



September 20, 2017

**The Honorable Betsy DeVos**  
**Secretary**  
**U.S. Department of Education**  
**400 Maryland Avenue, SW**  
**Washington, D.C. 20202**

RE: Docket ID: ED-2017-OS-0074

Dear Secretary DeVos,

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 200 national organizations to promote and protect the civil and human rights of all persons in the United States, and the 43 undersigned organizations, we write to offer our views in response to the notice posted in the Federal Register on June 22, 2017 in accordance with Executive Order 13777 “Enforcing the Regulatory Reform Agenda,” and the request for input on regulations that may be appropriate for repeal, replacement, or modification. We present our comments as advocates for the excellent and equitable education of all children in the United States, especially those who are African American, Latino, Asian American or Pacific Islander, Native American, immigrants, girls, LGBTQ, English learners, religious minorities, or who have a disability. We are committed to the robust enforcement of our nation’s civil rights and education laws and the freedom from discrimination and access to equal opportunity that they provide.

The U.S. Department of Education is a civil rights agency and, together with the Department of Justice, is responsible for protecting students from discrimination on the basis of race, color, national origin, sex, and disability. Under Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act, the Department of Education is tasked with enforcing these laws in response to complaints of discrimination and through proactive compliance reviews, data collection, regulations, and policy guidance. In addition, landmark education laws including the Individuals with Disabilities Education Act (IDEA), the Elementary and Secondary Education Act (ESEA), the Carl D. Perkins Career and Technical Education Act, and the Higher Education Act (HEA) provide critical funding – and associated requirements of recipients – that help to make equal opportunity meaningful in the lives of students. All of these laws require regulations and guidance, and oversight and enforcement, in order to provide their intended benefits to students. We reject any effort to undermine the protections and supports these laws provide through the rescission or modification of the regulations and guidances used to ensure compliance and to inform all parties of their rights and obligations under the law.

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The Civil Rights Act of 1964 (which bans discrimination based on race, color, national origin, religion, and sex), Section 504 of the Rehabilitation Act of 1973 (which prohibits discrimination on the basis of disability), and other federal nondiscrimination laws authorize federal agencies to develop rules and guidance detailing how they will enforce these laws. Regulations relating to these laws, many of which have been in place since the enactment of the laws themselves, clarify what type of discrimination is banned. For example, Title VI of the Civil Rights Act prohibits individuals from being excluded from participation in, being denied the benefits of, or being subjected to discrimination on the basis of race, color, or national origin under any program or activity receiving Federal financial assistance.<sup>1</sup> Over two dozen agencies, including the Department of Education, have longstanding regulations effectuating Title VI that prohibit both actions and policies that intentionally treat individuals differently because of their race, color or national origin, and those that have an unjustified discriminatory impact.<sup>2</sup> Protecting the nation's residents from all forms of discrimination, intentional and unintentional, is a legal obligation of federal agencies that has been acknowledged by both Republican and Democratic administrations for more than 50 years.<sup>3</sup> Similarly, the Individuals with Disabilities Education Act (IDEA) and the related regulation address disproportionality based on race and ethnicity in the areas of identification, placement in restrictive settings, and discipline. The Department of Education should not repeal, replace, or modify any of these or other related or similar regulations and guidances.

Likewise, the Department of Education should maintain all regulations and guidance that clarify that Title IX of the Education Amendments and other federal statutes prohibiting discrimination on the basis of sex include protection on the basis of sexual orientation and gender identity. This interpretation is consistent with that of many other federal agencies, including the Equal Employment Opportunity Commission (EEOC). These interpretations reflect the compounding trend in federal courts, which have consistently held in recent cases that discrimination on the basis of sexual orientation or gender identity is prohibited under existing civil rights laws that prohibit sex discrimination, including Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and the Fair Housing Act. In the Title IX context, for example, a federal judge held in *Videckis v. Pepperdine University* that two female students had an actionable sex discrimination claim under Title IX against Pepperdine University for alleged discrimination on the basis of sexual orientation.<sup>4</sup> The court reasoned that "A plaintiff's 'actual' sexual orientation is irrelevant to a Title IX or Title VII claim because it is the biased mind of the alleged discriminator that is the focus of the analysis."<sup>5</sup> Most recently in *Whitaker v. Kenosha Unified School District*, the U.S. Court of Appeals for the Seventh Circuit affirmed that a school's denial of a transgender boy's access to the boy's restroom was a violation of both Title IX and the Equal Protection Clause.<sup>6</sup>

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<sup>1</sup> 42 U.S.C. § 2000d.

<sup>2</sup> See, for example, 34 C.F.R. §100.3(b)(2).

<sup>3</sup> See, The U.S. Department of Justice, Memorandum for Heads of Departments and Agencies, General Counsels, and Civil Rights Directors (Oct. 26, 2001), <https://www.justice.gov/crt/federal-coordination-and-compliance-section-201>; and The U.S. Department of Education, Dear Colleague Letter: Resource Comparability (Oct. 1, 2014), <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-resourcecomp-201410.pdf>.

<sup>4</sup> 2015 WL 8916764 (C.D. Cal. Dec. 15, 2015).

<sup>5</sup> Id.

<sup>6</sup> *Whitaker v. Kenosha Unified School District*, 858 F.3d 1034 (7th Cir. 2017).

Courts have typically looked to Title VII for guidance when interpreting Title IX coverage, making the determinations by federal courts in employment cases influential in assessing coverage in education.<sup>7</sup>

We oppose any effort by this administration to repeal, replace, or modify any of the regulations or significant guidance documents listed in Appendix A of this letter. There may also be other important regulations and guidance documents that are not listed in Appendix A. For the purposes of this letter, we are assuming these regulations and guidance documents are not being considered for rescission, replacement, or modification.

Students deserve, and the law requires, a Department of Education that is working to protect all students from discrimination and to provide for equal educational opportunity. These regulations and guidance documents, and continued enforcement of the law, are critical to making students' rights real. If you have any questions, please contact Leadership Conference Director of Education Policy Liz King at [king@civilrights.org](mailto:king@civilrights.org) or 202.466.0087.

Sincerely,

The Leadership Conference on Civil and Human Rights  
African American Policy Forum  
Alliance for Excellent Education  
American Association of University Women (AAUW)  
American Federation of State, County and Municipal Employees (AFSCME)  
American Federation of Teachers  
American-Arab Anti-Discrimination Committee  
The Arc of the United States  
Asian Americans Advancing Justice | AAJC  
Augustus F. Hawkins Foundation  
Autistic Self Advocacy Network  
Center for Law and Social Policy (CLASP)  
Children's Defense Fund  
Council of Parent Attorneys and Advocates  
Democrats for Education Reform  
Disability Rights Education & Defense Fund  
Education Law Center-PA  
Feminist Majority Foundation  
Human Rights Campaign  
Lawyers' Committee for Civil Rights Under Law  
League of United Latin American Citizens  
NAACP  
NAACP Legal Defense and Educational Fund

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<sup>7</sup> See, e.g., *Emeldi v. Univ. of Oregon*, 698 F.3d 715, 724 (9th Cir.2012) (the legislative history of Title IX “strongly suggests that Congress meant for similar substantive standards to apply under Title IX as had been developed under Title VII”).

National Alliance for Partnerships in Equity (NAPE)  
National Bar Association  
National Center for Learning Disabilities  
National Center for Lesbian Rights  
National Center for Transgender Equality  
National Center for Youth Law  
National Council of Jewish Women  
National Disability Rights Network  
National Down Syndrome Congress  
National LGBTQ Task Force  
National Urban League  
National Women's Law Center  
One Wisconsin Now  
PolicyLink  
Poverty & Race Research Action Council  
Public Citizen  
Southeast Asia Resource Action Center  
Southern Poverty Law Center  
TASH  
TNTP  
UnidosUS (formerly, NCLR)

**Appendix A.**

We oppose any effort by this administration to repeal, replace, or modify any of the following regulations or significant guidance documents:

REGULATIONS:

<b>Title of ED Regulation (CFR part)</b>	<b>Most Recent Amendments</b>
Official Seal (Part 3)	2000
Service of Process (Part 4)	1982
Availability of Information to the Public (FOIA) (Part 5)	2010
Privacy Act Regulations (Part 5b)	1980
Inventions and Patents (Part 6)	1980
Employee Inventions (Part 7)	1980
Demands for Testimony or Records in Legal Proceedings (Part 8)	2008
Disposal and Utilization of Surplus Federal Real Property for Educational Purposes (Part 12)	1992
Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs (Part 15)	1987 cross reference to 49 CFR Part 24
Equal Access to Justice (Part 21)	1993
Debt Collection (Part 30)	1989
Salary Offset for Federal Employees Who are Indebted to the United States under Programs Administered by the Secretary of Education (Part 31)	1989
Salary Offset for Recover Overpayments of Pay or Allowances from Department of Education Employees (Part 32)	1987
Program Fraud Civil Remedies Act (Part 33)	1988
Administrative Wage Garnishment (Part 34)	2003
Tort Claims Against the Government (Part 35)	1980
Adjustment of Civil Monetary Penalties for Inflation (Part 36)	2017
Indemnification of Department of Education Employees (Part 60)	1989
Standards of Conduct (Part 73)	1995 – cross reference to standards of conduct
Direct Grant Programs (Part 75)	2016
State- Administered Programs (Part 76)	2016
Definitions that Apply to Department Regulations (Part 77)	2015
Intergovernmental Review of Department of Education Programs and Activities (Part 79)	1986
General Education Provisions Act Enforcement (Part 81)	1996
New Restrictions on Lobbying (Part 82)	1990 government wide
Governmentwide Requirements for Drug-Free Workplace (Financial Assistance) (Part 84)	2003 government wide

Drug and Alcohol Abuse Prevention (Part 86)	1996
Protection of Human Subjects (Part 97)	2017 (final rules published 11/29/2016 delayed until 3/21/2017).
Student Rights in Research, Experimental Programs, and Testing (Part 98)	1984
Family Educational Rights and Privacy (FERPA) (Part 99)	2017
Nondiscrimination Under Programs Receiving Federal Assistance Through The Department Of Education Effectuation Of Title VI Of The Civil Rights Act Of 1964 (Part 100)	2000
Practice And Procedure For Hearings Under Part 100 Of This Title (Part 101)	2014
Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Financial Assistance (Part 104)	2000
Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Department of Education (Part 105)	1990
Nondiscrimination on the Basis of Sex In Education Programs Or Activities Receiving Federal Financial Assistance (Part 106)	2006
Equal Access To Public School Facilities For The Boy Scouts Of America And Other Designated Youth Groups (Part 108)	2006
Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance (Part 110)	2000
Title I Improving The Academic Achievement Of The Disadvantaged Part 200	2016; 2017 (on 1/30/17, effective date of final rules amending 200.73 was delayed until 3/21/17).
Special Educational Programs For Students Whose Families Are Engaged In Migrant And Other Seasonal Farmwork-- High School Equivalency Program And College Assistance Migrant Program (Part 206)	2014
Impact Aid Programs (Part 222)	2016
Credit Enhancement For Charter School Facilities Program (Part 225)	2014
State Charter School Facilities Incentive Program (Part 226)	2014
Innovation for Teacher Quality (Troops to Teachers) (Part 230)	2005
Christa McAuliffe Fellowship Program (Part 237)	1992
Indian Education Discretionary Grant Programs (Part 263)	2015
Equity Assistance Center Program (Part 270)	2016
Magnet Schools Assistance Program (Part 280)	2014
General Provisions (Part 299)	2016
Assistance to States for the Education of Children with Disabilities (Part 300)	2015
Early Intervention Program for Infants and Toddlers with Disabilities (Part 303)	2014

Service Obligations under Special Education Personnel Development to Improve Services and Results for Children with Disabilities (Part 304)	2006
Disability and Rehabilitation Research Projects and Centers Program (Part 350)	2014
Disability and Rehabilitation Research: Research Fellowships (Part 356)	1995
Disability and Rehabilitation Research: Special Projects and Demonstrations for Spinal Cord Injuries (Part 359)	1985, 1993
State Vocational Rehabilitation Services Program (Part 361)	2016
The State Supported Employment Services Program (Part 363)	2016
State Independent Living Services Program and Centers for Independent Living Program: General Provisions (Part 364)	2014
State Independent Living Services (Part 365)	2014
Centers For Independent Living (Part 366)	1995
Independent Living Services for Older Individuals Who Are Blind (Part 367)	2016
Client Assistance Program (Part 370)	2016
Vocational Rehabilitation Service Projects for American Indians with Disabilities (Part 371)	2016
Special Demonstration Projects (Part 373)	2016
Protection and Advocacy of Individual Rights (Part 381)	2016
Rehabilitation Training (Part 385)	2016
Rehabilitation Training: Rehabilitation Long-Term Training (Part 386)	2016
Experimental and Innovative Training (Part 387)	2016
Rehabilitation Short-Term Training (Part 390)	2016
Vending Facility Program for the Blind on Federal and Other Property (Part 395)	1981
Training of Interpreters for Individuals who are Deaf and Individuals who are Deaf-Blind (Part 396)	2016
Limitations on Use of Subminimum Wage (Part 397)	2016
Vocational and Applied Technology Education Programs; General Provisions (Part 400)	1992
Indian Vocational Education Program (Part 401)	1992
Native Hawaiian Vocational Education Program (Part 402)	1992
State Vocational and Applied Technology Education Program (Part 403)	1992
State- Administered Tech-Prep Education Program (Part 406)	1992
Tribally- Controlled Postsecondary Vocational Institutions Program (Part 410)	1992
Vocational Education Research Program (Part 411)	1992
National Network for Curriculum Coordination in Vocational and Technical Education (Part 412)	1992
National Center or Centers for Research in Vocational Education (Part 413)	1992
Demonstration Centers for the Training for Dislocated Workers Program (Part 415)	1992
Business and Education Standards Program (Part 421)	1992

Demonstration Projects for the Integration of Vocational and Academic Learning Program (Part 425)	1992
Bilingual Vocational Training Program (Part 427)	1992
Bilingual Vocational Instructor Training Program (Part 428)	1992
Bilingual Vocational Materials, Methods, and Techniques Program (Part 429)	1992
Adult Education State- Administered Basic Grant Program (Part 461)	1992
Measuring Educational Gain in the National Reporting System for Adult Education (Part 462)	2016
Adult Education and Family Literacy Act (Part 463)	2016
Institutional Eligibility under the Higher Education Act of 1965, as amended (Part 600)	2014; Some updates to take effect 2018.
Institution and Lender Requirements Relating to Education Loans (Part 601)	2009
The Secretary's Recognition of Accrediting Agencies (Part 602)	2010
Secretary's Recognition Procedures for State Agencies (Part 603)	2010
Federal-State Relationship Agreements (Part 604)	1980
Developing Hispanic- Serving Institutions Program (Part 606)	2014
Strengthening Institutions Program (Part 607)	2014
Strengthening Historically Black Colleges and Universities Program (Part 608)	2014
Strengthening Historically Black Graduate Institutions Program (Part 609)	2014
Teacher Quality Enhancement Grants Program (Part 611)	2014
TITLE II REPORTING SYSTEM (Part 612)	2016
Preparing Tomorrow's Teachers to Use Technology (Part 614)	2014
Endowment Challenge Grant Program (Part 628)	2014
Minority Science and Engineering Improvement Program (Part 637)	2014
Training Programs for Federal TRIO Programs (Part 642)	2014
Talent Search (Part 643)	2014
Educational Opportunity Centers (Part 644)	2014
Upward Bound Program (Part 645)	2014
Student Support Services Program (Part 646)	2014
Ronald E. McNair Postbaccalaur eate Achievement Program (Part 647)	2014
Graduate Assistance in Areas of National Need (Part 648)	2014
Jacob K. Javits Fellowship Program (Part 650)	2014
Robert C. Byrd Honors Scholarship Program (Part 654)	2014
International Education Programs; General Provisions (Part 655)	2014
National Resource Centers Program for Foreign Language and Area Studies or Foreign Language and International Studies (Part 656)	2009 (technical edits only)
Foreign Language and Area Studies Fellowship Program (Part 657)	2009 (technical edits only)
Undergraduat e International Studies and Foreign Language Program (Part 658)	2009 (technical edits only)
The International Research and Studies Program (Part 660)	2009 (technical edits only)





Business and International Education Program (Part 661)	2014
Fulbright- Hays Doctoral Dissertation Research Abroad Fellowship Program (Part 662)	2014
Fulbright- Hays Faculty Research Abroad Fellowship Program (Part 663)	2014
Fulbright- Hays Group Projects Abroad Program (Part 664)	2014
Student Assistance General Provisions (Part 668)	As needed (GE 2017 Delayed)
Language Resource Centers Program (Part 669)	2005
General Provisions for the Federal Perkins Loan Program, Federal Work- Study Program, And Federal Supplemental Educational Opportunity Grant Program (Part 673)	2009
Federal Perkins Loan Program (Part 674)	– 2013; (scheduled amendments to take effect 7/1/2017)
Federal Work- Study Programs (Part 675)	– 2009
Federal Supplemental Educational Opportunity Grant Program (Part 676)	– 2008
Federal Family Education Loan (FFEL) Program (Part 682)	2015; (scheduled amendments to take effect 7/1/2017)
William D. Ford Federal Direct Loan Program (Part 685)	2015; (scheduled amendments to take effect 7/1/2017)
Teacher Education Assistance for College and Higher Education (TEACH) Grant Program (Part 686)	2010
Federal Pell Grant Program (Part 690)	2009, 2012
Academic Competitiveness Grant (ACG) and National Science and Mathematics Access to Retain Talent Grant (National Smart Grant) Programs (Part 691)	2010
Leveraging Educational Assistance Partnership Program (Part 692)	2014
Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP) (Part 694)	2014
Enforcement of Nondiscrimination on the Basis of Handicap Programs or Activities Conducted by the National Council on Disability (Part 1200)	1993
Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (current version) (Part 3474)	2017
Nonprocurement Debarment and Suspension (Part 3485)	2012

**SIGNIFICANT GUIDANCE DOCUMENTS:**

- 2016-04-06 Establishing Expected Levels of Performance and Negotiating Adjusted Levels of Performance for Program Years (PY) 2016-17 and 2017-18

- 2016-01-11 Integrated English Literacy and Civics Education under the Workforce Innovation and Opportunity Act – Frequently Asked Questions
- 2015-12-08 Competition and Award of Adult Education and Family Literacy Act Funds under the Workforce Innovation and Opportunity Act – Frequently Asked Questions
- 2015-08-18 Vision for the Adult Education and Family Literacy Act in the Workforce System and Initial Implementation of the Workforce Innovation and Opportunity Act
- 2014-10-24 Use of Carryover Funds Awarded Under the Adult Education and Family Literacy Act, Title II of the Workforce Investment Act
- 2015-03 Guidance on School Improvement Grants Under Section 1003(g) of the Elementary and Secondary Education Act of 1965
- 2012-03-01 Updated Guidance on School Improvement Grants under Section 1003(g) of the Elementary and Secondary Education Act of 1965
- 2012-06-08 Teacher Incentive Fund -- Frequently Asked Questions for the FY 2012 Competition (Cohort 4)
  - Teacher Incentive Fund -- Frequently Asked Questions For the 2010 Competition and Grant Award
  - Teacher Incentive Fund – Frequently Asked Questions – Addendum 1 (07/01/2010)
- 2010-05-27 Race to the Top Program - Guidance and Frequently Asked Questions (including subsequent updates)
- 2010-05-21 Race to the Top Assessment Program Guidance and Frequently Asked Questions Investing in Innovation Fund (i3) Guidance and Frequently Asked Questions
  - Investing in Innovation Fund (i3) FAQs Addendum (March 30, 2010)
  - Investing in Innovation Fund (i3) FAQs Addendum 2 (April 8, 2010)
  - Investing in Innovation Fund (i3) FAQs Addendum 3 (April 21, 2010)
  - Investing in Innovation Fund (i3) FAQs Addendum 4 (April 30, 2010)
  - Investing in Innovation Fund (i3) FAQs Scale-up and Validation Competitions (June 3, 2013)
  - Investing in Innovation Fund (i3) FAQs Development Competition (July 18, 2013)
- 2010-03 Guidance – Funds Under Title I, Part A of the Elementary and Secondary Education Act of 1965 Made Available Under the American Recovery and Reinvestment Act of 2009
- 2009-09-02 Using Title I, Part A ARRA Funds for Grants to Local Educational Agencies to Strengthen Education, Drive Reform, and Improve Results for Students
- 2009-07 Guidance on Enhancing Education through Technology (Ed Tech) Program Funds Made Available under the American Recovery and Reinvestment Act of 2009
- 2009-04-10 Guidance on McKinney-Vento Homeless Children and Youth Program Funds Made Available Under the American Recovery and Reinvestment Act of 2009
- 2016-06-15 Dear Colleague Letter on Gender Equity in Career and Technical Education

- 2015-04-24 Questions and Answers Regarding the Implementation of the Carl D. Perkins Career and Technical Education Act of 2006 – Version 4.0  
Questions and Answers Regarding the Implementation of the Carl D. Perkins Career and Technical Education Act of 2006 – Version 3.0
  - Update to Questions and Answers Regarding the Implementation of the Carl D. Perkins Career and Technical Education Act of 2006 – Version 2.0 (Issued on June 6, 2007)
  - Update to Questions and Answers Regarding the Implementation of the Carl D. Perkins Career and Technical Education Act of 2006 – Version 1.0 (Issued on January 9, 2007)
- 2007-03-13 Student Definitions and Measurement Approaches for the Core Indicators of Performance under the Carl D. Perkins Career and Technical Education Act of 2006
- 2007-03-12 Transmittal of the Carl D. Perkins Career and Technical Education Act of 2006 State Plan Guide (Program Memo and Guide for Submission of State Plans)
- 2002-06-18 The Role of Tech-Prep Education in Preparing America's Future Comment on this guidance document
- 2000-05-19 Permissible State Uses of Tech-Prep Funds
- 1999-10-15 Accountability Systems Development for the Carl D. Perkins Vocational and Technical Education Act of 1998
- 1999-06-30 Second Jointly Issued Guidance Regarding the Non-Duplication Provision in the Workforce Investment Act
- 1999-05-27 Services That Prepare Individuals for Nontraditional Training and Employment and Related Issues
- 1999-05-24 Responsibilities and Opportunities Created by Title I of the Workforce Investment Act of 1998
- 2016-12-28 Frequently Asked Questions About the Rights of Students with Disabilities in Public Charter Schools under the Individuals with Disabilities Education Act
- 2016-12-28 Dear Colleague Letter on Restraint and Seclusion of Students with Disabilities
- 2016-07-26 Dear Colleague Letter and Resource Guide on Students with Attention-Deficit/Hyperactivity Disorder (ADHD)
- 2016-06-15 Dear Colleague Letter on Gender Equity in Career and Technical Education
- 2015-12-15 Dear Colleague Letter on Voluntary Youth Service Organizations
- 2015-01-07 English Learner Students and Limited English Proficient Parents
- 2014-12-01 Questions and Answers on Title IX and Single-Sex Elementary and Secondary Classes and Extracurricular Activities
- 2014-10-01 Dear Colleague Letter: Guidance to Ensure All Students Have Equal Access to Educational Resources
- 2014-04-29 Questions and Answers on Title IX and Sexual Violence
- 2014-01-08 Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline
- 2013-09-27 Questions and Answers About Fisher v. University of Texas at Austin
- 2013-01-25 Students with Disabilities in Extracurricular Athletics

- 2012-01-20 Dear Colleague Letter and Questions and Answers on the ADA Amendments Act of 2008 for Students with Disabilities Attending Public Elementary and Secondary Schools
- 2011-12-02 Guidance on the Voluntary Use of Race to Achieve Diversity and Avoid Racial Isolation in Elementary and Secondary Schools
- 2011-12-02 Guidance on the Voluntary Use of Race to Achieve Diversity in Postsecondary Education
  - Joint "Dear Colleague" Letter: Electronic Book Readers
    - Frequently Asked Questions about the June 29, 2010, Dear Colleague Letter (May 5, 2011)
  - Dear Colleague Letter on Title IX Requirements and How They Relate to Sexual Harassment and Sexual Violence
    - Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students or Third Parties (January 19, 2001)
- 2010-04-20 Dear Colleague Letter about the standards OCR uses to assess compliance with Part Three of the "three-part test" to determine whether institutions are meeting the Title IX regulatory requirement to accommodate students' athletic interests and abilities
- 2009-12 Questions and Answers on Providing Services to Children with Disabilities During an H1N1 Outbreak
- 2009-01-08 Dear Colleague Letter – Title VI and Public School Choice
- 2008-10-17 Dear Colleague Letter – Non-Regulatory Guidance Regarding Disclosure of Disability on Report Cards and Transcripts for Students with Disabilities Attending Public Elementary and Secondary Schools
- 2008-09-17 Dear Colleague Letter – Non-Regulatory Guidance Regarding Athletic Activities Counted for Title IX Compliance
- 2008-02-01 Guidance on Homeless Children with Disabilities
- 2007-10-19 Final Guidance on Maintaining, Collecting, and Reporting Racial and Ethnic Data to the U.S. Department of Education
- 2007-03-17 Transition of Students with Disabilities from High School to Postsecondary Institutions (“Dear Colleague” letter from Assistant Secretary for Civil Rights Stephanie J. Monroe, enclosing a “Dear Parent” letter and an OCR pamphlet entitled "Transition of Students with Disabilities to Postsecondary Education: A Guide for High School Educators”)
- 2004-09-13 Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments Act of 1972, and Religious Discrimination in Schools and Colleges (“Dear Colleague” letter from Kenneth L. Marcus, Deputy Assistant Secretary for Enforcement, Delegated the Authority of the Assistant Secretary for Civil Rights)
- 2003-07-14 Letter on the Participation of Private School Students in Federally-Funded Programs
- 2001-01-19 Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students or Third Parties

- 2000-07-25 Prohibited Disability Harassment (“Dear Colleague” letter from Assistant Secretary for Civil Rights Norma V. Cantú and Assistant Secretary for Special Education and Rehabilitative Services Judith E. Heumann)
- 1998-07-23 Title IX of the Education Amendments of 1972 and Athletic Scholarships (“Dear Colleague” letter from Assistant Secretary for Civil Rights Norma V. Cantú, enclosing July 23, 1998 letter from Dr. Mary Frances O’Shea, OCR’s National Coordinator for Title IX Athletics, to Bowling Green State University)
- 1994-03-10 Nondiscrimination in Federally Assisted Programs: Racial Incidents and Harassment Against Students at Educational Institutions; Investigative Guidance
- 1994-01-31 Notice of Application of Supreme Court Decision in United States v. Fordice
- 1991-09-27 Policy Update on Schools’ Obligations Toward National Origin Minority Students With Limited-English Proficiency
- 1985-12-03 Policy Regarding the Treatment of National Origin Minority Students Who Are Limited English Proficient (originally issued December 3, 1985; reissued April 6, 1990)
- 1979-12-11 Policy Interpretation – Title IX and Intercollegiate Athletics
- 1970-07-18 Identification of Discrimination and Denial of Services on the Basis of National Origin
- 2017-01-06 Every Student Succeeds Act Consolidated State Plan Guidance
- 2017-01-06 Every Student Succeeds Act State and Local Report Cards Non-Regulatory Guidance
- 2017-01-06 Every Student Succeeds Act High School Graduation Rate Non-Regulatory Guidance
- 2016-12-07 ESSA Assessment Use of Funds
- 2016-11-21 Non-Regulatory Guidance: Fiscal Changes and Equitable Services Requirements under the Elementary and Secondary Education Act of 1965
- 2016-10 Early Learning in the Every Student Succeeds Act: Expanding Opportunities to Support our Youngest Learners
- 2016-10 Student Support and Academic Enrichment Grants
- 2016-09 Supporting School Reform by Leveraging Federal Funds in a Schoolwide Program
- 2016-09-27 Non-Regulatory Guidance for Title II, Part A: Building Systems of Support for Excellent Teaching and Leading
- 2016-07-27 Education for Homeless Children and Youth Program
- 2016-06-29 Transitioning to the Every Student Succeeds Act FAQs
- 2016-06-23 Ensuring Educational Stability for Children in Foster Care
- 2016-05-04 Transitioning to the Every Student Succeeds Act (ESSA) Frequently Asked Questions
- 2015-09-25 Peer Review of State Assessment Systems and Letter to Chief State School Officers
- 2015-07-30 Supporting School Reform by Leveraging Federal Funds in a Schoolwide Program

- 2015-04-10 State Plans to Ensure Equitable Access to Excellent Educator Frequently Asked Questions
- 2014-11 Charter Schools Program: Guidance on the Use of Funds to Support Preschool Education  
Preschool Development Grants Guidance and Frequently Asked Questions
  - Addendum 1 to Preschool Development Grants Guidance and Frequently Asked Questions (September 19, 2014)
  - Addendum 2 to Preschool Development Grants Guidance and Frequently Asked Questions (October 3, 2014)
- 2014-07-18 Questions and Answers Regarding Inclusion of English Learners with Disabilities in English Language Proficiency Assessments and Title III Annual Measurable Achievement Objectives
- 2013-05-23 New Frequently Asked Questions and Answers on Expanded Learning Time (ELT) Under the ESEA Flexibility Optional Waiver
- 2013-02-08 State and Local Report Cards Title I Part A, Non-Regulatory Guidance
- 2012-10 Serving Preschool Children Under Title I Non-Regulatory Guidance
  - ESEA Flexibility Policy Documents – ESEA Flexibility Review Guidance
  - ESEA Review Guidance Submission Windows 1 and 2 (February 10, 2012)
  - ESEA Review Guidance Submission Window 3 (June 7, 2012)
  - ESEA Flexibility Frequently Asked Questions (August 3, 2012)
  - ESEA Flexibility Frequently Asked Questions Addendum (March 5, 2013)
  - ESEA Flexibility: Guidance for Renewal Process (November 13, 2014)
- 2012-05-12 Race to the Top –Early Learning Challenge Frequently Asked Questions (including subsequent updates)
- 2011-06-14 Equal Access Act and the Recognition of Student-Led Noncurricular Group (Open letter from Secretary Duncan, enclosing Legal Guidelines Regarding the Equal Access Act and the Recognition of Student-Led Noncurricular Groups)
- 2011-04 Nonregulatory Guidance on Charter Schools, Title V, Part B of the ESEA
- 2010-10 Title I, Part C -- Migrant Education Program Non-Regulatory Guidance
- 2010-06-29 Guidance on School Improvement Grants under Section 1003(g) of the Elementary and Secondary Education Act of 1965
- 2010-05-11 Promise Neighborhoods FAQs (including subsequent updates)
- 2009-10 Family Educational Rights and Privacy Act (FERPA) and H1N1
- 2009-09 Guidance on Flexibility and Waivers for SEAs, LEAs, Postsecondary Institutions, and Other Grantee and Program Participants in Responding to Pandemic Influenza (H1N1 Virus)
- 2009-04-06 Guidance – The State Charter School Facilities Incentive Grants Program
- 2009-01-14 Supplemental Educational Services -- Non-Regulatory Guidance
- 2009-01-14 Public School Choice – Non-Regulatory Guidance
- 2008-12-22 Non-Regulatory Guidance Regarding High School Graduation Rate
- 2008-10-02 Non-Regulatory Guidance Regarding Title III Non-Supplanting Provisions (Letter to Chief State School Officers) (Guidance)

- 2008-07-28 Guidance on Coordinated Early Intervening Services
- 2008-05-14 Fiscal Year 2008 Guidance for Title V, Part A of the Elementary and Secondary Education Act of 1965, as Reauthorized by the No Child Left Behind Act of 2001 (State Grants for Innovative Programs)
- 2008-02-06 Non-regulatory Guidance on Title I Fiscal Issues: Maintenance of Effort, Comparability, Supplement, not Supplant, Carryovers, Consolidating Funds in Schoolwide Programs, and Grantback Requirements
- 2007-07-20 Additional Title I Provisions included in the Regulations Package on Modified Academic Achievement Standards Published in the Federal Register on April 9, 2007 – Non-Regulatory Guidance
- 2007-05 Assessment and Accountability for Recently Arrived and Former Limited English Proficient (LEP) Students -- Non-Regulatory Guidance
- 2007-01-23 Credit Enhancement for Charter School Facilities Program Non- Regulatory Guidance
- 2006-10-05 Improving Teacher Quality State Grants—Title II; Part A
- 2006-09 Ensuring Equitable Services to Private School Children
- 2006-07-21 Non-Regulatory Guidance--"LEA and School Improvement"
- 2006-06-19 Non-Regulatory Guidance--The Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk, Title I, Part D
- 2006-05-01 Questions and Answers on the Participation of Private Schools in Providing Supplemental Educational Services (SES) Under No Child Left Behind
- 2006-04-24 Revised Guidance on Allowable Uses of "Immediate Aid to Restart School Operations" Funds to Assist Private Schools
- 2006-03 Non-Regulatory Guidance--"Designing Schoolwide Programs"
- 2006-02-01 Uses of Funds under the Restart Program
- 2006-01-17 Letter to heads of Federal Departments and Agencies asking for support of a new federal government-wide effort to assist the nation's charter schools
- 2006-01-06 FAQs: Immediate Aid to Restart School Operations
- 2005-09-29 Pro-Children Act Guidance Comment on this guidance document
- 2004-10-12 NCLB Policy Letters to States—Use of Funds for Districts and Schools Identified for School Improvement
- 2004-07 The Impact of the New Title I Requirements on Charter Schools
- 2004-07-21 Education for Homeless Children and Youth Non-Regulatory Guidance
- 2004-06-08 Transferability Authority Non-Regulatory Guidance
- 2004-05 Unsafe School Choice Option Non-Regulatory Guidance
- 2004-04-23 Parental Involvement: Title I, Part A, Non-Regulatory Guidance
- 2004-03-09 NCLB Policy Letters to State –School Improvement - Delay in Identifying Schools for School Improvement
- 2004-03-01 Title I Paraprofessionals Non-Regulatory Guidance
- 2004-01-22 Guidance Concerning State and Local Responsibilities under the Gun-Free Schools Act
- 2003-10-17 Title I Services to Eligible Private School Children Non-Regulatory Guidance

- 2003-08-21 Non-Regulatory Guidance: Local Educational Agency Identification and Selection of School Attendance Areas and Schools and Allocation of Title I Funds to Those Areas and Schools
  - 2003-06-24 Rural Education Achievement Program
  - 2003-05-23 State Educational Agency Procedures for Adjusting Basic, Concentration, Targeted, and Education Finance Incentive Grant Allocations
- Joint Education/Agriculture Letter Providing Guidance on Implementation of the New Requirements of Title I by Schools that Operate School Lunch Programs -- Title I, Part A Program
- Follow-up to: Joint Education/Agriculture Letter Providing Guidance on Implementation of the New Requirements of Title I by Schools that Operate School Lunch Programs -- Title I, Part A Program (Issued on December 17, 2002)
- 2003-02-07 Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools
  - 2002-08-28 State Grants for Innovative Programs—Title V, Part A, Non-Regulatory Guidance
  - 2002-03-11 Enhancing Education through Technology (Ed Tech) Program Non-Regulatory Guidance
  - 2007-06-05 Extension of Liquidation Periods and Related Accounting Adjustments for Grantees under Department of Education State-Administered Programs
  - 2016-08-25 Dear Colleague Letter to School Officials at Institutions of Higher Education regarding the disclosure of student medical records under FERPA
  - 2014-07-24 GEN-14-14 - Additional Guidance on the Supreme Court’s Ruling on the Defense of Marriage Act and Its Implications for the Title IV Student Financial Assistance Program
  - 2014-07-24 GEN-14-15 - Additional Guidance on the Supreme Court’s Ruling on the Defense of Marriage Act
  - 2013-01 College Access Challenge Grant (CACG) Program Maintenance of Effort (MOE) Requirements and Waiver Requests
  - 2006-10-06 FP-06-15 - Payment of Special Allowance on Loans Made or Acquired with Funds from a Tax-Exempt Obligation
  - 2016-12-28 FAQs About the Rights of Students with Disabilities in Public Charter Schools under the IDEA
  - 2016-08-01 Dear Colleague Letter on the Inclusion of Behavioral Supports in Individualized Education Programs
  - 2016-03-09 Workforce Innovation and Opportunity Act (WIOA) Requirements for Unified and Combined State Plans
  - 2015-11-16 Dear Colleague Letter on Free and Appropriate Public Education
  - 2015-08-17 Vision for the State Vocational Rehabilitation Services Program as a Partner in the Workforce Development System under the Workforce Innovation and Opportunity Act



- 2015-08-13 Vision for the One-Stop Delivery System under the Workforce Innovation and Opportunity Act (WIOA)
- 2015-07-27 Q&A Regarding LEA Maintenance of Effort
- 2014-07-18 Questions and Answers Regarding Inclusion of English Learners with Disabilities in English Language Proficiency Assessments and Title III Annual Measurable Achievement Objectives
- 2014-07 Cover Letter
- 2015-07 Addendum
- 2014-05-27 Guidance on the Amendments to the Family Educational Rights and Privacy Act by the Uninterrupted Scholars Act
- 2013-07-23 Memo and Questions and Answers on Dispute Resolution
- 2013-07-19 Highly Mobile Dear Colleague Letter
- 2011-09 Questions and Answers on Secondary Transition
- 2011-09 Questions and Answers on IEPs, Evaluations and Reevaluations
- 2011-05 Part B IDEA MOE Guidance for States on the Education Jobs Fund Program
- 2011-04 Questions and Answers on Private School
- 2010-08 Questions and Answers on the National Instructional Materials Accessibility Standard
- 2009-08 Implementing Response to Intervention (RTI) Using Title I, Title III, and CEIS Funds
- 2009-06 Questions and Answers on Disproportionality
- 2009-06 Questions and Answers on Discipline Procedures
- 2009-06 Questions and Answers on Monitoring, Technical Assistance and Enforcement
- 2009-04-01 Guidance – Funds for Part B of the Individuals with Disabilities Education Act Made Available Under the American Recovery and Reinvestment Act of 2009
- 2009-04-01 Guidance – Funds for Part C of the Individuals with Disabilities Education Act Made Available Under the American Recovery and Reinvestment Act of 2009
- 2005-11-21 TAC-06-01--Factors State Vocational Rehabilitation Agencies Should Consider When Determining Whether a Job Position Within a Community Rehabilitation Program is Deemed to be in an "Integrated Setting" for Purposes of the Vocational Rehabilitation Program
- 2003-08-08 PD-03-06--Whether Centers that do not Receive Title VII, Part C Grants are Included as Centers for Independent Living Under the Rehabilitation Act of 1973, as amended and the Implications for SILC Composition, Network of Centers, and Part B and Part C Funding
- 2002-07-03 PD-02-03--Satellite Centers for Independent Living
- 2001-01-17 PD-01-03--Implementation of Informed Choice
- 1997-08-19 PD-97-04--Employment Goal for an Individual with a Disability
- 1997-02-24 TAC-97-01--What a Designated Client Assistance Program Agency Must Do to Satisfy the Mediation Procedures Requirement
- 2016-05-13 Dear Colleague Letter on Transgender Students