

Congress of the United States

Washington, DC 20510

September 13, 2021

The Honorable Miguel Cardona
Secretary of Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

Suzanne Goldberg
Acting Assistant Secretary for Civil Rights
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

Dear Secretary Cardona and Acting Assistant Secretary Goldberg:

Thank you for your leadership in ensuring that all students can pursue an education in safety and dignity. As Members of Congress, we have long voiced our concerns with the final rule issued by the Trump Administration prescribing how K-12 schools and postsecondary institutions must respond to sex-based harassment under Title IX of the Education Amendments of 1972 (Title IX). We applaud the steps you have taken thus far to protect students from sexual assault and harassment and urge you to build on that progress by issuing proposed changes to the Title IX rule in October 2021.

The Biden Administration has treated Title IX with the seriousness it deserves, including by holding a public hearing on Title IX enforcement, issuing a Q&A document on the Title IX rule, and halting enforcement of a requirement that prohibits statements not subject to cross-examination. However, we are concerned by reports that the Department is not planning to issue a Notice of Proposed Rulemaking (NPRM) until May 2022. The final rule issued by the Trump Administration took 21 months to go into effect after the original changes were proposed. If the Department uses a similar timeline, it is on track to not issue a final rule until February 2024. Simply put, students cannot wait much longer for the Department to restore their civil rights.

As a result of the Trump Administration's rule, students have already been discouraged from reporting, denied supportive services, and subjected to retraumatizing proceedings and delays. As we begin the school year, we have an opportunity to further campus safety. We must proceed with urgency, since we know that more than half of campus sexual assaults occur before students depart for Thanksgiving break.

To protect survivors, we urge the Department of Education to issue a Notice of Proposed Rulemaking on Title IX in October 2021. We also encourage the Department to update its Case Processing Manual to ensure survivors are not locked out of their right to file a complaint with the Office for Civil Rights. Finally, we urge the Department to issue a Nonenforcement Directive on portions of the Title IX rule so that:

- Schools are not forced to dismiss complaints because the complainant dropped out of school, has not suffered enough, or was harassed in the wrong location;
- Survivors are not forced to endure unjust and hostile investigations and hearings; and,

- Schools are allowed to follow state or local laws addressing sex-based harassment that provide greater protections for students.

Thank you for your consideration of this request. We stand ready to assist your efforts.

Sincerely,



Jackie Speier
Member of Congress



Ann McLane Kuster
Member of Congress



Ayanna Pressley
Member of Congress



Gwen Moore
Member of Congress

_____/s/_____
Ro Khanna
Member of Congress

_____/s/_____
Eleanor Holmes Norton
Member of Congress

_____/s/_____
Karen Bass
Member of Congress

_____/s/_____
Al Lawson
Member of Congress

_____/s/_____
Jan Schakowsky
Member of Congress

_____/s/_____
André Carson
Member of Congress

_____/s/_____
Barbara Lee
Member of Congress

_____/s/_____
Deborah K. Ross
Member of Congress

_____/s/_____
Pramila Jayapal
Member of Congress

_____/s/_____
Grace Meng
Member of Congress

_____/s/_____
Bill Foster
Member of Congress

_____/s/_____
Mondaire Jones
Member of Congress

_____/s/_____
Ted W. Lieu
Member of Congress

_____/s/_____
Ritchie Torres
Member of Congress

_____/s/_____
Jim Costa
Member of Congress

_____/s/_____
Frederica S. Wilson
Member of Congress

_____/s/_____
Jim Cooper
Member of Congress

_____/s/_____
Yvette D. Clarke
Member of Congress

_____/s/_____
Mark Takano
Member of Congress

_____/s/_____
Suzan DelBene
Member of Congress

_____/s/_____
Jimmy Panetta
Member of Congress

_____/s/
Carolyn B. Maloney
Member of Congress

_____/s/
Lauren Underwood
Member of Congress

_____/s/
Jason Crow
Member of Congress

_____/s/
Thomas R. Suozzi
Member of Congress

_____/s/
Colin Allred
Member of Congress

_____/s/
Seth Moulton
Member of Congress

_____/s/
Ted Deutch
Member of Congress

_____/s/
Zoe Lofgren
Member of Congress

_____/s/
Donald S. Beyer Jr.
Member of Congress

_____/s/
Doris Matsui
Member of Congress

_____/s/
Rosa L. DeLauro
Member of Congress

_____/s/
Raúl M. Grijalva
Member of Congress

_____/s/
Stephen F. Lynch
Member of Congress

_____/s/
Danny K. Davis
Member of Congress

_____/s/
Anna G. Eshoo
Member of Congress

_____/s/
Judy Chu
Member of Congress

_____/s/
Peter Welch
Member of Congress

_____/s/
John Yarmuth
Member of Congress

_____/s/
James R. Langevin
Member of Congress

_____/s/
Nikema Williams
Member of Congress

_____/s/
John Garamendi
Member of Congress

_____/s/
Juan Vargas
Member of Congress

_____/s/
Brenda L. Lawrence
Member of Congress

_____/s/
Alma S. Adams, PhD
Member of Congress

_____/s/
Debbie Dingell
Member of Congress

_____/s/
Sheila Jackson Lee
Member of Congress

_____/s/
Mark DeSaulnier
Member of Congress

_____/s/
Bonnie Watson Coleman
Member of Congress

_____/s/
Peter A. DeFazio
Member of Congress

_____/s/
David Trone
Member of Congress

_____/s/
Ruben Gallego
Member of Congress

_____/s/
Marie Newman
Member of Congress

_____/s/
Tony Cárdenas
Member of Congress

_____/s/
Jake Auchincloss
Member of Congress