



January 30, 2019

Submitted via www.regulations.gov

Re: Docket No. ED-2018-OCR-0064, RIN 1870-AA14

To Whom it May Concern

The Wisconsin Board for People with Developmental Disabilities (BPDD) opposes the proposed rules relating to sexual harassment as published in the Federal Register on November 29, 2018 (Docket No. ED-2018-OCR-0064, RIN 1870-AA14).

Students with disabilities are more likely to be victims of sexual assault and may be particularly vulnerable due to a range of factors, including physical challenges that can prevent them from protecting themselves, stereotypes about people with disabilities, and lack of opportunities for comprehensive sexual education. In general, children with disabilities (of both genders) are 2.9 times more likely than children without disabilities to experience abuse and violence.¹ Students with disabilities are also less likely to be believed when they report these experiences and often have greater difficulty describing the harassment they experience.²

BPDD is concerned that the proposed changes would make the educational environment less safe for students with disabilities for the following reasons:

- Schools would be allowed—and, in many cases, required—to ignore students who report sexual harassment.
- In the rare cases when schools would be required to respond, they would be allowed—or even required—to deny harassment victims of due process.

BPDD supports the existing Department of Education policy guidance clarifying schools' responsibility to prevent and address sex discrimination under Title IX of the Education Amendments Act of 1972. We urge the Department to immediately withdraw its proposed rule

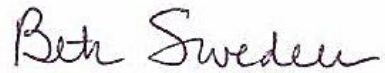
BPDD is charged under the federal Developmental Disabilities Assistance and Bill of Rights Act with advocacy, capacity building, and systems change to improve self-determination, independence, productivity, and integration and inclusion in all facets of community life for people with developmental disabilities.

¹ National Women's Law Center. "Let Her Learn: Stopping School Pushout for Girls with Disabilities" at https://nwlc-ciw49tixgw5lbab.stackpathdns.com/wp-content/uploads/2017/04/Final_nwlc_Gates_GirlsWithDisabilities.pdf

² E.g., Angela Browne, et al., Examining Criminal Justice Responses to and Help-Seeking Patterns of Sexual Violence Survivors with Disabilities 11, 14-15 (2016), available at <https://www.nij.gov/topics/crime/rape-sexual-violence/Pages/challenges-facing-sexual-assault-survivors-with-disabilities.aspx>.

Our role is to seek continuous improvement across all systems—education, transportation, health care, employment, etc.—that touch the lives of people with disabilities. Our work requires us to have a long-term vision of public policy that not only sees current systems as they are, but how these systems could be made better for current and future generations of people with disabilities.

Thank you for your consideration,

A handwritten signature in black ink that reads "Beth Swedeen". The signature is written in a cursive, flowing style.

Beth Swedeen, Executive Director, Wisconsin Board for People with Developmental Disabilities