

November 26, 2018

The Honorable Betsy DeVos
Secretary
U.S. Department of Education
400 Maryland Ave. SW
Washington, DC 20202

Kenneth Marcus
Assistant Secretary for Civil Rights
U.S. Department of Education
400 Maryland Ave. SW
Washington, DC 20202

Dear Secretary DeVos and Assistant Secretary Marcus:

The National Women’s Law Center and the undersigned 123 organizations and 231 individuals request that the Department of Education extend the comment period for the Notice of Proposed Rulemaking for the regulations implementing Title IX of the Education Amendments of 1972 (“Title IX”) entitled *Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance* (RIN 1870-AA14) for a minimum of 60 days beyond the currently scheduled public comment deadline. We also encourage you to schedule public hearings at school districts and college campuses throughout the country to encourage additional input from students, teachers, administrators, and advocates. The proposed 60-day comment period is insufficient to receive meaningful public participation in the rulemaking process.

The proposed changes are extensive and far-reaching. If finalized, they will drastically alter students’ rights and will affect almost every aspect of a school’s obligation to respond to sexual harassment against students, which includes support services, investigations, and resolution procedures. These proposals will also impact all levels of our nation’s educational system, resulting in changes for millions of students, from kindergarten to graduate school. For a regulation of this magnitude, interested parties need adequate time to thoroughly review the proposed changes and provide essential analysis and input.

School administrators, teachers, advocates, parents, and especially students, deserve the opportunity to be meaningfully heard in this process. Yet the proposed 60-day period comes in the midst of the holiday season. This is a particularly busy time for students, who are juggling final exams, preparations for winter break, and traveling home for the holidays. Teachers and school administrators are similarly overburdened. As agencies routinely extend comment periods based on public requests, we ask that the comment period be extended to accommodate these unique challenges faced by students and educators—those whose rights and obligations will be most affected by these proposed changes.

When Secretary DeVos announced her intentions to alter Title IX, she promised to “launch a transparent notice-and-comment process to incorporate the insights of all parties” and “seek public feedback and combine institutional knowledge, professional expertise, and the

experiences of students”¹ to inform any proposed changes. We ask that the Department affirm its commitment to a wide-reaching notice-and-comment period by extending the deadline by 60 days and holding public hearings with community stakeholders. Doing so will ensure that those most affected by these proposed changes are given the opportunity to engage and give the Department the benefit of a robust rule-making process. For questions, please contact Emily Martin (emartin@nwlc.org) or Shiwali Patel (spatel@nwlc.org) at the National Women’s Law Center at (202) 588-5180.

Sincerely,

National Women’s Law Center, joined by:

Organizations (123):

Affordable Title IX and Educational Compliance
Alliance for Girls
American Association of People with Disabilities
American Association of University Women (AAUW)
American Federation of Teachers
Aniz Inc.
Antelope Valley Domestic Violence Council
Arab American Institute
Atlanta Women for Equality
Bay Area Women Against Rape (BAWAR)
Berkeley Law Survivor Advocacy Project
BHS Stop Harassing
California Coalition Against Sexual Assault
California Partnership to End Domestic Violence
Capitol Area Missouri NOW
Center for Community Solutions
Chicago Alliance Against Sexual Exploitation
Clearinghouse on Women's Issues
Colorado Coalition Against Sexual Assault
CT Alliance to End Sexual Violence
Day One
Democrats for Education Reform
East Coast Asian American Student Union (ECAASU)
Education Law Center - PA
End Rape on Campus
Enough is Enough Voter Project
Equal Rights Advocates
Equality Now
Feminist Majority Foundation
Florida Council Against Sexual Violence
Gender Equality Law Center

¹ Prepared Remarks on Title IX Enforcement, Secretary Betsy DeVos, Dep’t of Educ., Sept. 7, 2017, *available at* <https://www.ed.gov/news/speeches/secretary-devos-prepared-remarks-title-ix-enforcement>.

Girls Inc.
Girls Inc. of Bay County
Girls Inc of Greater Madison
Girls Inc. of Greater Santa Barbara
Girls Inc. of Long Island
Girls Inc of New York City
Girls Inc. of Omaha
Girls Inc. of the Pacific Northwest
Girls Inc of Shelbyville & Shelby County
Girls Inc. of Wayne County
Girls Inc. Of Winter Haven
Girl Inc. at the YWCA of Syracuse and Onondaga County Inc.
GLSEN
Harvard Law School Gender Violence Program
Haven Women's Center of Stanislaus
Healthy and Free Tennessee
Human Rights Campaign
Idaho Coalition Against Sexual & Domestic Violence
Illinois Coalition Against Sexual Assault
Illinois National Organization for Women
Iowa Coalition Against Sexual Assault
Jewish Women International
Legal Momentum, the Women's Legal Defense and Education Fund
Legal Voice
MALDEF
Maryland Coalition Against Sexual Assault
MCRCC
Men Stopping Violence
Minnesota Coalition Against Sexual Assault
Missouri NOW
Montana Coalition Against Domestic and Sexual Violence
Monterey County Rape Crisis Center
NAACP
National Alliance for Partnerships in Equity (NAPE)
National Alliance to End Sexual Violence
National Association of Councils on Developmental Disabilities
National Center for Transgender Equality
National Center on Domestic and Sexual Violence
National Coalition of 100 Black Women
National Council of Jewish Women
National Disability Rights Network
National Down Syndrome Congress
National Education Association
National LGBTQ Task Force
National Organization for Women
National Organization for Women, Columbia Area

National Task Force to End Sexual and Domestic Violence
National Women's Political Caucus
Nebraska Coalition to End Sexual and Domestic Violence
Nevada Coalition to End Domestic and Sexual Violence
New Jersey Coalition Against Sexual Assault
New Moon Girls
New York State Coalition Against Sexual Assault
NH Coalition Against Domestic and Sexual Violence
Northern Marianas Coalition Against Domestic & Sexual Violence
Ohio Alliance to End Sexual Violence
Oregon Student Voice
People For the American Way
Planned Parenthood Federation of America
Project Sister Family Services
Public Justice
Rape Counseling Services of Fresno
Riverside Area Rape Crisis Center
San Francisco Women Against Rape
San Gabriel Valley-Whittier Nat'l. Org for Women
Service Employees International Union
Sexual Harassment & Rape Prevention Program at UNH
Stop Sexual Assault in Schools
Surge Reproductive Justice
SurvJustice
Texas Association Against Sexual Assault
The Blue Bench
The Drake Group
The Inanna Project
The Leadership Conference on Civil and Human Rights
The Mustard Seed Foundation
UltraViolet
University of Denver Sturm College of Law, Law Students Against Sexual and Domestic Violence
Victim Rights Law Center
Wisconsin Coalition Against Sexual Assault
Women Employed
Women's Center-High Desert, Inc.
Women's Law Project
Women's Sports Foundation
Young Feminists & Allies: National Organization for Women's (NOW) Inaugural Virtual Chapter
YWCA USA
YWCA Bethlehem, Bethlehem, Pennsylvania
YWCA of the Greater Capital Region
YWCA of Greater Flint
YWCA Greater Portland

YWCA Nashville & Middle Tennessee
YWCA Wheeling

Individuals (231):

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Adam I Brown
Adriana Levandowski
Alan Brumberger
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Ally Karpel
Alma Baker
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Amanda Silva
Amber Wasson
Amity Pope
Amy Adams
Amy Culp
Amy Dillon
Amy Kesselman
Andrea E Haines
Ann Clark
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Diane Zipperstein
Dina Tedeschi
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Heidi Lockwood
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Jacqueline Cortez
Jacquelynn Lira
Jacquie Aamodt
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