

# Berkeley PUBLIC SCHOOLS

Berkeley Unified School District

December 21, 2018

The Honorable Betsy DeVos  
Secretary  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

Kenneth Marcus  
Assistant Secretary for Civil Rights  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

Dear Secretary DeVos and Assistant Secretary Marcus:

The Berkeley Unified School District respectfully requests that the U.S. Department of Education extend the comment period for the Notice of Proposed Rulemaking for the regulations implementing Title IX of the Education Amendments ("Title IX") for a minimum of 60 days beyond the currently scheduled public comment deadline.

If finalized, the U.S. Department of Education (DOE)'s proposed changes to Title IX policy will significantly affect how schools, including K-12 public schools, handle cases of discrimination, assault and harassment based on sex. This comment period is open until January 28, 2019, which happens to coincide with a time when students, families and educators are preoccupied with final exams, winter break and holiday travel. Therefore, a 60-day extension is particularly appropriate.

Berkeley Unified School District believes that the public, including school administrators, teachers, advocates, parents and especially students, should have a fair opportunity to carefully review the proposal and to be meaningfully heard and provide feedback in the process. The District had hoped to work with the extended Berkeley community to receive input regarding these rule changes and apply them to comments to be submitted by the end of the comment period. We believe this comment period is an opportunity to take action and protect both survivors' access to education and accused students' right to due process. However, we cannot engage in a meaningful public process if the DOE's current deadline is not extended and sufficient time is not provided.

The Berkeley Unified School District is deeply committed to preventing and addressing sex-based discrimination, including all forms of sexual misconduct. We ask that the Department affirm its commitment to a wide-reaching notice-and-comment period by considering our request to extend the public comment period.

Sincerely,



Donald Evans, Ed. D  
Superintendent