



September 20, 2017

SUBMITTED ELECTRONICALLY

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

RE: Docket ID ED-2017-OS-0074

The Sargent Shriver National Center on Poverty Law (Shriver Center) provides national leadership in advancing laws and policies that secure justice to improve the lives and opportunities of people living in poverty. We are committed to ensuring that all children have access to an excellent education and an equal opportunity to succeed in school and in life. However, too many vulnerable children and young people – children of color, young people living in poverty, students with disabilities, LGBTQ youth, immigrants and young women and girls, among others – face significant barriers to success. The U.S. Department of Education has a crucial roll to play in removing those barriers.

We write today to address the Office of the Department of Education (ED) notice pursuant to Executive Order 13777: “Enforcing the Regulatory Reform Agenda” requesting public comment on existing regulations that may be “outdated, unnecessary or ineffective” or “impose costs that exceed benefits.” The Shriver Center firmly supports regulations and guidance that not only remove barriers to education but that allow every student to have a high-quality education, notably civil rights regulations that help to guarantee every student receives the protections and supports they deserve. In particular, we believe funding and resources for public education and local schools should be equitable and provide support to children in disconnected communities and who need additional programs and services to be successful in school. It is incumbent upon the Department of Education to improve state and local education agency outcomes and performance by addressing equal and adequate funding. Further, we offer our strong support for regulations, rules and guidance that provide protections for marginalized children and young people, including school discipline reform, supports for students with disabilities and protections for immigrant students.





The Shriver Center is also deeply concerned with recent efforts to issue new Title IX instructions to schools addressing sexual violence and harassment. The Shriver Center's Women's Law and Policy Project (WLPP) advocates on behalf of low-income students, including those who are survivors of domestic and sexual violence. That is why we were so disheartened when, on September 7, 2017, Secretary of Education Betsy DeVos proposed rescinding the 2011 guidance that explains schools' responsibilities for dealing with sexual harassment and violence. We believe this recession will discourage schools from taking steps to comply with Title IX, and sends a frightening message to all students that your government does not have your back if your rights are violated. The Secretary's words and actions signal a greenlight to sweep all forms of sexual harassment, most particularly sexual assault, under the rug--out of sight and out of mind to everyone: school administrators, perpetrators, and students--except not to survivors, who in addition to the immediate trauma, too often suffer lifelong consequences because of the violence.

The WLPP has years of experience working with survivors, their parents, educators, and service providers. Common themes emerge as they relate to survivors' interaction with their schools—the absence, ignorance of, or disregard of protocol in schools; the lack of confidentiality; staff doubting the experience of survivors; and the ensuing re-traumatization of survivors due to these deficiencies. This holds true at every level of education—elementary, secondary, college, and graduate school. But we've also seen success stories where both schools and survivors have greatly benefited from the 2011 guidance--disclosure of the sexual assault benefited survivors and put them on the path to recovery, allowing them to stay safe, stay in school, succeed academically, and successfully complete their education; and schools emerge as a safer environment for all students—as was intended by Title IX and the guidance documents.

The 2011 guidance, along with the 1997, 2001, and 2014 documents, serve to clarify and guide schools in the implementation of Title IX. While there has been resistance to these documents, and missteps in implementation, this is not a reason for stepping back. Instead, it is a reason for ED to step up its assistance to schools and survivors alike.





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As ED's Regulatory Reform Task Force reviews regulations, it is critical to keep in mind the core mission: to promote student achievement and ensure equal access to education. The existing regulations, rules and guidance have been developed to make sure that schools do not discriminate against students and that all students are treated fairly. We, again, want to express our strong opposition to any effort to rescind, modify or replace regulations and guidance that clarify civil rights and education laws.

If you should have any questions regarding our comments, please contact Jennifer Doeren, Director, Education Equity at 312.546.4467 or jenniferdoeren@povertylaw.org or Wendy Pollack, Director, Women's Law & Policy Project at 312.368.3303 or wendypollack@povertylaw.org

Respectfully submitted,

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Advancing justice and opportunity

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