

REGULATORY GUIDANCE

EXCEPTIONAL CHILDRENS CONFERENCE
OCTOBER 8, 2018

Presented By: **Brooke E.D. Say, Esquire, Stock and Leader**
and **Tanya A. Alvarado, Esquire, Law Offices of Tanya A. Alvarado**



REGULATORY GUIDANCE CHANGES IMPACTING PUBLIC SCHOOLS AND STUDENTS IN THE TRUMP ADMINISTRATION

I. Department of Education (DOE) and Department of Justice (DOJ) Guidance Changes since January 20, 2017

October 2017 List of Guidance Documents Rescinded-Summary - Chart 72 Guidance Documents Rescinded

DOE Regulatory Timeline January 2017 to Date

II. Office of Civil Rights and the U.S. Department of Justice: Title IX, Sexual Harassment, and Transgender Students

February 22, 2017 OCR Withdraws Two Title IX Guidance on Transgender Students



June 6, 2017 OCR Instructions to the Field re: Complaints Involving Transgender Students

Sexual Violence, “On Campus” Sexual Misconduct and Title IX

Recent Title IX Caselaw: *Strobel v. Neshannock Twp. Sch. Dist.*, 2018 U.S. Dist. LEXIS 125037 (W.D. Pa. 2018)

March 12, 2018 DOJ School Safety Plan Puts
Black, Brown Students in Danger, Critics say
(source: Huffington Post)

III. Federal Civil Rights in 2017-2018

June 15, 2017 Trump Administration Rolls
back Civil Rights Efforts (source ProPublica)

Timeline of Events Occurring in the Civil Rights Realm Since Trump's Administration Took Office

IV. Office of Special Education Programs/DOE NEW Guidance on Special Education/Disability Issues

2017 OSEP Policy Letters



2018 OSEP Policy Letters



V. Recent OSEP Memoranda, Dear Colleague Letters & FAQs

April 18, 2017 OSEP Letter to TASH



May 22, 2017 Memorandum: Eligibility Determinations for Children Suspected of Having a Visual Impairment Including Blindness under the Individuals with Disabilities Education Act (IDEA)

May 25, 2017 Model State Timeline: Significant Disproportionality (Equity in IDEA)

December 7, 2017 Q&A re: *Endrew F. v. Douglas County School District Re-1*



Stock and Leader

■ ■ ATTORNEYS AT LAW

When Decisions Matter