

July 27, 2026

Dr. Michelle Daley
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Ave., SW
Washington, DC 20202

Re: Rescinding the Equity Assistance Center Program Regulations ([ED-2026-OESE-0958](#))

Dear Dr. Daley:

We, the undersigned civil rights and education organizations, respectfully submit these comments in response to the U.S. Department of Education's (the Department's) notice of proposed rulemaking (NPRM) to rescind the Equity Assistance Center (EAC) program regulations. We urge the Department to **withdraw its proposal to rescind the EAC regulations** (34 CFR Part 270). The EAC program must be preserved because it is a critical tool for helping schools, districts, and states identify and remedy practices that deny students equal educational opportunity, including discrimination related to race, color, national origin, sex, disability, religion, and language status.

The Department has not shown that eliminating the regulations would improve the technical assistance received by state and local education leaders working to address segregation and protect the civil rights of the nation's students. The Department's justification is based on assumptions and rudimentary analysis, and the NPRM includes no information about how the Department would effectively provide direct technical assistance.

When civil rights concerns arise, timely, accessible technical assistance can help education leaders prevent violations before they harm students and can support corrective action when inequities are identified. In doing so, Equity Assistance Centers can help address problems before they escalate into formal complaints or enforcement actions. This preventive role is especially valuable given the significant backlog of cases facing the Office for Civil Rights. Removing the EAC regulatory framework without a clear, reliable replacement would create uncertainty for the very stakeholders responsible for ensuring that students are not denied equal access to safe, inclusive learning environments. For the reasons outlined further below, we ask the Department to withdraw this NPRM.

There is demonstrated need for the services that the EACs provide

The NPRM indicates that there was substantial demand for the EAC program in FY22, when 24 state education agencies, 222 local education agencies, and 145 schools in 46 states and territories received assistance. The NPRM compares this level of service to the thousands of assistance requests received from 1967 through 1969 (during the height of the Civil Rights era) and presents that comparison as evidence that there is no longer a need for the program. To

the contrary, a program that is used by half of all SEAs and serves students in almost all (46) states and territories is vital, not unnecessary.

Current regulations already provide flexibility to adjust the program's regions

The Department argues that since active desegregation orders are disproportionately concentrated in one region, deregulation is necessary to rebalance the distribution of resources. The Secretary, however, already has the discretion to revise the program's geographic regions under section 270.5(c) of the current regulations. Therefore, the imbalanced geographic distribution of support requests is not a valid reason to completely rescind the regulation. Further, that geographic imbalance is not evidence that the EAC program should be dismantled; it reflects the nation's history of segregation in the South and continued legal rulings that segregation has not been eliminated. The disproportionate need for technical assistance in one region demonstrates where need is greatest, not that the regional structure is ineffective.

The program's regulatory history suggests that a clearly defined technical assistance center structure is optimal

The statutory authority for the EAC program comes from Title IV of the Civil Rights Act of 1964. The Department notes that the statute allows technical assistance to be provided in several ways, including directly by the federal government. The NPRM provides a detailed summary of the regulatory history of the program, recounting five decades during which previous administrations — with differing views of the federal role in education — repeatedly revisited this program, and chose to maintain a technical assistance grant structure rather than rely on federal staff to deliver technical assistance. That consistent choice, including during the first Trump administration and sustained across different political environments, is evidence that the current structure serves the statute's purpose; it is not license to make arbitrary changes that only serve the administration's agenda to eliminate the Department of Education.

The Department is shrinking, not expanding, its capacity to absorb this technical assistance role

The administration has hollowed out the Department of Education. Staff reductions — which have impacted the Department's ability to carry out activities required by law — mean that there is less capacity to take on technical assistance activities, which the NPRM indicates “vary in complexity, intensity, and duration.” In fact, a recent [report from Senate HELP](#) noted that the Office for Civil Rights (OCR) reached just 112 resolution agreements in 2025, which is a sharp decline from 507 resolutions in 2024 — due, in large part, to the Department's greatly diminished staff capacity following reductions in force.

In addition, the Interagency Agreement (IAA) with the Department of Justice (DOJ), through which the Department suggests future technical assistance would be provided, muddies the infrastructure and needlessly increases bureaucracy for states and local leaders to request technical assistance. The Department asserts that the IAA with DOJ to transfer OCR's core responsibilities and duties will allow the Department to leverage DOJ's “considerable civil rights expertise, including in desegregation efforts.” Yet, [we know](#) that agencies across the federal government, including DOJ, are abandoning their work to resolve civil rights cases. For

example, in addition to sharp declines in staffing at OCR, DOJ [gutted the staffing capacity](#) in the Civil Rights Division within the first few months of 2025, significantly hindering their ability to carry out their legal responsibilities.

Furthermore, the Department has sought to eliminate this program, rather than stand up an effective internal process for stakeholders to request, and for the government to deliver, technical assistance. The NPRM indicates that SEAs, LEAs, and schools will continue to receive assistance *pending continued Congressional appropriations*. At the same time, the Department has requested no funding for the EAC program in [FY26](#) and [FY27](#) because eliminating this program is part of its agenda to ‘return education to the states’. This inconsistency — where the administration says it wants to return this responsibility to the states and remove regulations to allow it to provide direct support — is a clear sign that the Department does not intend to continue to support state and local leaders with desegregation efforts.

Given the significance of this change, the Department’s analysis of potential impacts needs additional detail

The Department determined that this rescission is a significant regulatory action. Despite that, its analysis of potential impacts is lacking. First, the Department estimates that this change will save \$14,100 in reduced travel costs — an estimate that is minuscule in comparison to the [\\$6.6 million appropriated](#) for the EAC program in FY24 and is based on unclear logic. There is no explanation for why the right estimate is 10%, especially since technical assistance centers are based in their respective regions. In addition, there is no analysis of the personnel and resource costs of creating alternative technical assistance processes (including the loss of institutional knowledge from the existing centers). The Department has not meaningfully analyzed facts and data of the civil rights enforcement concerns and needs from the field, intentionally ignoring evidence that could undermine support for the proposed significant regulatory action.

The Department must meaningfully consider public comments in its final decision

We are deeply concerned that the NPRM appears to prejudge the outcome of this public comment process. As noted previously, the NPRM references an IAA with DOJ, which was [announced](#) nine days *before* this NPRM was published and states that DOJ has already committed to taking on this direct technical assistance function. If there is already an agreement in place that presumes that these regulations have been rescinded, before the public was given an opportunity to provide feedback about the proposal, then this public comment process is not a genuine attempt to collect and consider public input to inform the decision-making process. The administration’s recent history of finalizing guidance and regulations from the Department without making changes based on public comments highlights a pattern of ignoring public comments and adds to our concern.

For the reasons articulated above, we urge the Department to withdraw this proposal and preserve a clear, dependable structure for helping education leaders meet their civil rights obligations to students. Any future changes to the EAC program should strengthen — not weaken — the federal government’s ability to ensure that every student can learn in an environment free from discrimination and segregation.

We welcome the opportunity to discuss these comments further.

Respectfully,

Advance Illinois

All4Ed

Center for Strong Public Schools

EdTrust

Educators for Excellence

Kids First Chicago

National Association for Family, School and Community Engagement (NAFSCE)

National Center for Learning Disabilities

National Parents Union

UnidosUS