

**From:** Linda Darling-Hammond  
**Sent:** Wed, 9 Jun 2021 22:32:29 +0000  
**To:** T9PublicHearing  
**Subject:** Written Comment: Title IX Public Hearing (topic of the comment)  
**Attachments:** Public comment letter.LDH.6..9.21.pdf

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Dear Acting Assistant Secretary Goldberg:

Please find attached my written comment and you can reach me by email at

(b)(6)

Sincerely,

Linda Darling-Hammond, Ed.D  
President  
California State Board of Education

Professor of Education Emeritus  
Stanford Graduate School of Education

President  
Learning Policy Institute

Linda Darling-Hammond  
President and CEO  
Learning Policy Institute

(b)(6)

---

**CALIFORNIA STATE BOARD OF EDUCATION**

1430 N Street, Suite 5111  
Sacramento, CA 95814  
Phone: (916) 319-0827  
Fax: (916) 319-0175



June 9, 2021

Suzanne Goldberg  
Acting Assistant Secretary for Civil Rights  
United States Department of Education  
Office for Civil Rights  
400 Maryland Avenue, SW  
Washington D.C. 20202-1100  
c/o Title IX Public Hearing Team

Re: Title IX of the Education Amendments of 1972 (Title IX) Public Hearing

Sent by Electronic Mail only

Dear Acting Assistant Secretary Goldberg:

I submit this comment to strongly request that the United States Department of Education (Department) amend Title IX's implementing regulation issued on May 19, 2020 to eliminate (1) the additional and unnecessary hurdles for students seeking to initiate the complaint process related to sexual harassment and assault and (2) the provisions that limit a local educational agency's (LEAs) ability to respond promptly and effectively to such complaints and prevent sexual harassment and assault of students under their care. I submit this comment in my capacity as the President of the California State Board of Education (SBE), the Charles E. Ducommun Professor of Education Emeritus at the Stanford Graduate School of Education, and as the founding president of the Learning Policy Institute, which was created to provide high-quality research for policies that enable equitable and empowering education for each and every child.

In the State of California, the State is ultimately responsible for the operation of its system of K-12 public schools, which originates from the State Constitution and is funded by the State. As the President of the SBE, I am responsible for presiding at meetings to adopt regulations for the government of the state's public schools, approve statewide academic content standards, set policies for the statewide assessment system, implement state and federal school accountability requirements, approve allocation of certain funding, and study the educational needs of the state and plans for improvement of the

administration and efficiency of public schools. I also serve as the spokesperson for the SBE.

In addition to the expertise of California's K-12 education system gained through my role as SBE President, I also have 45 years of experience as an educator, education systems leader, education researcher, and expert in education quality and equity, student outcomes, social emotional learning, and school climate. My work has focused on educational equity and ensuring that students from all backgrounds receive access to high quality teachers and an education that focuses on the needs of the whole child. I began my career as a public school teacher and co-founded both a preschool and a public high school. I am the author of more than 25 books and more than 600 articles on education policy and practice. I have consulted widely with federal, state and local officials and educators on strategies for improving education policies and practices and am the recipient of 14 honorary degrees in the U.S. and internationally. I served as Director of the RAND Corporation's education program and as an endowed professor at Columbia University, Teachers College before joining the Stanford faculty. While at Stanford University, I founded the Stanford Center for Opportunity Policy in Education and served as faculty sponsor for the Stanford Teacher Education Program, which I helped to redesign. The comment and requests for amendment that I submit today is based on my extensive expertise and experience in all aspect of K-12 education and education practice.

### **Harm to Students, Schools, and the State Caused by the Amended Regulation and Requested Changes**

The Department has recognized that sexual harassment and assault on school campuses is both vastly underreported and on the rise. *E.g.*, U.S. Dep't of Educ., 2017-18 Civil Rights Data Collection: Sexual Violence in K-12 Schools 5 (Oct. 2020), <https://tinyurl.com/CRDC2020> (nearly 15,000 reports of sexual violence in K-12 schools during 2017-2018 school year, a 55% increase). Nevertheless, through a number of provisions, the amended Title IX implementing regulation in effect as of May 19, 2020<sup>1</sup> makes it more difficult for schools to investigate and deter sexual harassment, protect students from harm, and provide safe and secure school environments.

The amended regulation sets a high definitional bar before a complaint can even be opened by a school – requiring a student to show severe, pervasive and objectively offensive sex-based harassment that effectively denies equal access to education to access the Title IX grievance process. The amended

---

<sup>1</sup> Throughout this letter, the terms "amended Title IX regulation" and "amended regulation" refer to the regulation entitled, *Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance*, 85 Fed. Reg. 30,026, issued by the Department on May 19, 2020.

regulation also establishes a cumbersome and lengthy (more than 20 day) grievance process before K-12 educators can take action to stop the harassment and creates unnecessary barriers for students making and educators investigating such a complaint. The barriers include requirements that: (1) the impacted student, or his or her parent or guardian, submit a written, signed complaint to initiate the grievance process for an investigation to start, regardless of the student's age, disability, or writing ability; (2) the student be participating or attempting to participate in the school where the harm occurred at the time of the filing of the complaint; and (3) the assault or harassment occur on the school campus for redress, even if the impacts of off-campus harassment are experienced during school. Moreover, while the amended regulation permits the school's Title IX Coordinator to sign and file a complaint on behalf of a child, such action is discouraged by the Department. If a Title IX Coordinator does file on her or his own, the Department could find a school in noncompliance for doing so. (See e.g., 85 Fed. Reg. at 30,304 ("choice to initiate the grievance process must remain within the control of the complainant unless the Title IX Coordinator has specific reasons justifying the filing of a formal complaint over the wishes of a complainant.")) These regulatory requirements undermine the conditions in K-12 schools that are necessary to meet the social emotional and academic needs of students and prevent the long term consequences associated with forms of trauma, such as sexual harassment and assault.

Over the past decade, a robust body of research has emerged showing how biology and environment interact to produce human learning and development. Research from the fields of neuroscience, developmental science, epigenetics, psychology, sociology, adversity science, resilience science, and the learning sciences has reinforced the importance of social emotional learning, creating a safe and secure school climate, and supporting the whole child within K-12 education. Specifically, relevant to the amended regulation, the literature highlights several important relationships among the educational setting, cognitive and social emotional development, and educational opportunities and outcomes for students.

- A safe and secure school climate is key to fostering positive learning environments: learning is social, emotional and academic. When students feel threatened or unsafe, their ability to learn is impaired.
- Positive relationships with trusted adults and connectedness with the school community are critical to promoting positive cognitive development and can improve educational outcomes.
- Trauma can negatively impact educational outcomes, whether experienced in the community or in a school setting. Any form of harassment, whether intended or otherwise, can undermine students' attachment to school, as well as their focus, attention, and learning.

- Adversity affects learning—and the way schools respond matters. When schools ensure that every adult is prepared to look for and listen to students' needs and experiences, the adverse effects of trauma can be reversed. When schools ignore these needs, the adverse effects of trauma are exacerbated.<sup>2</sup>

As a result, there are a number of predictable consequences—both academic and social—when schools are unable to meet the social emotional needs of their students or when the school climate exacerbates the social emotional health of students. Research finds that traumatic conditions at school are associated with chronic absenteeism, which is in turn associated with reduced academic performance, and higher rates of dropout and failure to graduate.<sup>3</sup> These outcomes, in turn, have broader societal effects. For example, each student who drops out costs each state hundreds of thousands of dollars as a function of increased costs due to unemployment, crime, health care, and incarceration, and decreased income due to lower wages and capacity to pay taxes.<sup>4</sup>

The three most important factors that prevent long term consequences to children from the stress associated with forms of trauma, such as sexual harassment, are access to early intervention, the safety in expressing such a grievance, and the ready access to an adult they trust.<sup>5</sup> Schools are one of the most important places where all three of those conditions must be provided.

The amended Title IX regulation undermines these three conditions and fails to account for the unique aspects of the K-12 school system and the needs of the children it serves. First, the regulation increases the risk of child victimization on campuses because of the requirement to wait to open a complaint and investigate under Title IX until after the harm to the child has become so severe, pervasive, and objectively offensive that it effectively denies a child's equal

---

<sup>2</sup> Cantor, P., Osher, D., Berg, J., Steyer, L., & Rose, T. (2018). *Malleability, plasticity, and individuality: How children learn and develop in context*; Darling-Hammond, L., Flook, L., Cook-Harvey, C., Barron, BJ & Osher, D. (2019). Implications for educational practice of the science of learning and development, Applied Developmental Science. <https://doi.org/10.1080/10888691.2018.1537791>; Darling-Hammond, L., Cook-Harvey, C.M. (2018). *Educating the Whole Child*. <https://learningpolicyinstitute.org/product/educating-whole-child-report>; Osher, D., Cantor, P., Berg, J., Steyer, L., Rose, T. (2018). *Drivers of human development: How relationships and context shape learning and development*.

<sup>3</sup> Ginsburg, A., Jordan, P., & Chang, H. (2014). *Absences add up: How school attendance influences student success*. San Francisco, CA: Attendance Works; Balfanz, R., & Byrnes, V. (2012). *The importance of being in school: A report on absenteeism in the nation's public schools*. Baltimore, MD: Johns Hopkins University Center for Social Organization of Schools.

<sup>4</sup> Rumberger, R. W. (2012). *America cannot afford the stiff price of a dropout nation*. San Jose, CA: Silicon Valley Education Foundation. <https://www.civilrightsproject.ucla.edu/news/press-releases/featured-research-2016/school-suspensions-cost-taxpayers-billions/pr-rumberger-losen-hi-cost-discipline-2016.pdf>

<sup>5</sup> Masten, A.S., Best, K.M. and Garmezy, N (1990). Resilience and development: Contributions from the study of children who overcome adversity. *Development and Psychopathology*, 2(4), 425-444; Masten, A.S. & Coatsworth, J.D. (1998). The Development of competence in favorable and unfavorable Environments: Lessons from research on successful Children. *The American Psychologist*, (53)(2), 205-220).

access to education. In practical terms, the regulation prevents school officials who know about sexually harassing conduct from investigating and resolving a complaint under Title IX until they have confirmation that the sexually harassing conduct has persisted to such a degree that a child is manifesting signs of school disengagement, such as tardiness, bed wetting, and school refusal. 85 Fed. Red. at 30,170.

Research on absenteeism demonstrates how difficult it can be to identify and correct the causes of chronic absenteeism and how important it is to keep students in school in the first instance by addressing their needs before they become so traumatic that students feel they must avoid school.<sup>6</sup> The likely harm to future educational attainment of students who feel so severely and pervasively harassed that they are unable to continue at school is well-established from research documenting the difficulty of re-engaging students who have left school.

The amended regulation's requirement that a child show that the severe *and* pervasive harassment has effectively denied equal access to education before a school can take effective remedial action and disciplinary steps to stop the harassment under Title IX also ignores contemporary knowledge about trauma and social emotional development. 34 C.F.R. § 106.30(a). Unfortunately, the impact of a serious sexual harassment or assault incident on a student's ability to learn, and thus on his or her access to education, may not be evident until long after that incident occurs. Studies of the experience of harassment show that its attendant trauma can remain hidden long after the event. But when support and therapy occur early, they can prevent the cascade of effects on learning and adaptation and the accumulation of risk factors that can lead to more serious emotional and learning consequences.<sup>7</sup> This is particularly true for students who may be nonverbal or have other difficulties expressing its impact.

Additionally, even before the emotional harm of the traumatic event or events reaches a level that "effectively denies" the victim equal access to education, the victim's ability to access education may have been substantially undermined.<sup>8</sup> Under the amended regulation, even with the provision of

---

<sup>6</sup> Attendance Works. (2016). Preventing missed opportunity: Taking collective action to confront chronic absence. San Francisco, CA: Attendance Works; U.S. Departments of Education, Health and Human Services, Housing and Urban Development, and Justice. (2015); Sutphen, R. D., Ford, J. P., Flaherty, C. (2010). Truancy interventions: A review of the research literature. *Research on Social Work Practice*, 20, 161-171.

<sup>7</sup> Masten, A.S. (2011). Resilience in children threatened by extreme adversity: Frameworks for research, practice and translational synergy. *Development and Psychopathology*, 23, 141-154.

<sup>8</sup> Stannard Gromisch, E. (2015). How trauma affects learning, memory and attention. <http://www.brighthubeducation.com/special-ed-inclusion-strategies/66806-how-trauma-affects-learning-memory-and-attention/> (accessed Dec. 14, 2016); The National Traumatic Stress Network. (n.d.). Effects of complex trauma. <http://www.nctsn.org/trauma-types/complex-trauma/effects-of-complex-trauma> (accessed Dec. 14, 2016).

supportive measures, the student victim might be required to continue in an educational setting with other students or adults involved in the incident, potentially exacerbating the trauma. In fact, the amended regulation would prevent LEAs from investigating and resolving a Title IX complaint related to conduct for which the LEA had actual knowledge until the conduct is both severe *and* pervasive and the victim is re-traumatized, when the trauma reaches a level where it prevents the victim from participating in the educational setting.

The longer that children experience chronic stress, unbuffered by the support of a trusted adult, the greater the consequence to their learning and healthy development. The unnecessarily lengthy (more than 20 day) grievance process required in the amended regulation for all K-12 schools exacerbates the harm by delaying remediation and relief, when the evidence shows that immediate and early intervention is needed. 34 C.F.R. § 106.45(b). The amended regulation's prohibition on providing effective remedies for complainants and taking interim remedial action against a perpetrator to stop further harassment until the conclusion of the lengthy process in the absence of a finding that alleged conduct poses "an immediate threat to the physical health or safety of any student" will increase the time that children experience these increased risks to learning and health.<sup>9</sup>

Additionally, the amended regulation and its preamble do not articulate a clear standard for when harassment is both severe *and* pervasive enough to effectively deny the complainant equal access to the education program. Many schools will adhere to the plain text of the regulation—which appears to require multiple, serious incidents that result in trauma that rises to a level that is the equivalent of being denied equal access to the education program. Allowing harassing conduct and the trauma that it may cause to persist until such a point will lead to predictable harms to students. Furthermore, the amended regulation's textual definition for sexual harassment and the requirement for a written complaint to proceed with an investigation means that, in effect, professionals may be asked to violate their own moral commitment to promptly investigate and resolve student and staff misconduct on a school campus when they have evidence that it has occurred.

Moreover, in a K-12 school system, there are many types of adults on campus who are in a position to stop and prevent harassing behavior, including instructional aides, coaches, teaching assistants, security officers, secretaries, counselors, nurses, and psychologists. As noted above, a critical feature of a supportive K-12 school environment is that students believe that they are connected to and can trust adults on campus. This includes the belief that an

---

<sup>9</sup> McEwen, B.S. Protective and damaging effects of stress mediators. *The New England Journal of Medicine*, (338,3), 171-179

adult staff member will help in a way that is effective and stops further harm, whether a student reports harassing behavior to the staff member or the staff member witnesses conduct that puts student safety and wellness at risk, such as conduct that violates a sexual harassment policy.

The amended regulation's "effectively deny" standard undermines this trust, by precluding that trusted adult from taking sufficient action to protect the student from future misconduct when the underlying conduct does not rise to a level of severity and pervasiveness to effectively deny the student equal access. The amended regulation therefore introduces barriers to the types of trusting relationships that are necessary for student success and is likely to make campuses less safe. These are serious harms to a school campus' culture and climate that can have immediate negative impacts on student graduation and attendance rates. For all of these reasons, the definition of sexual harassment should be amended to allow a school to proceed with an investigation when based on the information known at the time the sexual harassment may be severe, pervasive, or persistent such that it may limit a student's educational opportunity or benefit or otherwise subject the student to discrimination.

Second, the amended regulation's requirement that complainants "participating or attempting to participate" requirement can reasonably be anticipated to limit LEAs' ability to remediate systemic sexual harassment and protect potential victims from future misconduct. 34 C.F.R. § 106.30(a). This provision should be eliminated. Under this provision, a victim of sexual assault who withdraws from an education program, as a result of trauma or to limit the risk of exposure to the perpetrator, is unable to file a formal complaint. As a consequence, the LEA could be foreclosed from moving forward with an investigation and taking disciplinary action against the perpetrator, potentially exposing other students to harm.

The risk of perverse results in the K-12 context is especially acute. The underlying conduct (and as a result, attendant trauma) must rise to such a level of severity and pervasiveness to effectively deny equal access before an LEA can respond. It is not uncommon for a student or the family to conclude in such circumstances that, rather than exposing the student to further harassing conduct, enrollment in a different educational program is in the student's best interest. Similarly, when a student has been subjected to sexual harassment or assault, it would be understandable for a student or family to withdraw from the program rather than force the student to continue to be traumatized while waiting for the LEA to take action against the perpetrator upon conclusion of a lengthy grievance process.

By both precluding the LEA from taking action to investigate and stop the misconduct unless it has risen to a level that is so severe and pervasive that it

effectively denies equal access, as discussed previously, and limiting the LEA's authority to take remedial action against a perpetrator if the student withdraws from the education program, the amended regulation hamstring the ability of LEAs to address systemic misconduct and protect future victims.

Third, the amended regulation's mandate to dismiss Title IX claims where the alleged sexually harassing conduct does not occur in an education program or activity over which the LEA exercised substantial control ignores the fact that off-campus conduct can create a hostile, unwelcoming, and unsafe environment on campus in a number of ways. 34 C.F.R. §§ 106.45(b)(3)(i); 106.44(a). The regulation should reflect that even if the harassment was committed outside of school time, Title IX applies if a student is limited, excluded, or denied education or subjected to discrimination in school on account of the sexual harassment or assault. The findings of harm due to trauma exist no matter the location of the traumatic events. Students who may be harassed on the way to or from school or who are subject to cyber-bullying or harassment are equally at risk of self-harm and school failure.<sup>10</sup> The emotional harm students experience as a result of such conduct is compounded by the amended regulation's limitation on the ability of trusted adults at the school to take action to protect students in these circumstances.

Fourth, the amended regulation's requirement that the complainant to file a written complaint requesting initiation of an investigation before an LEA is required to respond fails to take into account the unique and specific circumstances in K-12 schools for children subjected to sexual harassment and is inconsistent with how K-12 school systems operate. As a consequence of this mismatch, legitimate complaints of sexual harassment are more likely to go unaddressed under Title IX for several reasons.

To begin with children often do not know who to approach if something has happened to them and may even be fearful of drawing attention to themselves, getting into trouble, or being blamed for what has occurred. Schools are also busy places with little private time. When a child finds a quiet moment with a trusted adult with whom they can talk or who sees that something is troubling them, they may confide orally to that person. They should have the expectation that the adult will be able to protect them whether or not a written complaint is subsequently filed.

Few children or young people will feel comfortable filing a written complaint requesting the initiation of grievance procedures. Young children in the early grades and those with learning disabilities may be cognitively unable to do so.

---

<sup>10</sup> Kowalski, R. M., & Limber, S. P. (2013). Psychological, physical, and academic correlates of cyberbullying and traditional bullying. *Journal of Adolescent Health, 53*(1), S13-S20.  
<https://www.sciencedirect.com/science/article/pii/S1054139X12004132>.

The amended regulation's limitation on authority to initiate investigations and take remedial action in the absence of a formal written complaint adds an unnecessary barrier that is at odds with the reality of trusting relationships that many students, particularly the most vulnerable students, develop with adults on a K-12 campus.

Additionally, these requirements do not reflect developmental needs, capacities, and abilities of young students. Young children are particularly sensitive to trauma and, often, are unable to verbalize social-emotional or other safety concerns. Research evidence indicates that the majority of abused children do not reveal or fail to disclose abuse during childhood.<sup>11</sup> Children need the support of adults, trained in appropriate child abuse and maltreatment interviewing techniques,<sup>12</sup> to identify the harm, the impact of the harm, and to bring a complaint forward.

The requirement also fails to consider the special needs of students with disabilities, particularly those with severe disabilities who may be unable to verbalize the harms they are experiencing or complete a written complaint. Furthermore, it is well-evidenced that trauma can result in negative short- and long-term impairments to children's cognitive, socio-emotional, and neurobiological functioning,<sup>13</sup> which can even further impair the capacity of students with disabilities to submit a complaint. Available data indicate that children with disabilities are at increased risk of abuse but that abuse is often confused with conditions related to children's disabilities.<sup>14</sup> The Committee on Child Abuse and Neglect and the Council on Children with Disabilities recommend that experienced professionals conduct a thorough evaluation that includes a structured interview with the child, if possible, a comprehensive physical examination and consultation with an expert in children with disabilities.<sup>15</sup>

The requirement to file a written, signed complaint before an investigation under Title IX can commence also risks re-traumatizing victims. Under the amended regulation, orally recounting the alleged misconduct is insufficient to trigger an investigation and the potential for remedial action. If the allegation was first shared orally, the amended regulation will force many students to recount again the traumatic event in order to prepare a formal written complaint.

---

<sup>11</sup> London, K., Bruck, M., Ceci, S. J., & Shuman, D. W. (2005). Disclosure of child sexual abuse: What does the research tell us about the ways that children tell? *Psychology, Public Policy, and Law*, 11(1), 194.

<sup>12</sup> Saywitz, K. J., Lyon, T., & Goodman, G. S. (2017). When interviewing children: A review and update. In J. Conte & B. Klika (Eds.), *APSAC handbook on child maltreatment* (pp. 310-329). Newbury Park, CA: Sage.

<sup>13</sup> Cantor et al. (2019).

<sup>14</sup> Hibbard, R. A., Desch, L. W., & Committee on Child Abuse and Neglect. (2007). Maltreatment of children with disabilities. *Pediatrics*, 119(5), 1018-1025.

<https://pediatrics.aappublications.org/content/119/5/1018.short>

<sup>15</sup> Hibbard, et al. (2007).

Research on trauma notes that the need for children to recount the history of a traumatic event, including one that involves their sexuality, is typically a source of re-traumatization, and a trigger to the recurrence of symptoms of post-traumatic stress. Such symptoms will include anxiety, depression, inability to sleep and avoidance of experiences, such as school. Recounting of such events needs to be facilitated by trusted adults who have been trained in how to elicit such a history, in order to both establish a correct history of the event and prevent the sequelae of symptoms from the event.<sup>16</sup>

The amended regulation's authorization for parents or guardians to file the formal written complaint on a child's behalf partially mitigates these concerns, but does not resolve them. For many child victims, the parent or guardian may be unable or unwilling to pursue a formal written complaint. This would leave the child responsible for filing the complaint and, if the child is unable to do so, would prevent the LEA from taking remedial action, even if an employee is aware of the alleged misconduct. Moreover, it does not alter the fact that the child must necessarily again recount the incident and risk re-traumatization to allow the parent or guardian to complete and file a formal written complaint, and there may be instances where children will not want to reveal sexual harassment or assault to their parent or guardian. The requirement for a formal, signed complaint should be eliminated for K-12. A child's oral complaint of sexual harassment or assault should be sufficient for an educator to move forward to assess and address the potential harm.

When it issued the amended regulation, the Department projected that, as a result of the aforementioned additional hurdles imposed, schools will substantially reduce investigations of sexual harassment and assault and sexual harassment and assault will be even less regularly reported and remedied on school campuses. 85 Fed. Reg. at 30,568 (May 19, 2020) (assuming that only half of the incidents of sexual harassment currently reported to the Department will result in formal investigations). In projecting that fewer students would receive an investigation and remedy under the amended regulation, the Department did not properly account for the increased costs to students and the state, in terms of lower academic outcomes, increases in absences, potential dropout, and potential lifelong declines in earnings and increases in health and mental health care costs, among other possible negative consequences that result when sexual harassment and assault are not effectively prevented and remedied. In California, the bulk of the state and federal funding that LEAs receive is tied to "average daily attendance" or ADA, so LEAs bear a cost of lost ADA revenue attributable to reduced attendance rates and higher drop-out rates when, as projected, sexual harassment and assault incidents do not

---

<sup>16</sup> Volume 3, Handbook on Development and Child Psychology (edited by Michael Lamb), see Chapter 12, on Children and the Law, Lamb, et al.; Volume 4, Handbook on Development and Child Psychology (edited by Bornstein and Leventhal), see Chapter 16, Children and the Law, by Cauffman, et al.

decrease, but actions taken by schools to prevent and resolve them do. The aforementioned costs were not assessed or calculated by the Department when it promulgated the amended regulation. In conducting its assessment of the amended regulation, we request that the Department address all reasonably foreseeable costs imposed on individual students, LEAs, and the K-12 system.

In sum, for the reasons detailed above, substantial research and evidence supports the conclusion that the amended regulation creates significant negative impacts for the health and well-being of students subjected to sexual harassment and assault on our campuses, the very students that Title IX is supposed to protect. Moreover, the amended regulation and the cost-benefit analysis that accompanied it failed to take into account these harms, including additional mental health and other supports students will require to stay in school.

Sincerely,

(b)(6)

Linda Darling-Hammond, Ed.D  
President  
California State Board of Education

Professor of Education Emeritus  
Stanford Graduate School of Education

President  
Learning Policy Institute