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https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-15628&attachmentNumber=1&contentType=pdf	Please find attached the comments from the California Charter Schools Association regarding the State Incentive Grant Regulations and the Credit Enhancement Grant regulations.	114
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-13852&attachmentNumber=1&contentType=pdf	See attached file(s)	294
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-13439&attachmentNumber=1&contentType=pdf	See attached file(s)	328
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-15880&attachmentNumber=1&contentType=pdf	<p>These 55 constituents representing Kentucky 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> <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> <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 55 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>	59
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-14339&attachmentNumber=1&contentType=pdf	As one of the leading national organizations dedicated to preventing, addressing, and ending domestic violence, NRC DV firmly believes that all children and young people should feel safe and welcomed in their classrooms and on their campuses. Yet sexual violence and dating violence are prevalent at colleges and universities and impact a significant number of students at the higher education level, as well as in grades K-12. We support Title IX and related civil rights laws and guidance, and would strongly oppose any effort by the Department of Education to rescind, modify, or replace these important mechanisms for upholding students' civil rights. [NRC DV's full comments are attached.]	238

ntNumber=1&contentType=pdf		
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-2875&attachmentNumber=1&contentType=pdf	<p>As a former Education Department lawyer, I ask that you withdraw the April 4, 2011 Dear Colleague Letter and the April 29, 2014 "Questions and Answers on Title IX and Sexual Violence." Under the guise of providing "guidance" about the law, these documents imposed burdensome new mandates on America's schools in violation of the Administrative Procedure Act. These improper mandates also conflicted with federal appeals court rulings about whether Title IX reaches off-campus conduct, and also conflicted with past administrative rulings by the Education Department's Office for Civil Rights (such as about appeal rights and regulation of off-campus conduct). And they improperly pressured colleges to restrict cross-examination by the accused, even though the right of the accused to personally cross-examine the accuser is specifically protected by some court rulings and state Administrative Procedures Acts.</p> <p>Attached are two articles I published at CNS News explaining why the Dear Colleague Letter and the 2014 "Questions and Answers on Title IX and Sexual Violence" should be rescinded. The first focuses on the 2011 Dear Colleague Letter, the second on the 2014 guidance. (See (1) Hans Bader, "Time to End Obama-Era Fed Micromanagement of Colleges Under Title IX," Feb. 22, 2017, available at http://www.cnsnews.com/commentary/hans-bader/time-end-obama-era-fed-micromanagement-colleges-under-title-ix ; (2) Bader, "Obama-Era DOE Instructions Disregard SCOTUS Interpretation of Title IX," CNS News, Feb. 27, 2017, available at http://www.cnsnews.com/commentary/hans-bader/obama-era-doe-instructions-disregard-scotus-interpretation-title-ix).</p> <p>The first two attachments are these articles in Microsoft Word. The last two attachments are these articles in PDF form.</p> <p>These articles discuss court rulings at odds with the 2011 Dear Colleague Letter and 2014 guidance, such as <i>Roe v. St. Louis University</i>, 746 F.3d 874, 884 (8th Cir. 2014), which held that a university had no responsibility over an off-campus rape, and past OCR rulings at odds with them, such as an Office for Civil Rights ruling in 2004 that a University does not have a duty under Title IX to address an incident of alleged harassment where the incident occurs off-campus and does not involve a program or activity of the recipient. See <i>Oklahoma State University</i> ruling, OCR Complaint No. 06-03-2054, at pg. 2 (June 10, 2004). They also discuss past administrative rulings inconsistent with the Dear Colleague letter's restrictions on appeals, such as the Office for Civil Rights' <i>Skidmore College</i>, <i>University of Cincinnati</i>, and <i>Suffolk University Law School</i> rulings in 1996, 2006, and 2008, respectively.</p>	4
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-15972&attachmentNumber=1&contentType=pdf	See attached file(s)	49
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-13127&attachmentNumber=1&contentType=pdf	<p>Docket ID: ED-2017-OS-0074 Name: The Dear Colleague Letter and Resource Guide on ADHD URL: https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201607-504-adhd.pdf</p> <p>I request that the Department of Education retain the Dear Colleague Letter and Resource Guide on Students with ADHD, issued July 26, 2016, as active guidance.</p> <p>ADHD is the most common mental health disorder among children and teens in the United States today. It affects the academic progress, social success, self-esteem, and overall happiness of 6.4 million American children. Without support and adequate services to mitigate ADHD symptoms in</p>	356

	<p>academic and social settings, a child may suffer poor grades, school failure, and long-term damage to self-esteem and learning.</p> <p>The Dear Colleague Letter provides clear, well-informed guidance to help teachers and administrators identify and support struggling students with ADHD. It ensures that students with ADHD have access to a free and public education (FAPE), their guaranteed right under U.S. law. In the year since its release, the Dear Colleague Letter has received no legal, political, or scholarly objections. Furthermore, complaints to the Department of Education regarding discrimination against students with ADHD will almost surely continue to decrease as the Dear Colleague letter is adapted and heeded by schools across the country.</p> <p>When ADHD symptoms are left unaddressed at school, the entire classroom can suffer devastating consequences. By retaining the provisions outlined in the Dear Colleague Letter, the DOE is empowering schools to provide more efficient academic support, save money, and bolster their students learning opportunities. This provision does not meet the criteria for elimination. It is not outdated, unnecessary, or ineffective; it does not impose costs that exceed benefits; and it does not create a serious inconsistency. Indeed, it is essential and should remain in place.</p> <p>This a vital program. My son, who has ADHD has benefited greatly from it. We have experienced teachers who have decided not to follow his 504 Plan and those who do follow it. The main difference has been when the 504 Plan has been utilized my son has flourished. He has achieved straight A's and Honor Roll. As a parents the most frustrating thing is to have a child who is bright, intelligent and wants to learn struggle because of disability. Please keep this program!!</p> <p>Thank you, Michelle Henkel</p>	
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-15650&attachmentNumber=1&contentType=msw12	See attached file(s)	110
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-14473&attachmentNumber=1&contentType=pdf	See attached file(s)	228
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-10454&attachmentNumber=1&contentType=pdf	Please see attached comments on ED-2017-OS-0074. Thank you for your consideration.	452
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-10454&attachmentNumber=1&contentType=pdf	I am the parent of a very bright and accomplished college student with both learning differences (dyslexia) and chronic medical conditions, who nevertheless had to struggle to be provided with	255

ntStreamer?documentId=ED-2017-OS-0074-14138&attachmentNumber=1&contentType=pdf	an appropriate public education. Accordingly, I urge you to take all steps available to take the following actions: (1) maintain, at a minimum, all Federal Regulations pertaining to all education laws and (2) maintain all guidance pertaining to all education and civil rights laws. Specifically, I support the comments submitted by the Council of Parent Attorneys and Advocates (COPPA) and urge you to act carefully and accordingly to provide the best education support we can for all of our children.	
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-16033&attachmentNumber=1&contentType=pdf	Please see comments in attached PDF file.	40
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-9317&attachmentNumber=1&contentType=pdf	See attached file(s)	509
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-14345&attachmentNumber=1&contentType=pdf	See attached file(s)	237
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-14672&attachmentNumber=1&contentType=msw12	<p>Please see attached for our comments on the existing higher education regulations. Thank you for your consideration of these comments; please do not hesitate to reach out if you have questions.</p> <p>Sincerely,</p> <p>Amy Laitinen Director, Higher Education Initiative New America</p> <p>Clare McCann Deputy Director for Federal Policy New America</p>	211
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-10495&attachmentNumber=1&contentType=pdf	<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: The language in the integrated settings criteria promulgated by RSA restricts access to quality</p>	451

	<p>competitive integrated jobs. I have attached a letter with our organizations comments.</p> <p>Thank you for your consideration.</p> <p>Kurtis N. Mayne Director of Vocational Services Opportunity Resources Inc.</p>	
https://www.regulations.gov/comment/ED-2017-OS-0074-15300 &attachmentNumber=1&contentType=pdf	<p>Please find attached here comments on behalf of National Industries for the Blind (NIB) that focus on the WIOA VR Final Rule.</p> <p>Respectfully submitted,</p> <p>R. Webster VP, Public Policy National Industries for the Blind</p>	167
https://www.regulations.gov/comment/ED-2017-OS-0074-15885 &attachmentNumber=1&contentType=pdf	<p>SPAN & Family Voices NJ comments to the Department of Education on the proposed Evaluation of Existing Regulations</p> <p>September 20, 2017</p> <p>Thank you for the opportunity to comment on the proposed US Department of Education Evaluation of Existing Regulations. We are writing on behalf of the Statewide Parent Advocacy Network (SPAN), NJ's federally-designated Parent Training and Information Center (PTI) and Family-to-Family Health Information Center, and Family Voices of NJ, the National Family Voices State Affiliate Organization for our state. As the Family Voices state affiliate, we support families of children with special healthcare needs and disabilities on health, access to community supports, and education, particularly around access to inclusive education opportunities. We also serve on the State Special Education Advisory Council, National Alliance on Mental Illness (NAMI) restraints committee, as well as the Part B Stakeholders.</p> <p>We support the comments from the National Center for Parent Leadership, Advocacy, and Community Empowerment (National PLACE) in the areas of family engagement, accountability, and non-discrimination, as well as their comments and the comments of the Consortium for Citizens with Disabilities regarding the inappropriateness of the process itself.</p> <p>Thank you again for the opportunity to comment on the proposed Evaluation of Existing Regulations.</p>	54
https://www.regulations.gov/comment/ED-2017-OS-0074-13914 &attachmentNumber=1&contentType=msw12	<p>Please see the attached comment from American Principles Project urging rescission of 34 CFR Part 99, which greatly diminished the already inadequate privacy protections provided by the Family Educational Rights and Privacy Act. Thank you.</p>	289
https://www.regulations.gov/comment/ED-2017-OS-0074-15784 &attachmentNumber=1&contentType=pdf	<p>See attached file(s)</p>	80

ntNumber=1&contentType=pdf		
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-9591&attachmentNumber=2&contentType=pdf	<p>PLEASE SEE THE ATTACHED FILE FOR MY FULL COMMENTS.</p> <p>I am the President and CEO of Beyond Vision, a non-profit Social Enterprise with the mission of providing employment opportunities for people who have vision loss and are blind. Our Vision statement which compels our work is to, Enrich the lives of Americans who are blind...through the dignity of work valued by customers and the community.</p> <p>Beyond Vision achieves our Vision by hiring people who are blind at all levels of the organization from direct jobs to professional executive staff positions. We use the metaphor that Beyond Vision is a runway its a place to land and a place to take off in your career. Each and every mission employee is assisted in any way we can if they wish to seek skills training and development to aid in promotion seeking vertical mobility inside and/or outside our company. Our employees are able to find the dignity of work and support themselves, their families and the community at one of 9 locations we manage.</p> <p>We do work for a variety of world class brands such as Harley-Davidson, Briggs and Stratton, GE, P&H Joy Global, CAT, Ariens, and Oshkosh Truck Corporation, to name a few. We have multiple contract with the Wisconsin State Use program. We also work with the National Industries for the Blind to pursue job growth opportunities through the AbilityOne program. I respectfully submit this public comment on behalf of the thousands of Americans who are legally blind working with the AbilityOne program.</p> <p>The State Vocational Rehabilitation Services Program; State Supporter Employment Services Program; Limitations on Use of Subminimum Wage; Final Rule has negatively impacted our ability to receive either placements or referrals of individuals who are blind to fill good-paying, quality employment opportunities at Beyond Vision. The WIOA VR rule makes general blanket statements that pre-judge the AbilityOne Program and have resulted in several state VR agencies no longer working with AbilityOne nonprofit agencies, with a resultant loss of placements or even referrals from VR. Beyond Vision has seen a change with our relationships with the VR agencies in Wisconsin and Ohio.</p> <p>Harmful Statements Regarding AbilityOne</p> <p>To the matter of integrated work settings, and statements in the WIOA VR rule that pre-judge the work done within our program, here are just a few examples of just such statements:</p> <p>When the criteria are properly applied by DSUs, group and enclave employment settings operated by businesses formed for employing individuals with disabilities will not [emphasis added] satisfy the definition of competitive integrated employment.</p> <p>Therefore, the Secretary maintains the long-standing Departmental policy that settings established by community rehabilitation programs specifically for the purpose of employing individuals with disabilities (e.g., sheltered workshops) do not [emphasis added] constitute integrated settings because these settings are not typically found in the competitive labor market the first of two criteria that must be satisfied if a DSU is to determine that a work setting is an integrated location under final 361.5 (c) (9).</p> <p>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-ODay Act (JWOD) contracts; (2) allowances under the FLSA for compensatory subminimum wages; and (3) compliance with a mandated direct labor-hour ratio of persons with disabilities.</p> <p>These statements paint agencies with AbilityOne or state use contracts with a broad brush. It assumes that all AbilityOne affiliated non-profit agencies operate like community based rehabilitation programs or sheltered workshops. The rule does not consider progressive entities</p>	<p>488</p>

	<p>like Beyond Vision that have been able to leverage the AbilityOne and state use programs to create good paying jobs, transform to competitive and integrated work environments, and provide paths of upward mobility for people who are blind or visually impaired.</p> <p>Some of the negative impact of this rule that we have observed: Employees in Wisconsin and Ohio having VR services cut off completely. No more trial work experiences in Wisconsin No more referrals from VR agencies or job placement partners. The elimination of informed choice for VR consumers who are blind or visually impaired.</p> <p>We recommend that the Department of Education revise these rules and take a more realistic and modern day viewpoint of the AbilityOne Program. Individual jobs and individual NPAs should be evaluated on a case-by-case basis and not with the broadly generalized and misguided WIOA VR regulation language noted.</p> <p>Respectfully submitted,</p> <p>James R. Kerlin President & CEO Beyond Vision</p>	
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-11511&attachmentNumber=1&contentType=msw12	See attached file(s)	423
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-15820&attachmentNumber=1&contentType=pdf	Please see attached comment letter.	73
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-13894&attachmentNumber=1&contentType=pdf	Submitted on behalf of the Vision Rehabilitation Therapy Division of the Association for Education & Rehabilitation of the Blind and Visually Impaired. See attached file.	290
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-13394&attachment	See attached file(s)	337

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https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-15614&attachmentNumber=1&contentType=pdf	See attached file.	120
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-15278&attachmentNumber=1&contentType=msw12	The attached document contains comments from Minnesota Vocational Rehabilitation - General regarding Docket ID: ED-2017-OS-0074	171
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-15449&attachmentNumber=1&contentType=pdf	<p>I am a parent, special education consultant, advocate and past chair of the Massachusetts Special Educational Advisory Council. I am writing in response to the ED request for public comment on regulations for repeal, replacement, or modification as directed by Executive Order 13777 and as part of the "Enforcing the Regulatory Reform Agenda." Any regulation, guidance, technical assistance and/or other administrative activity must advance educational equity and serve the interests of all students. I believe ED's narrow slant and sole focus with this regulatory review skews too far toward reducing burden on "entities significantly affected by Federal regulations" with a dangerous disregard for students.</p> <p>I strongly endorse the following COPAA recommendations:</p> <p>1)Maintain all Federal Regulations pertaining to all education laws.</p> <p>I strongly recommend that ED maintain all regulation, joint regulation and guidance related to the following laws: The Civil Rights Act of 1964; ESEA/ESSA; Education Amendments Act of 1972 (particularly Title IX); The Rehabilitation Act of 1973 (Particularly Section 504); IDEA; HEA; ADA; WIOA; PERKINS; FOIA; and FERPA.</p> <p>As this relates to IDEA in particular: "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." I urge ED to maintain all IDEA regulations and guidance.</p> <p>2)Maintain all guidance pertaining to all education and civil rights laws.</p> <p>3)Maintain the majority of ED Memos and Dear Colleague Letters.</p> <p>4)Rescind a select few Dear Colleague Letters (DCL) that actually run counter to the IDEA and impede a parent's right to be equal partners with the school system under the IDEA.</p> <p>The letters to rescind are:</p> <p>Parent's right to include/invite participants to IEP meetings: Letter to Anonymous (2003); Letter to Byrd (2003) These letters must be rescinded. IDEA, 20 U.S.C. 1414(d)(1)(B)(vi) and the regulations, 30 C.F.R. 300.321(a)(6) and (c)allows parents and school district-at their discretion-to include on the IEP team individuals with knowledge or special expertise about the child and upholds a parent's right to invite related services professionals and other IEP team members to IEP meetings.</p>	143

	<p>Parent(s) and expert(s) right to observe [the child] in the classroom: Letter to Mamas (2004) This letter must be rescinded. As stated above, Congress has repeatedly found that "the education of children with disabilities can be made more effective by ... strengthening the role and responsibility of parents and ensuring that families of such children have meaningful opportunities to participate in the education of their children at school and at home." 601(C)(5). To meaningfully participate parents and the experts they choose to work with/support their child often need to observe the child in the classroom. To fully participate as members of the IEP team, they should have the right to observe the child's education in progress, a proposed placement, whether accommodations and services are being provided, and other matters.</p> <p>Independent Education Evaluations (IEE): The right of the family to include recommendations [to the IEP team] from the evaluator. Letter to LaDolce (2007); This letter should be rescinded because IDEA 34 C.F.R. 300.503(c) requires IEP teams to consider parentally obtained independent education evaluations (IEE). While the agency [state/district] may place restrictions on the criteria for the evaluation (34 C.F.R 300.502(a)(2)), the findings and recommendations of the IEE are integral to making final decisions about the child's IEP.</p> <p>Failure to consent to IEP under IDEA should not impact eligibility for Section 504. Letter to McKethan, 25 IDELR 295, 296 (OCR 1996): This letter should be reversed because when parents reject the IEP developed under the IDEA, they "would essentially be rejecting what would be offered under Section 504. The parent could not compel the district to develop an IEP under Section 504 as that effectively happened when the school followed IDEA requirements." This reasoning runs contrary to the intent of Section 504 protections.</p> <p>Thank you for this opportunity to comment.</p> <p>Jennie H. DunKley JDK Communications: Special Education Consulting 9 Meetinghouse Lane, South Easton, MA 02375</p>	
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-13937&attachmentNumber=1&contentType=pdf	See attached file(s)	283
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-16228&attachmentNumber=1&contentType=pdf	<p>Docket ID: ED-2017-OS-0074</p> <p>The "Dear Colleague Letter and Resource Guide on ADHD"</p> <p>https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201607-504-adhd.pdf</p> <p>See attached file</p>	23
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-15781&attachmentNumber=1&contentType=msw12	See attached file.	82

https://www.regulations.gov/comment/ED-2017-0074-10353&attachmentNumber=1&contentType=pdf	<p>To Whom it May Concern,</p> <p>Jane Doe Inc., the Massachusetts Coalition Against Sexual Assault and Domestic Violence, a social justice organization of nearly 60 member sexual and domestic violence programs, submits these comments in strong support of the 2011 Dear Colleague letter clarifying Title IX's intended purpose of protecting all students from sexual violence and harassment. We support the Office of Civil Rights' (OCR) correct clarification that the evidentiary standard in campus disciplinary hearings is preponderance of the evidence.</p> <p>Sexual assault is widespread and devastating to survivors on campus and in K-12 education settings. Victims can experience serious, discriminatory harms, and the issuance of the 2011 Dear Colleague letter was compelled by the acute needs of students. The letter's clarifications of OCR's 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.</p> <p>On behalf of survivors and local programs serving sexual assault survivors and providing prevention education in Massachusetts, 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.</p> <p>Please see the attached position paper from the National Alliance to End Sexual Violence, an organization of which Jane Doe Inc. is a member, which provides a detailed statement that reflects our views on these critical issues.</p> <p>Sincerely,</p> <p>Maureen L. Gallagher Policy Director Jane Doe Inc., the Massachusetts Coalition Against Sexual Assault and Domestic Violence 14 Beacon Street, Suite 507 Boston, MA 02108</p>	<p>466</p>
https://www.regulations.gov/comment/ED-2017-0074-13878&attachmentNumber=1&contentType=pdf	<p>See attached file(s). Ignore duplication of this comment on another comment on this Rule, if it exists.</p>	<p>292</p>
https://www.regulations.gov/comment/ED-2017-0074-9340&attachmentNumber=1&contentType=pdf	<p>See attached file(s)</p>	<p>507</p>
https://www.regulations.gov/comment/ED-2017-0074-9340&attachmentNumber=1&contentType=pdf	<p>See attached file(s) Submitted on behalf of the Association of Vision Rehabilitation Therapists.</p>	<p>291</p>

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https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-12683&attachmentNumber=1&contentType=msw12	Please see attached	382
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-13467&attachmentNumber=1&contentType=pdf	Please see attached letter from the National Association of State Directors of Special Education.	322
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-16297&attachmentNumber=1&contentType=pdf	Please see attached supplemental comments.	16
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-12293&attachmentNumber=1&contentType=msw12	See attached file(s)	402
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-11742&attachmentNumber=2&contentType=pdf	Dear folks While not having the time to read yet more Federal Regulations I must as Rosa's Guardian inform you of the GOOD that her Sheltered Workshop has given her since June of 2003 a few short weeks after her "graduation" from high school at age 21. We are now in a phase that is truly remarkable because of the LOVE and SUPPORT that she has been surrounded with over these past 14 years. I will provide you with what we call the "Gifts of the Sheltered Workshop" and I will follow that with an analysis of why we are in the HELL that we are in ie having to defend against the MOST CLOSED MINDED individuals I have ever dealt with in m life!! They most unfortunately do not even have an ounce of awareness or compassion and for Rosa that means death. In the list below. WHERE IS DISABLED person or some such Oh that right this is ONLY about them! WHY WOULD THEY HAVE A SAY??? WHERE IS Guardian????? I chose parent as the best description	420

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https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-13877&attachmentNumber=1&contentType=msw12	See attached file(s).	293
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-15837&attachmentNumber=1&contentType=pdf	See attached file(s)	69
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-14215&attachmentNumber=1&contentType=pdf	My Son is ADHD / Duplicate Chromosome 8 , If you guys take the help that many kids need they may not ever succeed in life. they need all the help they can get. i cant believe the gov would even consider taking that away from our youth.	245
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-14174&attachmentNumber=1&contentType=pdf	<p>These 286 constituents representing Virginia 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> <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> <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 286 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>	251
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-14174&attachmentNumber=1&contentType=pdf	I am asking For the Department of Education to rescind the Dear Colleague Letter and it guidance on Sexual Violence. We need a process that is fair and equal for All. Colleges do not allow all due process rights for those accused and the Preponderance of Evidence standard is too low. I have a vested interest as a woman and as a mother of a daughter who is about to leave for college to	443

mentId=ED-2017-OS-0074-10555&attachmentNumber=1&contentType=msw12	<p>believe victim's/survivors and to see those who have assaulted women brought to justice. This is a role I am a part of every day in my jobs as an emergency room nurse and as a nurse at a college, however I have also seen the other side. I have two sons one who was wrongly accused and who went through a process that was anything but fair, unbiased, equitable, that upheld due process, or allowed for the right to be heard.</p> <p>Believe the victim no matter what, leaves the accused defending him self as guilty until proven innocent. I thought it was our constitutional right to be innocent until proven guilty. This is not true on a college campus and until this happens to you most people have a hard time believing this. I am attaching my son's story showing the bias and inequities in the system and how my son was treated along with a copy of my son's student rights at his college.</p> <p>Trauma Informed Prevention is the "Public Health Perspective" that has taken hold over the last eight years. This thought process is pervasive throughout the CDC and the DOJ. Many of these studies seem to have been funded through the VAWA. A Trauma Informed Approach according to the Director of Community Living on our campus states; "It guides us to approach all students as though they have experienced abuse, regardless of whether they have or not." I feel like I need to repeat that. Treat the student as though they have been assaulted even if they have not. It only matters that they believe they were assaulted. Is it not important to look at both sides? Title IX is about fair and equal treatment. Why are we not using more evidenced based studies like the Rape and Sexual Assault Victimization Among College-Age Females, 1995-2013.</p> <p>A Highlight of Activities report for the OCR 2009-2016 was recently released. It states there was a 1,170% increase in the number of Sexual Violence related complaints from 2009 to 2016. The Obama administration has focused on prevention of sexual assault and violence. How is this huge increase in "sexual violence" considered an accomplishment? How are we helping the "victims"? It seems that the problem is expanding. I know the colleges are proud of their increased numbers stating people feel comfortable now to report their assault. It seems more believable that the number of assaults is increased because of the expanded definitions of the words "sexual assault and "rape"?" The CDC states, "Sexual violence includes a continuum of behaviors such as attempted or completed rape, sexual coercion, unwanted contact, and non-contact unwanted experiences like harassment." Including "non-contact unwanted experiences like harassment" certainly increases the numbers. Add to this the preponderance of evidence standard and our sons are much more likely to be found guilty! Is it ok with you that a young man found responsible for a non-contact experience potentially will suffer life long effects with his career or worse? Think of the stigma of being labeled a sex offender it is embarrassing, humiliating, it is an emotional scar that does not go away. Depression, suicide and PTSD are common. Your life is sidelined for months to even years with this process and they cannot return what was taken away even if the final verdict is not guilty. This is a life-changing event with a life sentence.</p> <p>The college has pressure to meet statistics so that they can continue to receive Federal Grant money. How does this make the college fair and impartial? We need to remove the potential bias of college administrators/faculty/students who sit on these hearing panels and could be pressured into making the best decision for the college and ultimately their own jobs.</p> <p>The fact is believe the victim at all costs, combined with the inflated definitions of the words "rape" and "sexual assault", throw in affirmative consent and preponderance of evidence standard without providing all due process rights and yes we have a kangaroo court. Title IX should not be in the business of deciding a young mans future. Please repeal the DCL! We need to return these investigations to trained professionals in the criminal justice system! Rape or Sexual assault is a serious crime! Why are we letting college professors/administrators or students determine these outcomes? I ask where is the common sense in this? The current system is not fair to the victims or to the accused. Please repeal the DCL and it current guidance!</p>	
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-13954&attachmentNumber=1&contentType=msw12	<p>These 96 constituents representing Hawaii 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> <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</p>	<p>278</p>

ntNumber=1&contentType=pdf	<p>against sex discrimination, and implement grievance procedures providing for prompt and equitable resolution of student and employee discrimination complaints.</p> <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 96 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>	
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-10869&attachmentNumber=1&contentType=pdf	<p>See attached file(s)</p>	<p>434</p>
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-15380&attachmentNumber=1&contentType=pdf	<p>September 20, 2017</p> <p>Hilary Malawer, Esq. Assistant General Counsel Office of the General Counsel United States Department of Education 400 Maryland Avenue, SW Room 6E231 Washington, DC 20202</p> <p>RE: Docket ID is ED-2017-OS-0074-0001.</p> <p>Dear Ms. Malawer:</p> <p>I have worked in the field of disability employment for nearly forty years. Throughout that time, I have had the pleasure of working with our state rehabilitation agency as a provider and with our county service delivery areas as a member of the Private Industry Council and Workforce Investment Board to advocate for community employment for people with disabilities. I have witnessed the benefits of integrating services for people with disabilities through the One Stop Service Center. I fear that those benefits will disintegrate with the definitions included in 34 CFR 361.5(c)(9)) and Section 511 of WIOA.</p> <p>I am significantly concerned with the definition of "competitive integrated employment" (34 CFR 361.5(c)(9)) that was rewritten during the regulatory process. The Department of Education narrowed what qualifies as competitive integrated employment. This was not the intent of Congress. The definition should be eliminated and replaced with the definition in the WIOA statute until a broader, more expansive definition can be put in its place. Defining integration as it is, clearly targets people who work through providers of services such as me. I feel this is unfair to people with disabilities and treats them differently from the workforce at large. The narrow interpretation of integrated settings will effectively reduce work opportunities for people with disabilities.</p> <p>The Department's focus should be on expanding employment choice for people with disabilities, not limiting it. People with disabilities want and deserve a full array of options. According to Department of Education and the Rehabilitation Services Administration (RSA) jobs falling under programs intended to employ people with disabilities would not qualify as an employment outcome under the law. This represents a significant change of federal policy and turns the purpose of the Rehabilitation Act and WIOA on its head. People with disabilities who want to work should be helped in every way possible to find and keep work.</p>	<p>153</p>

	<p>There is dignity in work and, all people with disabilities regardless of age should be permitted to work as soon as they complete their education. Section 511 of WIOA currently prevents people with disabilities under the age of 25 from working under 14(c) certificates even if that is their informed choice to do so. For many, a 14(c) certificate work opportunity may be the primary option for paid employment. It does not benefit a person who wants to work to be placed in a day program or left at home. This must change. I implore the Department to encourage state VR offices to focus their efforts on helping people with disabilities become attached to the workforce, and to eliminate any guidance suggesting otherwise.</p> <p>Thank you for your time and consideration.</p> <p>Judy C. O'Brien Vice President of Services JM Murray</p>	
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-8679&attachmentNumber=1&contentType=pdf	<p>See attached file(s)</p> <p>From the Division for Early Childhood (DEC) of the Council for Exceptional Children</p> <p>Docket ID: ED-2017-OS-0074 Document Number: 2017-13157</p> <p>August 9, 2017</p> <p>The purpose of these comments is to voice strong support for the Individuals with Disabilities Education Act (IDEA) and the regulations that have been promulgated to support its implementation. IDEA and these regulations are critical to continuing the progress made over the last 30 years to ensure young children with or at risk for disabilities and their families receive the services they need to reach their full potential. The Division for Early Childhood (DEC) of the Council for Exceptional Children is the largest membership organization focused solely on the development and education of young children (ages birth8) with or at risk for disabilities and other special needs and their families. As such, DEC sees no need for repeal, replacement or modification of any IDEA regulations at this time and notes that changes to regulations are better addressed in the context of a reauthorization. The current process is outside of the usual order, and as a result, is likely to lack the in-depth stakeholder input and public discussion critical to the success of such an activity.</p> <p>IDEA and its implementing regulations are designed to address both access to early intervention and special education for children with disabilities, as well as the quality of those services. IDEA Parts A, B and C, outline the rights, responsibilities and infrastructures to ensure access to early intervention and education for eligible children and their families. In Part D, IDEA provides for investments in the quality of those services and infrastructures. Part D provides funding for parent support and information centers and the demonstration and dissemination of evidence-based, effective practices.</p> <p>There is no doubt in the field of education and in the experiences of families, that IDEA is a success. Certainly, there are challenges in implementing such a broad and visionary policy and federal action can indeed assist in these efforts. But the answer to these challenges is not to revise or reduce IDEA regulations. Quite the contrary, these regulations support efforts to implement IDEA successfully. Fully funding IDEA federally would go a long way to addressing the challenges states and communities are facing.</p> <p>IDEA has a federal infrastructure that implementation science tells us is necessary for the installation of effective practices. This infrastructure includes guidance from OSEP in best practice, accountability, and monitoring. For the early childhood provisions of IDEA (Part C and Section 619 of Part B), OSEP provides policy guidance as needed to state leaders to assist in their efforts to</p>	<p>517</p>

	<p>help local early intervention programs and school districts implement effective policies, practices and accountability measures while also holding them accountable to indicators of compliance and quality.</p> <p>IDEA early childhood programs also serve as a key mechanism of supports and services for young children with disabilities in community settings such as preschool, Head Start, Home Visiting and child care/early learning. DEC appreciates the valuable policy guidance that has been released in the last several years through collaboration across federal programs in the Departments of Education and Health and Human Services as well as other federal agencies as needed. This federal collaborative work has resulted in the release of a number of powerful policy statements from the respective Secretaries to assist local programs serving young children in understanding best practice giving all young children opportunities to succeed and be ready for school. DEC requests that the Department continue these efforts. State and community leaders speak very highly of these policy statements and express how their use has helped further efforts for young children and families at the community level. Examples of these policy statements include, but are not limited to, high quality inclusion, reducing and eliminating suspension and expulsion, and strengthening partnerships with families.</p> <p>DECs membership, representing all states, includes a diverse population of teachers, related service personnel, administrators, families, higher education faculty, and researchers.</p> <p>Thank you for the opportunity to submit comments on this important matter. DEC is available and willing to provide any additional information that may be needed. Feel free to contact us if we may be of further assistance.</p> <p>Sincerely, Peggy Kemp Executive Director</p>	
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-10366&attachmentNumber=1&contentType=pdf	<p>Dear Assistant General Counsel Hilary Malawer,</p> <p>All Department of Education civil rights regulations and guidance documents need to remain. Current civil rights rules and regulations benefit schools, students, and families by providing a clear framework that allows all students an equal opportunity to learn in a safe and welcoming environment regardless of sex, race, color, national origin, disability status, English proficiency, sexual orientation, or gender identity.</p> <p>The Department needs to retain, in its current form, 34 C.F.R. pts. 1 thru 1299 , which include regulations governing the Secretary and the offices for Civil Rights; Elementary and Secondary Education; Special Education and Rehabilitative Services; Career, Technical, and Adult Education; Post-Secondary Education; Educational Research and Improvement; and the National Council on Disability.</p> <p>The Department should, also, preserve all current significant guidance documents, including guidance on sexual, racial, and disability-based harassment (including guidance on sexual violence); access to athletic opportunities; gender equity in career and technical education; single-sex schools; equal access to educational resources; nondiscriminatory school discipline; racial diversity programs; the rights of students with disabilities in charter schools; restraint and seclusion of students with disabilities; and the rights of English language learners.</p> <p>Please, do not fail all of the students who require this important rule-making and oversight, to ensure that all students have an equal opportunity to learn and thrive.</p> <p>Thank you, Nicholas G. Enser</p>	<p>464</p>

https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-10873&attachmentNumber=1&contentType=pdf	See attached file(s)	433
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-15637&attachmentNumber=1&contentType=pdf	<p>The Maryland Coalition Against Sexual Assault (MCASA) is deeply concerned that rescinding the 2011 Dear Colleague Letter (DCL) and other existing Title IX guidance would undermine the safety of campuses and discourage student survivors from reporting their assaults. We write to urge the Department of Education to recognize the existing Title IX guidance and the DCL as necessary tools in our country's efforts to end sexual violence and protect the rights of all students.</p> <p>Sexual violence is an epidemic at our institutions of higher education. According to the Bureau of Justice, 21% of female students and 7% of male students will experience sexual assault during college. Title IX and its associated guidance play a vital role in ensuring that all college students can safely access everything their schools have to offer. MCASA is certain that the Department will conclude that vigorous enforcement of Title IX and associated guidance is the best way forward.</p> <p>Recently, Secretary DeVos has stated that the policies currently in place are unfair and harmful to survivors, the accused, and administrators, but existing Title IX guidance already has ample protections in place to ensure fairness to all parties involved in a sexual misconduct investigation. In fact, current Title IX guidance affords even more due process than the Constitution does to all students (both those accused of misconduct and those seeking protection). If schools are failing to ensure fairness to all parties, the solution is to rigorously enforce Title IX regulations, not to undermine them.</p> <p>It is also vitally important that Title IX guidance continues to support the use of the preponderance of the evidence standard in college investigations. The preponderance of the evidence is the standard generally used in civil cases, and is the standard used in other civil rights discrimination cases; to hold victims of sexual violence to a different standard would be discriminatory in itself. The preponderance standard also equally values the education of both parties involved in a sexual misconduct investigation, which goes to the very heart of Title IX's purpose. Imposing a higher standard of evidence and rolling back Title IX protections would tip the scales against survivors and would discourage them from coming forward.</p> <p>MCASA's Sexual Assault Legal Institute (SALI) is a legal services program in Maryland that regularly aids student survivors of sexual violence. Our clients depend on Title IX and its existing guidance to help them access their education in the aftermath of a sexual assault. One client, "Chloe," was being repeatedly harassed over the course of an evening by "Mark," who she had seen around, but had not hung out with before. Eventually, she went back to her dorm to get away from him, but he followed her into her room. Mark repeatedly asked Chloe to have sex with him, and she repeatedly refused. Mark persisted, and eventually used a combination of coercion and physical pressure on Chloe's head to force her to fellate him.</p> <p>Several weeks later, Chloe worked up the courage to report what had happened to her school. Chloe's school provided her with safety accommodations that she requested, including moving Mark to a different dorm and issuing a no contact order. Chloe's case caused the school to rethink its definition of sexual misconduct. The following school year, Chloe's school added sexual coercion to its sexual misconduct policy. The school also made changes to how investigations at the school are conducted as a result of investigator bias problems that arose in Chloe's case. Now,</p>	111

	<p>students who report sexual misconduct at Chloe's school have more reassurance that investigations will be conducted fairly and impartially, and the school has the ability to find perpetrators responsible for sexual misconduct when they use coercive tactics.</p> <p>Because of Title IX, Chloe was able to get the accommodations and support she needed to continue her studies during her school's investigation, and her school improved its sexual misconduct policies, which it may not have done had robust Title IX guidance and enforcement not been in place. We cannot allow students like Chloe to suffer further after an assault because their colleges or their government refuse to rigorously enforce their rights. The 2011 DCL and other Title IX guidance are essential to ensuring we do not fail our student survivors of sexual assault. MCASA urges the Department of Education to continue to enforce Title IX as it currently stands, and to focus its energy on supporting schools as they attempt to author and implement sexual misconduct policies that meet the full requirements of the law.</p> <p>We appreciate your consideration of our comments. If you have any questions, please contact Lisae C. Jordan, Esq., Executive Director and Counsel (lcjordan@mcasa.org).</p> <p>Sincerely,</p> <p>Maryland Coalition Against Sexual Assault (MCASA) MCASA's Sexual Assault Legal Institute</p>	
https://www.regulations.gov/comment/ED-2017-OS-0074-12160&attachmentNumber=1&contentType=jpeg	<p>Comment 1: Federal regulations and non-regulatory guidance help states and school districts fully implement the laws, such as the IDEA, ESSA, and WIOA, which are critical to ensuring students with disabilities have the same opportunities as every other kid. Stakeholders rely on these authorities to assist them in understanding and complying with the statutes. As such, none should be modified or rescinded by the Administration.</p> <p>Comment 2: As a citizen I firmly stand behind the laws listed below and their federal implementing regulations and non-regulatory guidance, which are essential to ensuring states and school districts fulfill their obligations to students with disabilities and their families. I urge you not to modify or rescind any. Civil Rights Act of 1964 Every Student Succeeds Act (ESSA) Section 504 of the Rehabilitation Act of 1973 Individuals with Disabilities Education Act (IDEA) Higher Education Act; Americans with Disabilities Act (ADA); and Workforce Innovation and Opportunity Act (WIOA) amending Title I of the Rehabilitation Act of 1973.</p> <p>Comment 3: For nearly 50 years, the civil rights of students, including those with disabilities from infancy into adulthood have been the focus of key federal laws passed by the U.S. Congress. These laws, upheld by the courts, regularly reauthorized, and consistently aligned to create unified federal policy, provide the strong basis to promote and uphold equity and access to a public education for Americas children, including students with disabilities. I write to urge you not to repeal, replace or modify any of the regulations or guidance that ensure they are implemented appropriately.</p> <p>With the law on his side, my son was son (who has significant and multiple disabilities) was able to benefit from a free and appropriate public school education included in general education classes with his non-disabled peers. DO NOT jeopardize this opportunity for others.</p>	410
https://www.regulations.gov/comment/ED-2017-OS-0074-12160&attachmentNumber=1&contentType=jpeg	See attached file(s)	63

ntStreamer?documentId=ED-2017-OS-0074-15851&attachmentNumber=1&contentType=pdf		
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-16309&attachmentNumber=1&contentType=pdf	See attached file(s)	13
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-12606&attachmentNumber=1&contentType=pdf	<p>Docket ID: ED-2017-OS-0074</p> <p>Name: The Dear Colleague Letter and Resource Guide on ADHD</p> <p>URL: https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201607-504-adhd.pdf</p> <p>I request that the Department of Education retain the Dear Colleague Letter and Resource Guide on Students with ADHD, issued July 26, 2016, as active guidance.</p> <p>ADHD is the most common mental health disorder among children and teens in the United States today. It affects the academic progress, social success, self-esteem, and overall happiness of 6.4 million American children. Without support and adequate services to mitigate ADHD symptoms in academic and social settings, a child may suffer poor grades, school failure, and long-term damage to self-esteem and learning.</p> <p>The Dear Colleague Letter provides clear, well-informed guidance to help teachers and administrators identify and support struggling students with ADHD. It ensures that students with ADHD have access to a free and public education (FAPE), their guaranteed right under U.S. law. In the year since its release, the Dear Colleague Letter has received no legal, political, or scholarly objections. Furthermore, complaints to the Department of Education regarding discrimination against students with ADHD will almost surely continue to decrease as the Dear Colleague letter is adapted and heeded by schools across the country.</p> <p>When ADHD symptoms are left unaddressed at school, the entire classroom can suffer devastating consequences. By retaining the provisions outlined in the Dear Colleague Letter, the DOE is empowering schools to provide more efficient academic support, save money, and bolster their students learning opportunities. This provision does not meet the criteria for elimination. It is not outdated, unnecessary, or ineffective; it does not impose costs that exceed benefits; and it does not create a serious inconsistency. Indeed, it is essential and should remain in place.</p> <p>My daughter has ADHD. She cannot focus on standardized tests even with medication and requires accommodations such as being able to write in her test book and extended time. If she doesn't have these she cannot do close to well. She fails. It is not her fault. It is not the schools fault. She also has a hearing loss that is not her fault. No one questions her receiving hearing assistance. ADHD. Is hellish. Don't take away what is needed for these children. Don't you dare.</p> <p>Sincerely, Jamey Freeman 704-586-7103</p>	392
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-12606&attachmentNumber=1&contentType=pdf	As a former Education Department lawyer, I ask that you withdraw the April 4, 2011 Dear Colleague Letter and the April 29, 2014 "Questions and Answers on Title IX and Sexual Violence."	6

ntStreamer?documentId=ED-2017-OS-0074-2875&attachmentNumber=4&contentType=pdf	<p>Under the guise of providing "guidance" about the law, these documents imposed burdensome new mandates on America's schools in violation of the Administrative Procedure Act. These improper mandates also conflicted with federal appeals court rulings about whether Title IX reaches off-campus conduct, and also conflicted with past administrative rulings by the Education Department's Office for Civil Rights (such as about appeal rights and regulation of off-campus conduct). And they improperly pressured colleges to restrict cross-examination by the accused, even though the right of the accused to personally cross-examine the accuser is specifically protected by some court rulings and state Administrative Procedures Acts.</p> <p>Attached are two articles I published at CNS News explaining why the Dear Colleague Letter and the 2014 "Questions and Answers on Title IX and Sexual Violence" should be rescinded. The first focuses on the 2011 Dear Colleague Letter, the second on the 2014 guidance. (See (1) Hans Bader, "Time to End Obama-Era Fed Micromanagement of Colleges Under Title IX," Feb. 22, 2017, available at http://www.cnsnews.com/commentary/hans-bader/time-end-obama-era-fed-micromanagement-colleges-under-title-ix ; (2) Bader, "Obama-Era DOE Instructions Disregard SCOTUS Interpretation of Title IX," CNS News, Feb. 27, 2017, available at http://www.cnsnews.com/commentary/hans-bader/obama-era-doe-instructions-disregard-scotus-interpretation-title-ix).</p> <p>The first two attachments are these articles in Microsoft Word. The last two attachments are these articles in PDF form.</p> <p>These articles discuss court rulings at odds with the 2011 Dear Colleague Letter and 2014 guidance, such as <i>Roe v. St. Louis University</i>, 746 F.3d 874, 884 (8th Cir. 2014), which held that a university had no responsibility over an off-campus rape, and past OCR rulings at odds with them, such as an Office for Civil Rights ruling in 2004 that a University does not have a duty under Title IX to address an incident of alleged harassment where the incident occurs off-campus and does not involve a program or activity of the recipient. See <i>Oklahoma State University</i> ruling, OCR Complaint No. 06-03-2054, at pg. 2 (June 10, 2004). They also discuss past administrative rulings inconsistent with the Dear Colleague letter's restrictions on appeals, such as the Office for Civil Rights' <i>Skidmore College</i>, <i>University of Cincinnati</i>, and <i>Suffolk University Law School</i> rulings in 1996, 2006, and 2008, respectively.</p>	
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-14177&attachmentNumber=1&contentType=pdf	<p>These 298 constituents representing New York 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> <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> <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 298 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>	248
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-13098&attachmentNumber=1&contentType=pdf	<p>Pursuant to Presidential Executive Order (EO) 13777, Federal agencies are directed to establish a Regulatory Reform Task Force (Task Force) to evaluate existing regulations and make recommendations to agency heads to repeal, replace, or modify relevant regulations. Among other activities, the Task Force must seek input from key stakeholders on regulations that meet certain criteria. In the context of EO 13777, "regulation" means an agency statement of general or particular applicability and future effort designed to implement, interpret, or prescribe law or policy or to describe the procedure or practice requirements of an agency excluding specific regulations.</p> <p>The Virginia Department of the Blind and Vision Impaired (DBVI) has reviewed the Rehabilitation</p>	359

ntNumber=1&contentType=msw12	<p>Act of 1973 as amended, the United States Department of Education (DOE) regulations found at 34 CFR Part 361, and the DOE Rehabilitation Services Administration (RSA) guidance and policy statements to identify regulatory provisions that are unduly costly or unnecessarily burdensome to State Vocational Rehabilitation Programs in the administration of VR Services to individuals with disabilities.</p> <p>Included in these comments are issues that impact DBVI's ability to provide efficient and effective services to potentially eligible and eligible individuals, including students and youth, who are blind, vision impaired, and deaf blind.</p>	
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-12633&attachmentNumber=1&contentType=msw12	See attached file(s)	385
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-15982&attachmentNumber=1&contentType=pdf	See attached file(s)	48
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-14351&attachmentNumber=1&contentType=msw12	See attached file(s)	236
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-15307&attachmentNumber=1&contentType=msw12	See attached file(s)	166
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-13094&attachmentNumber=1&contentType=pdf	See attached file(s)	362

https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-12804&attachmentNumber=1&contentType=pdf	I strongly support the recommendations of National PLACE (See attached file). I have a child with special health care needs/disabilities and request that all regulations that impact him and other children like him NOT be eliminated OR rescinded.	375
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-15850&attachmentNumber=3&contentType=pdf	Please see attached comments from Laureate Education and Walden University.	65
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-9282&attachmentNumber=1&contentType=msw12	See attached file(s)	514
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-14520&attachmentNumber=1&contentType=msw12	See attached file(s)	226
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-15396&attachmentNumber=1&contentType=pdf	Please see attached.	151
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-12036&attachmentNumber=1&contentType=pdf	See Attached	412

https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-15845&attachmentNumber=1&contentType=pdf	See attached file(s) for Hallmark University.	67
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-16307&attachmentNumber=1&contentType=pdf	<p>Education Liberty Watch is submitting the following broad recommendations to decrease the federal role in education back to its constitutional boundaries:</p> <ol style="list-style-type: none"> 1) Enforce psychological privacy in federally mandated assessments and other programs and surveys 2) Protect student privacy by withdrawing the 2012 regulatory changes to the Family Educational Rights and Privacy Act 3) Minimize federal control over state standards and assessments 4) Abolish federal programs that interfere with privacy and parental autonomy 5) Clarify transgender policies to protect the privacy and safety of all students <p>Detailed references and information concerning these recommendations are offered in the uploaded document.</p>	14
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-13162&attachmentNumber=1&contentType=pdf	Please see attached comments from The Arc of the United States.	355
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-10520&attachmentNumber=1&contentType=pdf	Please see attached PDF for my comments.	449
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-14132&attachmentNumber=1&contentType=msw12	<p>Please see the attached file with my comments regarding:</p> <p>Docket ID: ED-2017-OS-0074: Evaluation of Existing Regulations</p>	261
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-11522&attachment	See additional comments from NCSAB.	422

ntNumber=1&contentType=pdf		
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-10410&attachmentNumber=1&contentType=msw12	<p>To:Department of Education Regulatory Reform Task Force From:Minnesota State Services for the Blind Date:August 15, 2017 Subject:Recommendations to Improve Implementation of the Workforce Innovation and Opportunity Act (WIOA)</p> <p>Minnesota State Services for the Blind (SSB) identified language in Department of Education (DOE) regulations, policy statements, and guidance that causes implementation barriers and undue hardship for the 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 passage of the Workforce Innovation and Opportunity Act (WIOA):</p> <p>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</p> <p>SSB outlines five areas of concern as attached.</p>	458
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-12288&attachmentNumber=1&contentType=pdf	See attached file(s)	403
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-10352&attachmentNumber=1&contentType=pdf	<p>The Nevada Coalition to End Domestic and Sexual Violence submits these comments in strong support of the 2011 Dear Colleague letter clarifying Title IX's intended purpose of protecting all students from sexual violence and harassment. We support the Office of Civil Rights (OCR) correct clarification that the evidentiary standard in campus disciplinary hearings is preponderance of the evidence.</p> <p>Sexual assault is widespread and devastating to survivors on campus and in K-12 education settings. Victims can experience serious, discriminatory harms, and the issuance of the 2011 Dear Colleague letter was compelled by the acute needs of students. The letter's clarifications of OCR's 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.</p> <p>On behalf of survivors and local programs serving survivors and providing prevention education in their communities, 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.</p> <p>Please see the attached position paper which goes into more detail on our views on these critical issues.</p>	467
https://www.regulations.gov/contentStreamer?documentId=ED-2017-	Attached please find comments from Advocates for Children of New York.	189

OS-0074-15046&attachme ntNumber=1&contentType=pdf		
https://www.regulations.gov/comment/15847&attachme ntNumber=1&contentType=pdf	<p>Dear Ms. Malawer,</p> <p>On behalf of Brigham Young University, please see my attached response to the request from the Department of Education for written comments on the possible repeal, replacement, or modification of regulations and guidance issued by the Department of Education.</p> <p>Sincerely,</p> <p>Michael R. Orme Assistant to the President and General Counsel Brigham Young University</p>	66
https://www.regulations.gov/comment/15233&attachme ntNumber=1&contentType=pdf	See attached file(s)	174
https://www.regulations.gov/comment/15838&attachme ntNumber=1&contentType=pdf	<p>1. RSA FAQs. Re: the definition of "competitive integrated employment. USDOE to direct RSA to rescind the FAQs and place primacy on the actual language contained in the federal WIOA statute as it relates to whether a job meets the definition of competitive-integrated employment. Duly promulgated statute and regulation places authority with the vocational rehabilitation (VR) counselor to make a professional judgment about whether a job meets the definition of competitive-integrated employment, especially as it relates to the question of "integrated". The FAQs, on the other hand, include limitations that go beyond the statutory and regulatory definition of competitive-integrated employment. The VR counselor (many [or all] of whom in Pennsylvania hold a Master's Degree in Rehabilitation Counseling) is in the best position to make the judgment - on an individualized basis - and should not exclude employers or groups of employers based simply on an FAQ document that was not duly promulgated as a regulation or passed by Congress as a statute. Employment opportunities that pay minimum wage or higher and meet the integration test contemplated by Congress are being excluded merely due to the whim of federal bureaucrats.</p> <p>2. Section 511 Interpretation. RCPA encourages the USDOE to direct RSA to issue guidance to Designated State Units (DSUs) for vocational rehabilitation to treat adults with intellectual disabilities of any age the same as any other vocational rehabilitation customer by closing their case and/or making an ineligibility determination when the individual, after being referred to the DSU and receiving information about what it has to offer, makes an informed decision to not accept additional vocational rehabilitation services. Adult men and women with intellectual disabilities must be given the dignity and respect of having their decisions about their own life honored.</p> <p>3. DSU data collection requirements. RCPA supports requirements for DSUs to collect relevant data on outcomes and services provided, but we are concerned that there are too many new data collection requirements imposed on DSUs that they are having to place excessive amounts of time, energy, and funding on data collection and reporting rather than emphasizing customer services and outcomes.</p> <p>4. Pre-Employment Transition Services (P.E.T.S.).</p> <p>a. Group Counseling. RSA's policy of making DSUs exclude any student who does not have a documented disability from group P.E.T.S. counseling is unnecessary, backward, and excessive.</p>	68

	<p>First, it is reminiscent of segregated training for students with disabilities. Second, WIOA requires DSUs to provide P.E.T.S. to students who are "potentially eligible." Yet, RSA is requiring DSUs to exclude any student from group counseling without a documented disability, and furthermore it is requiring DSUs to document names of participants in the training and secure parental permission before participating. These limitations and requirements place a chilling effect on student engagement and denies students valuable information about a service that could help them get or keep a job.</p> <p>b. Transportation. RSA policy has led to DSUs believing they are not allowed to permit students from utilizing transportation as a form of work readiness training, as part of a job exploration plan, or as a way to develop self-advocacy skills. Transportation is foundational to getting and keeping a job, yet RSA rules say no. This must be reversed. The US Department of Education should direct RSA to become more creative and find ways to say "yes" to needed services rather than always find a way to say "no."</p> <p>c. Assistive Technology (AT). RSA's prohibition on AT is similarly backward and unfortunate relative to its transportation policy. AT gives students with disabilities opportunities to pursue job exploration, develop job-readiness skills, and succeed during work-based learning experiences. RSA should encourage DSUs to find innovative ways to incorporate AT into P.E.T.S., not prohibit it.</p> <p>5. The USDOE should direct its OSERS to require, as a condition of accepting federal IDEA funding, state education agencies to find a way that would allow a parental consent document to be applicable for both education and vocational rehabilitation services at the state and local level for students with disabilities. LEAs believe they are prohibited by law to share student information with vocational rehabilitation offices (under the jurisdiction of the DSU) without a separately signed release from the parent, yet this duplicative system does little else but cause frustration and administrative burden. At the very least, the OSERS should develop a model agreement that state education agencies and DSUs could consider signing that would allow information about students with disabilities to be shared between LEAs and local vocational rehabilitation offices in a timely, protected, and confidential manner without risking a violation of law.</p>	
https://www.regulations.gov/comment/ED-2017-OS-0074-13290&attachmentNumber=1&contentType=pdf	See attached file(s)	345
https://www.regulations.gov/comment/ED-2017-OS-0074-15782&attachmentNumber=1&contentType=pdf	The Institute for Policy Integrity at New York University School of Law respectfully submits the attached comments.	81
https://www.regulations.gov/comment/ED-2017-OS-0074-13498&attachmentNumber=1&contentType=msw12	See attached file(s)	321

https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-10572&attachmentNumber=1&contentType=msw12	See attached file(s)	440
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-11742&attachmentNumber=1&contentType=pdf	<p>Dear folks While not having the time to read yet more Federal Regulations I must as Rosa's Guardian inform you of the GOOD that her Sheltered Workshop has given her since June of 2003 a few short weeks after her "graduation" from high school at age 21. We are now in a phase that is truly remarkable because of the LOVE and SUPPORT that she has been surrounded with over these past 14 years. I will provide you with what we call the "Gifts of the Sheltered Workshop" and I will follow that with an analysis of why we are in the HELL that we are in ie having to defend against the MOST CLOSED MINDED individuals I have ever dealt with in m life!! They most unfortunately do not even have an ounce of awareness or compassion and for Rosa that means death. In the list below. WHERE IS DISABLED person or some such Oh that right this is ONLY about them! WHY WOULD THEY HAVE A SAY??? WHERE IS Guardian????? I chose parent as the best description</p>	419
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-5933&attachmentNumber=1&contentType=pdf	My comment is attached in PDF. Thanks for the opportunity.	3
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-14176&attachmentNumber=1&contentType=pdf	<p>These 294 constituents representing Oregon 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> <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> <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 294 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>	249
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-14889&attachmentNumber=1&contentType=pdf	<p>Please see attached file.</p> <p>Thank you for the opportunity to provide comment on your efforts to streamline IDEA regulations. At the outset, I believe we can't tweak this 40+year-old system to work well going forward. In too many ways, it needs a redo, a second generation approach to serve all students, from the neediest to the most advanced.</p> <p>That said, here are recommendations to fix the current regulatory and "dear colleague" letter system, as that system:</p> <p>Contradicts the law</p>	197

	<p>Overuses and misapplies the law Overreaches the law Overcomplicates procedures (for what purpose?)</p> <p>Here are a few examples of each. More can be provided, with citations.</p> <p>Please see attached file.</p> <p>If I can provide additional information or testimony, I will be happy to do so and hope to contribute to the effort to improve education opportunities for all students.</p> <p>Sincerely,</p> <p>Miriam Kurtzig Freedman, JD, MA www.schoollawpro.com miriam@schoollawpro.com</p>	
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-11833&attachmentNumber=1&contentType=pdf	See attached file(s)	418
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-9675&attachmentNumber=1&contentType=msw12	See attached file(s)	478
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-13024&attachmentNumber=1&contentType=pdf	See attached file(s)	368
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-15994&attachmentNumber=1&contentType=msw12	<p>Please see the attached comments.</p> <p>Respectfully,</p> <p>John H. Mitchell CEO Cincinnati Association for the Blind & Visually Impaired</p>	47
https://www.regulations.gov/content	Please find comments from the National Women's Law Center attached.	32

https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-16113&attachmentNumber=1&contentType=pdf		
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-13935&attachmentNumber=1&contentType=pdf	Please see the attached file submitted by BMore Indivisible.	285
https://www.regulations.gov/contentStreamer?documentId=ED-2017-OS-0074-9604&attachmentNumber=1&contentType=pdf	<p>Dear Secretary de Vos:</p> <p>We are professors at Harvard Law School who have researched, taught, and written on Title IX, sexual harassment, sexual assault, and feminist legal reform. We were four of the signatories to the statement of twenty eight Harvard Law School professors, published in the Boston Globe on October 15, 2014, that criticized Harvard University's newly adopted sexual harassment policy as "overwhelmingly stacked against the accused" and "in no way required by Title IX law or regulation."</p> <p>We attach our new memorandum entitled "Fairness for All Students under Title IX," with attachments, setting forth our recommendations for the Title IX enforcement with respect to sexual harassment, sexual assault, and related matters, on our nation's campuses.</p> <p>Thank you for this opportunity to comment.</p> <p>Elizabeth Bartholet, Nancy Gertner, Janet Halley and Jeannie Suk Gersen</p>	486