

Congress of the United States

Washington, DC 20515

April 30, 2024

Dr. Miguel Cardona, Secretary of Education
U.S. Department of Education
400 Maryland Ave, SW
Washington, DC 20202

Merrick B. Garland, Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington DC 20530

Dear Secretary Cardona and Attorney General Garland,

As Members of Congress, we have a critical oversight role to play, especially when it comes to the protection of our most vulnerable constituents.

Over the past two years, President Biden's Administration has announced intent to strengthen and protect rights for students with disabilities and collected written comments on how best to improve the current Section 504 regulations. The Administration, however, has yet to release a Notice of Proposed Rulemaking (NPRM), outlining the Department's plan to achieve this goal. This is a considerable delay, given that the NPRM was expected in August of 2023.

Since the passage of the Rehabilitation Act of 1973, guidance on its application and the responsibilities of those it governs has not kept up with technological advances, particularly new tools that can be utilized by students with disabilities to access education through reasonable accommodations. Failure to modernize these rules has led to ambiguity in the application of protections under Section 504, denial of reasonable accommodations, and barriers to students with disabilities accessing education.

The impacts of failing to update Section 504 are astounding in terms of its negative effects on college students. Nearly twenty percent of college students identify as having a disability, but twenty-five percent will leave college after just one year and only forty percent of students with disabilities earn their degrees after six years.¹ According to the National Center for Education Statistics, thirty-seven percent of students with disabilities at two-year colleges and fifteen percent at four-year colleges reported that they did not receive accommodations.² More than half of the 6,467 disability-related complaints received by the Department of Education in FY2022 were related to free appropriate access to public education³

¹ <https://nces.ed.gov/pubs2018/2018432.pdf>

² https://nces.ed.gov/whatsnew/press_releases/4_26_2022.asp

³ <https://www2.ed.gov/about/reports/annual/ocr/report-to-president-and-secretary-of-education-2022.pdf>

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The Department of Education's Office of Civil Rights (OCR) must issue the Notice of Proposed Rulemaking (NPRM) for updated guidance on Section 504 of the Rehabilitation Act of 1973. This updated guidance will help to eliminate ambiguity in the 50-year-old regulations that protect students with disabilities and remove barriers to their education.

We urge the Department of Education and the Department of Justice to promptly issue a Notice of Proposed Rule Making to clarify the responsibilities of our country's educators and the rights of students with disabilities to access education without hinderance.

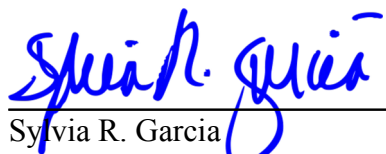
Sincerely,



Debbie Dingell
Member of Congress



Adam B. Schiff
Member of Congress



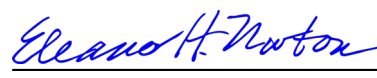
Sylvia R. Garcia
Member of Congress



Katie Porter
Member of Congress



Sheila Jackson Lee
Member of Congress



Eleanor Holmes Norton
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Raja Krishnamoorthi
Member of Congress



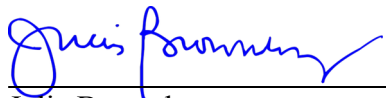
Nikema Williams
Member of Congress



Raúl M. Grijalva
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Raul Ruiz, M.D.
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