



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF LEGISLATION AND CONGRESSIONAL AFFAIRS

March 11, 2016

Honorable James Lankford
Chairman
Subcommittee on Regulatory Affairs and Federal Management
U.S. Senate Committee on Homeland Security and Governmental Affairs
United States Senate
Washington, DC 20510

Dear Chairman Lankford:

Thank you for your letter of March 4, 2016 to Acting Secretary King, expressing your continuing concerns regarding the Office for Civil Rights' (OCR) Dear Colleague Letters (DCLs) of October 26, 2010 and April 4, 2011, to which we will respond separately. In the meantime, I write to share steps that the Department will take to increase transparency and public input concerning our guidance documents.

To help ensure that the education community is clear about the purpose and impact of DCLs and other guidance documents from the Department, we will make more prominent in our significant guidance documents and on our website that our guidance documents do not create or impose new legal requirements, but rather provide information such as our interpretation of applicable laws and regulations, policy statements and clarifications, and examples of best practices. We also will make more prominent in each significant guidance document that we invite the public to comment on the document and how they can submit comments.

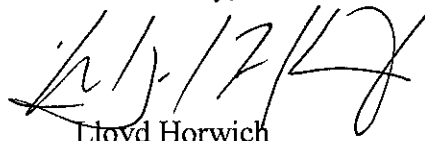
In addition to making the information above more prominent, we will separately post on our website information for the public about the role of guidance and how the public can provide us feedback on our guidance.

Also, in the past year, OCR has created a more systemic process for gathering input from the education community as it develops guidance, and OCR will continue that process going forward. That process includes reaching out to stakeholders with a wide range of views regarding issues about which OCR is considering issuing guidance, and inviting those stakeholders to meet with OCR and share their views about the law, regulations, and best practices, before OCR issues the relevant guidance. OCR's goal is to ensure that it hears views from various perspectives regarding issues it is considering addressing, in order to develop thoughtful and helpful guidance.

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I appreciate your concern about these issues and thank you for your work to protect our nation's students. If you have additional questions or concerns, please do not hesitate to have your staff contact me at 202-401-0020.

Sincerely,

A handwritten signature in black ink, appearing to read 'LH-17/47', written over the printed name.

Lloyd Horwich
Acting Assistant Secretary