating in the AbilityOne Program and employs over 100 individuals with disabilities in a variety of positions. Because referrals and placements from state vocational rehabilitation counselors have ceased employment opportunities at my agency are going un-filled. Deserving individuals with significant disabilities are denied these opportunities and the ability to be a vital part of our community.

<https://www.regulations.gov/comment/ED-2017-OS-0074-11726&attachmentNumber=1&contentType=msw12>

See attached file(s)

421

<https://www.regulations.gov/comment/ED-2017-OS-0074-14216&attachmentNumber=1&contentType=msw12>

See attached file(s)

244

As a lawyer who once practiced education and civil-rights law, I request that the Education Department rescind the definition of "significant disproportionality" in 34 C.F.R. 300.647, and adopt a definition that is less onerous for local education agencies. As I explain in my attached comments, the current definition places pressure on them to adopt veiled racial quotas in special education services, which violates the Constitution.

0

The definition comes from the Obama administration's December 19, 2016 rule dealing with grants and assistance under Part B of the Individuals with Disabilities Education Act (IDEA) governing the Assistance to States for the Education of Children with Disabilities program and the Preschool Grants for Children with Disabilities program. See Department of Education, Office of Special Education and Rehabilitative Services, Assistance to States for the Education of Children With Disabilities; Preschool Grants for Children With Disabilities, 81 Fed. Reg. 92376 (Dec. 19, 2016).

The rule, now found at 34 C.F.R. 300.646 & 300.647, is problematic, because the rule will pressure school districts to violate the Fourteenth Amendment's equal-protection clause through its definition of "significant disproportionality." See 34 C.F.R. 300.647 (interpreting 20 U.S.C. 1418(d)(1)'s reference to "significant disproportionality based on race and ethnicity"); 34 C.F.R. 300.647(a)(1)&(a)(6) (defining disproportionality in terms of comparisons between "one racial or ethnic group" and "all other racial and ethnic groups").

The notice containing the final version of the rule ignored the agency's duty to interpret laws so as to avoid potential constitutional problems. The rule interprets "significant disproportionality" as being based on a crude comparison of the number of minorities versus number of whites with a particular outcome or classification - rather than whether the outcome or classification was more accurate for members of one race rather than another due to disproportionate failure to evaluate members of a particular race correctly. The rule compares the "outcome for children in one racial or ethnic group" not with the correct outcome, but with the "outcome for children in all other racial or ethnic groups." See 34 C.F.R. 300.647(a)(1)&(a)(6).

There was a plausible alternative interpretation of "significant disproportionality" that did not raise any potential constitutional problem (one focusing on skewed process rather than outcome, such as whether economic, cultural, or linguistic barriers to appropriate identification or placement skewed the process against a minority group).

So there was no reason to adopt the interpretation contained in the rule, which punishes LEA's for not achieving a racial quota in identification of children as disabled. If regulated entities do not achieve "significant disproportionality," even for reasons beyond their control, 15% of their funds are diverted to coordinated, early intervening services. See 34 CFR 300.647(d)&(e).

Racial-balance requirements in special education are unconstitutional. *People Who Care v. Rockford Bd. of Educ.*, 111 F.3d 528, 538 (7th Cir. 1997) (overturning provision in court "decree" that "limits minority enrollment in compensatory education (that is, remedial) programs to the percentage of minority students in the school as a whole. These programs are designed largely although not entirely for minority students, because they have on average more educational deficits. To forbid these students access to these programs on the ground that it would foster unfavorable stereotypes is the kind of 'benign discrimination' thinking ...that the courts have long rejected").



So the rule was wrong to financially penalize school districts for not achieving such racial balance. Doing so ignored settled canons of statutory construction. Statutes should not be interpreted as pressuring regulated entities to use race unless there is no plausible alternative reading of the law. See *Miller v. Johnson*, 515 U. S. 900, 923 (1995) ("Although we have deferred to the [Justice] Department's interpretation in certain statutory cases . . . we have rejected agency interpretations to which we would otherwise defer where they raise serious constitutional questions. . . When the Justice Department's interpretation of the Act compels race-based districting, it by definition raises a serious constitutional question . . . and should not receive deference"); *Lutheran Church v. FCC*, 141 F.3d 344 (D.C. Cir. 1998) (pressure on regulated entity to use race was unconstitutional).

Penalizing an entity for not meeting "racial targets or quotas" raises "difficult constitutional questions," even when the entity has previously been found guilty of discrimination (which is not the case for the regulated entities subject to this rule). See *Texas Dept. of Housing and Community Affairs v. Inclusive Communities Project*, 135 S. Ct. 2507, 2524 (2015).

Please see the attached letter.

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<https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-9466&attachmentNumber=1&contentType=pdf>

Please see attached file

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<https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-13373&attachmentNumber=1&contentType=msw12>

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<https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-15259&attachmentNumber=1&contentType=msw12>

Governors Advisory Council for Exceptional Citizens (GACEC)  
516 West Loockerman St., Dover, DE 19904  
302-739-4553 (voice) 302-739-6126 (fax) <http://www.gacec.delaware.gov>

MEMORANDUM

DATE: September 19, 2017

TO: Hilary Malawer  
Assistant General Counsel  
Office of the General Counsel  
U.S. Department of Education  
400 Maryland Avenue SW

FROM: Dafne A. Carnright, Chairperson  
GACEC

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

On behalf of the Governors Advisory Council for Exceptional Citizens (GACEC), I would like to endorse the attached letter from the Council for Exceptional Children (CEC) regarding the Federal Register Docket ID: ED-2017-OS-0074, Evaluation of Existing regulations. The GACEC is the federally mandated state advisory panel for the Individuals with Disabilities Education Act (IDEA) in



Delaware. We concur with the CEC in its recognition of the importance of IDEA and oppose any attempt to repeal, replace or modify regulations and/or guidance for the Individuals with Disabilities Education Act.

Thank you for your time and consideration of our endorsement of the CEC letter. Please feel free to contact me or Wendy Strauss should you have any questions.

#### Attachments

<a href="https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-10324&amp;attachmentNumber=1&amp;contentType=msw12">https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-10324&amp;attachmentNumber=1&amp;contentType=msw12</a>	See attached file(s)	<b>473</b>
<a href="https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-15422&amp;attachmentNumber=1&amp;contentType=pdf">https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-15422&amp;attachmentNumber=1&amp;contentType=pdf</a>	See attached file(s)	<b>148</b>
<a href="https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-15634&amp;attachmentNumber=1&amp;contentType=jpeg">https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-15634&amp;attachmentNumber=1&amp;contentType=jpeg</a>	Without these services my son would not thrive. He has Hydrocephalus, which has caused brain damage and he depends on these services and interventions to give him his best chance at life. We already spend thousands upon thousands in health care. I can't imagine the financial stain eliminating this help.	<b>112</b>
<a href="https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-9582&amp;attachmentNumber=1&amp;contentType=pdf">https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-9582&amp;attachmentNumber=1&amp;contentType=pdf</a>	See attached file(s)	<b>491</b>
<a href="https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-13943&amp;attachmentNumber=1&amp;contentType=pdf">https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-13943&amp;attachmentNumber=1&amp;contentType=pdf</a>	Please do not delete the "Dear Colleague Letter: Dyslexia Guidance" dated October 23, 2015. This guidance is found at <a href="https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/guidance-on-dyslexia-10-2015.pdf">https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/guidance-on-dyslexia-10-2015.pdf</a> . It is urgent that the U.S. Department of Education keep this guidance! Our state advocates rely on this when addressing dyslexia issues for a student in public schools. It is imperative this stays for the future of each student with learning differences and gives them a voice.	<b>281</b>
<a href="https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-12458&amp;attachme">https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-12458&amp;attachme</a>	See attached file(s)	<b>399</b>

<https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-15713&attachmentNumber=1&contentType=pdf>

Title IX of the Education Amendments of 1972 very simply states that No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. This applies to nearly every K-12 and higher ed institution in the country. Without regulation and guidance educational institutions throughout the country are left with the unfair task of figuring out for themselves how to ensure every aspect of their programming complies with this federal legislation.

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Please see full comment in attached document.

See attached file(s)

323

<https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-13465&attachmentNumber=1&contentType=pdf>  
<https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-5934&attachmentNumber=1&contentType=pdf>

Dear Members of the United State Department of Education Regulatory Reform Task Force:

2

I am writing to request your assistance in reviewing and revoking regulation and guidance, promulgated by USDOE during the last Administration, which is significantly negatively affecting job options for people with disabilities. The regulation and guidance unnecessarily, and we believe improperly, restricts quality employment and is inconsistent with the intent of Congress. I am the President & CEO of ServiceSource, headquartered in Oakton, Virginia. ServiceSource is a regional non-profit that serves over 25,000 people annually with a wide array of disabling conditions and employment and support needs. ServiceSource regularly uses the national AbilityOne Program to access quality employment opportunities so that people with disabilities can become gainfully employed.

My comments are specific to the below regulation and regulatory guidance contained within:

Regulation ID: ED-2015-OSERS-001-1167

Date Posted: Aug 19, 2016

RIN: 1820-AB70

CFR: 34 CFR Parts 361, 363, and 397

Federal Register Number: 2016-15980

Please see attached letter for my full comment

<https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-10582&attachmentNumber=1&contentType=pdf>

I am gravely concerned, as are many of the professionals working in the disability field, about the implementation of the Workforce Innovation and Opportunities Act (WIOA) and the Rehabilitation Acts impact on people who are blind or visually impaired.

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The rule change illustrated in Section 361.5 (c) (15), which eliminates the homemaker exemption from Vocational Rehabilitation is detrimental to successful client outcomes achieved by people served through the community-based and center-based vision rehabilitation programs at Bosma Enterprises. Based on our staffs decades of experience in the field of blind services and vision rehabilitation, we know for the last 30 years, the homemaker exemption has been instrumental in the successful integration of these people back into their homes, community and workforce. Many of our clients lost their sight as adults and do not know how they will survive independently in their home and community without vision; much less acquire and maintain a job. Utilizing the homemaker exemption to provide training in these instances provides clients an opportunity to regain their confidence to function independently. Once clients have mastered basic skills, they realized they could be gainfully employed. If it were not for the homemaker exemption, these clients may never have gained the confidence necessary to reintegrate into the workforce.

In addition to the aforementioned people served by the homemaker exemption, we serve the growing population of senior citizens. Americas aging population experiencing vision loss is expected to double over the next 13 years. Fifty-four percent of the clients served by our organization last year through the homemaker exemption were over the age of 55. As demand continues to increase, funding to serve these clients is decreasing. The dollars allocated to each state through the Older Independent Blind Grant is minimal compared to the amount of dollars needed to serve these deserving citizens. Additionally, it is much more cost effective to help people with disabilities remain in their homes as opposed to placing them into assisted living or nursing homes. The removal of the homemaker provision for people coping with disabilities will result in a significant increase in the number of seniors moving into more restrictive and costly settings.

In addition to providing critical training to people through the homemaker exemption, our organization employs hundreds of people. Fifty-two percent of our employees are blind or visually impaired, employed at all levels of the company from leadership to entry-level employees. All workers receive good wages, a benefits package and the opportunity for upward mobility. We exceed our direct labor requirements while being a wholly integrated workplace. Organizations throughout the nation must be evaluated on their individual merits, not on participation in an employment programs like AbilityOne or state use. Furthermore, job candidates must be presented with all employment choices that fit their qualification and experience. Not-for-profits who execute AbilityOne contracts should be an option for these job seekers as these are good paying jobs with benefits.

I recommend the Department of Education reconsider its decision to remove the homemaker exemption. Additionally, the agency should determine whether an organization is a competitive work environment on a case by case basis and preserve a consumers right to choose where they want to work.

Respectfully submitted,

Lou Moneymaker  
Bosma Enterprises President & CEO

<https://www.regulations.gov/commentStream?documentId=ED-2017-OS-0074-10336&attachmentNumber=1&contentType=pdf>  
<https://www.regulations.gov/commentStream?documentId=ED-2017-OS-0074-14411&attachmentNumber=1&contentType=pdf>  
<https://www.regulations.gov/commentStream?documentId=ED-2017-OS-0074-14366&attachmentNumber=1&contentType=pdf>

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Please find the attached comments from the California Department of Rehabilitation regarding ED-2017-OS-0074-0001.

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These 27 constituents representing Vermont join with the American Association of University Women (AAUW) in urging the U.S. Department of Education to protect Title IX, preserve all of its current regulations and guidance, and fully enforce the law.

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Title IX of the Education Amendments of 1972 is the federal law that prohibits sex discrimination in education. This vital law affects all areas of education. It requires recipients of federal education funding to evaluate their current policies and practices, adopt and publish a policy against sex discrimination, and implement grievance procedures providing for prompt and equitable resolution of student and employee discrimination complaints.

Unfortunately, many students still do not have access to an equitable education free from sex discrimination. As Secretary of Education, you have the power to address this critical civil rights issue and help make schools safer and more equitable for all students. These 27 individuals join with AAUW in urging the U.S. Department of Education to keep in place current Title IX guidance and regulations and fully enforce the law.

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Today with a reported (NCES) 51% of students in our classroom living in poverty and poverty serving as the number one indicator of trauma (CLASP), equipping and resourcing our educators is a non-negotiable, which means having policies and regulations in place that support this equipping and resourcing, another non-negotiable.

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Our education system cannot be complacent or turn a blind eye to this phenomenon of childhood trauma that permeates our society and therefore, the education system.

The Prognosis of Misdiagnosis

1. Trauma occurs to a child,
2. Brain development of child is interrupted,
3. The affective, behavioral, and cognitive processes negatively impacted show up in the classroom impeding learning,
4. A teacher ill-equipped with the knowledge and symptomatology of trauma makes a referral for special needs testing,
5. A misdiagnosis of a learning disability follows,
6. Wrong accommodations and treatments are applied,
7. Trauma is exacerbated increasing the vulnerability of the child for comorbidity
8. Mental health issues begin to make themselves evident, and eventually,
9. The child ends up on someones caseload (caseworker, mental health therapist, addiction counselor, probation officer).

The economic impact of this path is incalculable, not only in costs that could be avoided, but contributions that could be made to the economy and society; not only in taxes and fees paid, but lives valued and preserved.

Current policies and practices only exacerbate the problem. The regulations currently in place makes no room for a better way. We spend millions of dollars in educational research only to perpetuate the systems and policies that contradict its findings and discoveries.