



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF MANAGEMENT

November 29, 2018

Jesse Hahnel
Executive Director
National Center for Youth Law
405 14th Street, 15th Floor
Oakland, CA 94612

Dear Mr. Hahnel:

This letter responds to your October 4, 2018, letter appealing the U.S. Department of Education's (Department) Office for Civil Rights' (OCR) denial of your Request for Correction pursuant to the Information Quality Act (IQA).

Your Request for Correction and subsequent Appeal both request correction of statements made in the Department's Dear Colleague Letter dated September 22, 2017 (2017 DCL), rescinding a 2011 Dear Colleague Letter and 2014 Questions and Answers document in which the Department provided guidance to institutions on the investigation, adjudication and resolution of allegations of student-on-student sexual misconduct. The Department stated in the 2017 DCL that it would be addressing questions of sexual misconduct in a subsequent rulemaking process.

On November 29, 2018, the Department published its Notice of Proposed Rulemaking, RIN 1870-AA14, under Title IX of the Education Amendments of 1972 (Title IX), 83 FR 61462, <https://www.gpo.gov/fdsys/pkg/FR-2018-11-29/pdf/2018-25314.pdf> (NPRM). The NPRM, among other things, would specify how recipient schools and institutions covered by Title IX must respond to incidents of sexual harassment consistent with Title IX's prohibition against sex discrimination. The proposed regulations are intended to promote the purpose of Title IX by requiring schools and institutions to address sexual harassment, assist and protect victims of sexual harassment and ensure that due process protections are in place for individuals accused of sexual harassment. Thus, the NPRM seeks to address the concerns the Department identified in its 2017 DCL, including the concerns you note in your Appeal.

In its "Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integration of Information Disseminated by Federal Agencies, issued on February 22, 2002, the U.S. Office of Management and Budget (OMB) stated that agencies "are

required to undertake only the degree of correction that they conclude is appropriate for the nature and timeliness of the information involved.” Consistent with OMB’s guidance and with the issuance of the NPRM, the Department believes that the matters raised in your Appeal would be more meaningfully addressed as part of the current rulemaking process. We would appreciate your comments on the proposed regulations, including the issues that you have raised in your Appeal.

Thank you for your interest in these important matters and we look forward to your input on the NPRM.

Sincerely,



Jessica Ramakis
Acting Chief Privacy Officer
Office of Management

cc: Kathleen S. Tighe, Inspector General
Kenneth L. Marcus, Assistant Secretary for Civil Rights
Denise Carter, Acting Assistant Secretary for Management