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DEPARTMENT OF EDUCATION

34 CFR Part 106

RIN 1870-AA14

[Docket ID ED-2018-OCR-0064]

Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance

AGENCY: Office for Civil Rights, Department of Education.

ACTION: Notice of proposed rulemaking; reopening of comment period.

SUMMARY: On November 29, 2018, the Department published in the *Federal Register* a notice of proposed rulemaking (NPRM) to amend the Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance regulations. That NPRM established a 60-day comment period from November 29, 2018, through January 28, 2019. On January 28, the Department published in the *Federal Register* a document extending the public comment period for two days, until January 30, 2019. In an abundance of caution, to the extent that some users may have experienced technical issues preventing the submission of comments using the Federal eRulemaking Portal, the Department is reopening the comment period for one day on February 15, 2019.

DATES: The comment period for the proposed rule published November 29, 2018 at 83 FR 61462, and extended on January 28, 2019 at 84 FR 409, is reopened. Comments must be submitted to the Department on February 15, 2019.

ADDRESSES: Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. The Department will not accept comments submitted by fax or by email or those submitted outside of the comment period. Thus, we will not accept comments submitted from January 31, 2019, through February 14, 2019, or comments submitted after February 15, 2019. To ensure that the Department does not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

- Federal eRulemaking Portal: Go to www.regulations.gov to submit your comments electronically. Information on using Regulations.gov, including instructions for finding a rule on the site and submitting comments, is available on the site under "How to use Regulations.gov" in the Help section. If you experience technical difficulties when trying to submit your comment, call the www.regulations.gov helpdesk at 877-378-5457.

- Postal Mail, Commercial Delivery, or Hand Delivery: The Department strongly encourages commenters to submit

their comments electronically. If, however, you mail or deliver your comments about the proposed regulations, address them to Brittany Bull, U.S. Department of Education, 400 Maryland Avenue, SW., room 6E310, Washington, DC 20202-5900. Comments submitted via mail must be postmarked on February 15, 2019. Comments hand-delivered to the Department must be delivered between 9:00 a.m. and 5:00p.m. EST on February 15, 2019.

Privacy Note: The Department's policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at www.regulations.gov. Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: Brittany Bull, U.S. Department of Education, 400 Maryland Avenue, SW., room 6E310, Washington, DC 20202-5900. Telephone: 202-453-7100. You may email questions to TitleIXNPRM@ed.gov, but, as described above, comments must be submitted via the Federal eRulemaking Portal, postal mail, commercial delivery, or hand delivery.

If you use a telecommunications device for the deaf or a text telephone, call the Federal Relay Service, toll free, at 1-800-877-8339.

SUPPLEMENTARY INFORMATION:

Background: On November 29, 2018, the Department published an NPRM in the *Federal Register* (83 FR 61462), to amend the Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance regulations to provide appropriate standards for how recipients must respond to incidents of sexual harassment. The NPRM established a 60-day comment period through January 28, 2019. On January 28, the Department published in the *Federal Register* a document (84 FR 409) extending the public comment period for two days, until January 30, 2019. In an abundance of caution, to the extent that some users may have experienced technical issues preventing the submission of comments using the Federal eRulemaking Portal, the Department is reopening the comment period for one day on February 15, 2019. Commenters must submit comments: between 12:00 a.m. EST and 11:59 p.m. EST on February 15, 2019 if submitted through the Federal eRulemaking Portal; between 9:00a.m. and 5:00 p.m. EST on February 15, 2019, if hand-delivered; or postmarked on February 15, 2019, if delivered by postal mail or commercial delivery. Please do not resubmit a comment that was previously submitted. The Department is continuously processing and posting all comments received from the

public in a manner that ensures the Department is able to review and consider each comment. Once all comments have been processed, they will be posted and publicly available.

Call the www.regulations.gov helpdesk at 877-378-5457 if you experience any technical difficulties that prevent you from submitting your comment on February 15, 2019. You also have the option to deliver your comment by postal mail, commercial delivery or hand delivery if a technical issue prevents you from submitting your comment through the Federal eRulemaking Portal.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the contact person listed under FOR FURTHER INFORMATION CONTACT.

Electronic Access to This Document: The official version of this document is the document published in the *Federal Register*. Free internet access to the official edition of the *Federal Register* and the Code of Federal Regulations is available at www.govinfo.gov. At this site, you can view this document, as well as all other documents of this Department published in the *Federal Register*, in text or Adobe Portable Document Format (PDF). To use PDF, you must

have Adobe Acrobat Reader, which is available free at this site.

You may also access documents of the Department published in the *Federal Register* by using the article search feature at: www.federalregister.gov. Through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: February 12, 2019.

Betsy DeVos,
Secretary of Education.

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