

Congress of the United States
Washington, DC 20510

April 2, 2020

Elisabeth DeVos
Secretary
Department of Education
400 Maryland Ave SW
Washington, DC 20202

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

Dear Secretary DeVos and Assistant Secretary Marcus:

We write to strongly oppose your plan—amid a global pandemic and national emergency relating to the novel coronavirus (COVID-19)—to finalize regulations that would gut protections for survivors under Title IX of the Education Amendments of 1972 (Title IX). It is critical that our nation work diligently to contain the public health and economic fallout of this global crisis, and is therefore inappropriate for the Administration to choose this moment to enact new rules that jeopardize the civil rights of survivors.

It is inappropriate to engage in Title IX rulemaking—and indeed, any non-emergency rulemaking—during this unprecedented time of crisis and it demonstrates a disregard for the crisis taking place. School closures have impacted more than 90 percent of the country’s public and private K-12 schools and more than 1,200 colleges and universities, affecting more than 70 million students nationwide. Students and families are already struggling to meet basic needs, including food, housing, and health care, and both PK-12 and higher education institutions are already scrambling to create distance learning systems and to channel their limited resources to help meet urgent student needs.

The Department’s plan to issue a final Title IX rule in the middle of this crisis would only exacerbate the tremendous challenges that students and school staff are already combating. Schools would be forced to divert their already limited resources to create complex new policies and train staff on implementation—all while operating remotely. In the waiting period before the final regulations become effective, students with pending Title IX proceedings would be needlessly subjected to additional confusion, uncertainty, and delay.

Numerous stakeholders have already urged you to suspend Title IX rulemaking until after the national public health emergency has ended and schools have resumed regular operations, including approximately 200 survivor advocate and civil rights organizations; 33 higher education associations representing thousands of two- and four-year public and private colleges

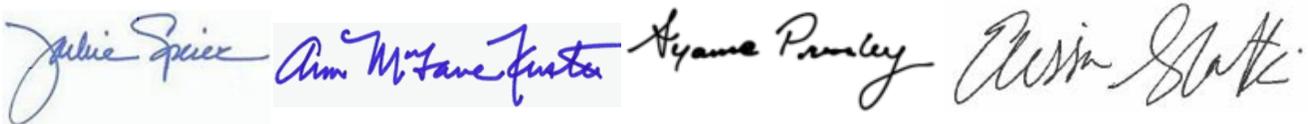
and universities; and 18 state attorneys general. The White House itself has also instructed all federal agencies to “prioritize all resources to slow the transmission of COVID-19.”

We have previously expressed deep concerns with your proposed changes. Your new rule would allow—and in many cases—require schools to ignore instances of sexual violence, require schools to have inequitable grievance procedures for sexual misconduct, make it harder for students who have experienced sexual violence to come forward and get the help they need and make it easier for perpetrators to get away with assault.

Given the scope of the public health crisis, we strongly urge you to suspend this Title IX rulemaking. Instead, we ask you to focus the Department’s limited resources on supporting students and schools rather than exacerbating their existing challenges during these extraordinary circumstances.

During these trying times, we implore you to prioritize safeguarding students’ civil rights instead of undermining them.

Sincerely,



Jackie Speier
Member of Congress

Ann McLane Kuster
Member of Congress

Ayanna Pressley
Member of Congress

Elissa Slotkin
Member of Congress

Grace F. Napolitano

Donald M. Payne, Jr.

Ilhan Omar

Marcy Kaptur

Peter A. DeFazio

Debbie Dingell

James P. McGovern

Seth Moulton

Sean Casten

David Trone

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Jim Cooper
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Joaquin Castro
Karen Bass
Suzanne Bonamici
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Earl Blumenauer
Jesús G. “Chuy” Garcia
David Price
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Carolyn B. Maloney
Lisa Blunt Rochester

Jan Schakowsky

cc: Russell T. Vought, Acting Director, Office of Management and Budget
Paul Ray, Administrator, Office of Information and Regulatory Affairs, Office of Management
and Budget