



June 12, 2024

The Honorable Virginia Foxx  
Chair  
House Education and Workforce Committee  
2257 Rayburn House Office Building  
Washington, DC 20515

The Honorable Bobby Scott  
Ranking Member  
House Education and Workforce Committee  
2328 Rayburn House Office Building  
Washington, DC 20515

Dear Chairwoman Foxx and Ranking Member Scott,

The Consortium for Constituents with Disabilities (CCD) Education Task Force and Rights Task Force are writing to oppose House Joint Resolution (H.J. Res) 165 which intends to negate the rule submitted by the Department of Education (ED) relating to "Nondiscrimination based on Sex in Education Programs or Activities Receiving Federal Financial Assistance" (known as Title IX). As finalized by ED, the Title IX regulation includes important provisions that positively impact and support all K-16 students with disabilities, including those who identify as Black, Indigenous, or People of Color (BIPOC) and/or may also identify as LGBTQI+. We therefore urge members of the Education and Workforce Committee to vote 'no' if H.J. Res. 165 is brought before the Committee.

CCD advocated<sup>1</sup> for the much-needed updates to the Title IX regulations as it is well documented that students with disabilities, including those who identify as BIPOC and/or LGBTQI+ already face additional barriers to K-16 education. Specifically, updates to Title IX include changes that:

- ensure schools address broader Title IX complaints of sex-based harassment;
- ensure students are not forced into unfair and/or potentially traumatic procedures that favor harassers;
- require Title IX coordinators to consult with one or more members of a [eligible] student's Individualized Education Program (IEP) team or Section 504 team; and,
- allow college students to have access to someone in an advisory role during the process.

Importantly, the improvements clarify that federal due process rights of students with disabilities must not be ignored and that these students must be treated equitably during the Title IX process. This was not the case prior to the issuance of this rule.

We appreciate this opportunity to weigh in and hope you will reconsider the mark-up of H.J. Res 165.

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<sup>1</sup> CCD Letter to Reyes, September, 2022 at: <https://c-c-d.org/fichiers/CCD-Title-IX-comments-2022.pdf>

Sincerely,

CCD Education Task Force co-chairs:

Stephanie Flynt  
National Disability Rights Network (NDRN)  
[Stephanie.flynt@ndrn.org](mailto:Stephanie.flynt@ndrn.org)

Laura Kaloi  
Council of Parent Attorneys and Advocates and  
the Center for Learner Equity  
[lkaloi@stridepolicy.com](mailto:lkaloi@stridepolicy.com)

Lindsay Kubatzky  
National Center for Learning Disabilities  
[lkubatzky@nclld.org](mailto:lkubatzky@nclld.org)

Robyn Linscott  
The Arc of the United States  
[linscott@thearc.org](mailto:linscott@thearc.org)

Kim Musheno  
Autism Society of America  
[kmusheno@autismsociety.org](mailto:kmusheno@autismsociety.org)

CCD Rights TF co-chairs:

Claudia Center  
Disability Rights Education Fund  
[ccenter@dredf.org](mailto:ccenter@dredf.org)

Morgan K. Whitlatch  
Center for Public Representation  
[Mwhitlatch@cpr-ma.org](mailto:Mwhitlatch@cpr-ma.org)

Stephen Lieberman  
United Spinal Association  
[slieberman@unitedspinal.org](mailto:slieberman@unitedspinal.org)

cc: Members of the House Education and Workforce Committee

The CCD Education Task Force monitors federal legislation and regulations that address the educational needs of children and youth with disabilities and their families, including regulatory efforts under federal laws such as the Individuals with Disabilities Education Act (IDEA), the Every Student Succeeds Act (ESSA), Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act (ADA). We advocate for high expectations for children with disabilities under these and other laws.

[www.c-c-d.org](http://www.c-c-d.org)