

July 27, 2026

Kirsten Baesler
Assistant Secretary for Elementary and Secondary Education
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Re: Office of Elementary and Secondary Education Proposed Rule to Rescind the Equity Assistance Center Program Regulations (ED-2026-OESE-0958)

Dear Assistant Secretary Baesler:

The National Academy of Education (NAEd) appreciates the opportunity to comment on the U.S. Department of Education's Notice of Proposed Rulemaking (NPRM) proposing to rescind the Equity Assistance Center (EAC) Program regulations at 34 C.F.R. Part 270.

The NAEd is a nonpartisan, nonprofit organization that advances high-quality research to improve education policy and practice. Founded in 1965, the NAEd has approximately 350 members and international associates elected on the basis of their distinguished scholarship in education. The NAEd membership includes some of the most distinguished scholars and leaders in education, such as current and former university presidents, provosts and deans; directors of research think tanks; presidents of foundations; presidents and members of distinguished scientific societies; and members of White House commissions. Among other things, the NAEd undertakes research studies to address pressing educational issues and provide research-based recommendations and guidance on such matters and administers professional development programs to enhance the preparation of the next generation of education scholars. Since 2024, the NAEd has partnered with the Equity Assistance Center–South at the Southern Education Foundation (EAC-South) to provide evidence-supported technical assistance that advances equal educational opportunity.

The NPRM treats the EAC regulations principally as an administrative constraint. But the regulations sustain a national infrastructure through which states and school districts obtain no-cost, specialized assistance to address segregation and its educational consequences. Rescission would remove that infrastructure without identifying a concrete replacement, without evaluating whether any alternative could provide comparable educational expertise and sustained implementation support, and without meaningfully accounting for the districts, educators, students, and communities that rely on the program.

The need for the Equity Assistance Centers has not disappeared. Segregation remains widespread; it concentrates students of color in high-poverty schools and is associated with unequal access to experienced teachers, advanced coursework, fair discipline, and other conditions that shape learning. EACs help states, districts, schools, and educators address those mechanisms through needs assessment, planning, professional learning, community engagement, coaching, and implementation support. Substantial research supports both the problems EACs address and the types of interventions and sustained assistance they provide.

NAEd respectfully urges the Department to withdraw the proposed rule in its entirety. Part I explains that school segregation remains widespread and continues to cause serious, well-documented harms to students. Part II shows that the work of the EACs directly addresses the mechanisms through which segregation limits educational opportunity—including ineffective and outdated student assignment plans, unequal access to rigorous coursework, exclusionary discipline, and access to effective educators—and that research supports both these interventions and the sustained technical assistance needed to implement them successfully. Part III describes the substantial reach of the EACs and the harm rescission would impose on the states, districts, schools, educators, and students that rely on their assistance—harms the NPRM does not meaningfully consider. Part IV explains why DOJ’s legal and enforcement expertise cannot substitute for the EACs’ specialized educational expertise, regional relationships, and implementation capacity. Finally, Part V explains that the proposed rescission is arbitrary and capricious because the Department has not adequately addressed reliance interests, considered reasonable alternatives, supported its assessment of current demand, justified its asserted cost savings, or otherwise provided the reasoned, program-specific explanation the Administrative Procedure Act requires.

I. Segregation Continues to Cause Serious Educational Harm, and Title IV Was Designed to Help Districts Address It

Brown v. Board of Education held that state-imposed racial segregation in public schools is “inherently unequal.”¹ Congress responded to persistent resistance to desegregation by enacting Title IV of the Civil Rights Act of 1964. Section 403 authorizes the Secretary, upon request, to provide technical assistance to any school board, state, municipality, school district, or other governmental unit legally responsible for operating public schools in the preparation, adoption, and implementation of desegregation plans.² Sections 404 and 405 separately authorize training for school personnel and grants to employ specialists to address problems incident to desegregation.³ Title IV also separately provides for enforcement. Section 407 authorizes the Attorney General, upon receipt of a qualifying complaint and satisfaction of the statute’s other requirements, to bring a civil action to remedy a denial of equal protection in public education.⁴ By establishing both enforcement authority and distinct assistance, training, and grant programs within the same title, Congress recognized that enforcement and educational assistance are different, complementary federal functions.

¹ *Brown v. Board of Education*, 347 U.S. 483, 495 (1954).

² Civil Rights Act of 1964, 42 U.S.C. § 2000c-2 (2018).

³ Civil Rights Act of 1964, 42 U.S.C. §§ 2000c-3 to 2000c-5 (2018).

⁴ Civil Rights Act of 1964, 42 U.S.C. § 2000c-6 (2018).

The NPRM relies in part on the observation that “there have been very few new school desegregation orders issued by a court in decades” and that existing active orders are disproportionately concentrated in one EAC region. But neither the number of new court orders nor the location of existing ones measures the full need for Title IV assistance. First, approximately 130 school districts remain subject to active federal desegregation orders, with additional districts operating under consent decrees and other federal agreements. Second, section 403 is not limited to districts under judicial supervision; it authorizes assistance to any eligible governmental unit that requests help preparing, adopting, or implementing a desegregation plan. Consistent with that language, the Department has long supported voluntary efforts involving student assignment, access to qualified teachers and challenging curricula, national-origin and sex desegregation, and the preservation of integration after judicial supervision ends.⁵ The decline in new court orders therefore does not establish that the need for desegregation assistance has diminished. It shows only that fewer districts are entering one particular form of judicial oversight.

Moreover, national evidence confirms that segregation remains substantial and, in important respects, has intensified. The Civil Rights Project reported in 2024 that the share of public schools enrolling 0–10 percent White students nearly tripled over three decades, from 7.4 percent to 20 percent, and that intensely segregated schools are overwhelmingly high-poverty, with over 78 percent of their students living in poverty as of 2021. In the South, the share of Black students attending majority-White schools fell from approximately 43 percent at its high point in the 1980s to about 16 percent by 2021.⁶ These trends show that the nation has not merely failed to eliminate school segregation, but in many communities, earlier progress has been reversed.

The educational consequences of this segregation are not abstract. In a 2024 national study using achievement data from nearly every public school district, Sean Reardon and his colleagues found that racial segregation is strongly associated with larger Black-White and Hispanic-White achievement gaps in third grade and with faster growth in those gaps through eighth grade. The study found that segregation matters largely because it concentrates Black and Hispanic students in higher-poverty schools that, on average, provide less effective learning opportunities. Differences in teacher characteristics explain a meaningful portion of the resulting growth in achievement gaps.⁷ Segregation therefore operates through concrete features of schooling—who teaches, what courses are available, how students are assigned and disciplined, and whether schools have the capacity to implement equitable practices. Those are precisely the areas in which EACs work.

⁵ Equity Assistance Centers (Formerly Desegregation Assistance Centers), 81 Fed. Reg. 15,665, 15,666–69 (proposed Mar. 24, 2016), <https://www.federalregister.gov/documents/2016/03/24/2016-06439/equity-assistance-centers-formerly-desegregation-assistance-centers>; 81 Fed. Reg. 46,808 (July 18, 2016), <https://www.federalregister.gov/documents/2016/07/18/2016-16811/equity-assistance-centers-formerly-desegregation-assistance-centers-dac>.

⁶ Orfield, G., & Pfleger, R. (2024). *The unfinished battle for integration in a multiracial America—From Brown to now*. UCLA Civil Rights Project. <https://civilrightsproject.ucla.edu/wp-content/uploads/2024/04/National-Segregation-041624-CORRECTED-for-1.pdf>.

⁷ Reardon, S. F., Weathers, E. S., Fahle, E. M., Jang, H., & Kalogrides, D. (2024). Is separate still unequal? New evidence on school segregation and racial academic achievement gaps. *American Sociological Review*, 89(6), 971–1010. <https://doi.org/10.1177/00031224241297263>.

II. EACs Help Districts Implement Research-Based Strategies That Expand Equal Educational Opportunity

The EACs work with school districts to address segregation and its impacts in numerous ways, including technical assistance to address school integration and student assignment, expanded access to rigorous coursework, the design of fair and effective disciplinary systems, and the recruitment, support, and retention of a diverse and effective educator workforce.

A. EACs help districts reduce school segregation and improve student assignment

EACs assist with attendance boundaries, school consolidation, voluntary integration, and community engagement around student assignments. Research has repeatedly shown that racially and socioeconomically integrated schools can provide academic and social benefits, while concentrated poverty is associated with weaker educational opportunities and disparities in access to experienced educators, rigorous coursework, and school resources.⁸ Carefully designed programming, modernized boundary policies, and meaningful community engagement can reduce segregation, expand equitable access to high-quality educational opportunities, and enhance academic achievement for all students.⁹ This work requires more than legal advice and legal technical assistance. The educational experts working with EACs assist districts as they analyze enrollment patterns, transportation, program locations, family preferences, school capacity, and likely implementation effects, then engage communities and revise plans over time.

B. EACs help districts expand access to rigorous coursework

School segregation creates unequal access to rigorous coursework at the school level. Because racial segregation concentrates Black and Hispanic students in higher-poverty schools, those students are more likely to attend schools that offer fewer advanced academic opportunities.¹⁰ A national analysis of the 2015–16 Civil Rights Data Collection illustrates the extent of the disparity: 70 percent of high schools serving the highest concentrations of students of color did not offer calculus, compared with 40 percent of schools serving the lowest concentrations; 62 percent did not offer Advanced Placement courses, compared with 48 percent; and 69 percent did not offer dual enrollment, compared with 33 percent.¹¹ For many students, therefore, the first barrier is

⁸ Reardon, S. F., & Owens, A. (2014). 60 years after *Brown*: Trends and consequences of school segregation. *Annual Review of Sociology*, 40, 199–218. <https://doi.org/10.1146/annurev-soc-071913-043152>.

⁹ Mickelson, R. A. (2016). *School integration and K–12 outcomes: An updated quick synthesis of the social science evidence*. National Coalition on School Diversity; Johnson, R. C. (2019). *Children of the dream: Why school integration works*. Basic Books; Equity Assistance Center–South. (2024). *EAC-South flyer: How to address racial, ethnic, and segregation-related opportunity gaps*. <https://eacsouth.org/wp-content/uploads/2024/08/EAC-Flyer-How-to-Address-Racial-Ethnic-and-Segregation.pdf>.

¹⁰ National Academies of Sciences, Engineering, and Medicine. (2019). *Monitoring educational equity* (pp. 85–86, 95–100). The National Academies Press. <https://doi.org/10.17226/25389>; Reardon, S. F., & Owens, A. (2014). 60 years after *Brown*: Trends and consequences of school segregation. *Annual Review of Sociology*, 40, 199–218. <https://doi.org/10.1146/annurev-soc-071913-043152>.

¹¹ ExcelinEd. (2018). *College and career pathways: Equity and access* (pp. 2, 4–5, 16–18). <https://www.excelined.org/wp-content/uploads/2018/10/ExcelinEd.Report.CollegeCareerPathways.CRDCAnalysis.2018.pdf>.

not exclusion from an advanced course offered at their school; it is that the course is not offered at the school they attend.

Unequal access can persist even when rigorous courses are available within a school. Students with similar preparation may be placed into courses of different rigor because of tracking, prerequisite structures, subjective recommendations, screening criteria, scheduling practices, and differences in information and academic support.¹² Although these policies may appear neutral, the processes used to identify students and determine eligibility for advanced coursework can disproportionately affect historically underserved students.¹³

EACs provide guidance to LEAs as they address both dimensions of the problem. They provide technical assistance for districts, including how to identify inequities between and within schools, examine academic pathways and eligibility criteria, expand the formats in which advanced courses are offered, provide supports that enable students to succeed, and engage students, families, and school staff in removing barriers to enrollment.¹⁴ Through data analysis, planning, professional learning, and implementation support, EACs help districts ensure both that rigorous courses are offered across schools and that students within each school have a fair opportunity to enroll and succeed. This work directly addresses both the unequal distribution of rigorous coursework across schools and the tracking and placement practices that can reproduce segregation within diverse schools.

C. EACs help districts design fair and effective discipline systems

Exclusionary discipline is imposed disproportionately on students of color, particularly Black students, and students with disabilities, and suspensions are associated with lost instructional time and adverse academic and long-term outcomes.¹⁵ Evidence indicates that school policies, discretionary decision-making, and inconsistent disciplinary practices contribute to disciplinary disparities.¹⁶ Research and federal guidance support approaches that use reliable data, clear and consistently applied rules, preventive schoolwide supports, educator training, and careful review of discretionary referrals. EACs help districts conduct those analyses and build systems that are both equitable and conducive to safe, supportive learning. This is not peripheral to desegregation. Discriminatory or exclusionary discipline can deny students meaningful access to the educational opportunities that desegregation is intended to secure.

¹² National Academies of Sciences, Engineering, and Medicine. (2019). *Monitoring educational equity* (pp. 85–86, 95–100). The National Academies Press. <https://doi.org/10.17226/25389>; Card, D., & Giuliano, L. (2016). Universal screening increases the representation of low-income and minority students in gifted education. *Proceedings of the National Academy of Sciences*, 113(48), 13678–13683. <https://doi.org/10.1073/pnas.1605043113>.

¹³ Tyson, K. (2011). *Integration interrupted: Tracking, Black students, and acting White after Brown*. Oxford University Press.

¹⁴ Equity Assistance Center–South. (2024, May 22). *How to improve access to rigorous coursework* [Webinar]. <https://eacsouth.org/webinars/how-to-improve-access-to-rigorous-coursework/>; see also Equity Assistance Center–South & National Academy of Education. (2024, May 22). *How to improve access to and enrollment in rigorous coursework* [Conference presentation].

¹⁵ U.S. Government Accountability Office. (2018). *K-12 education: Discipline disparities for Black students, boys, and students with disabilities* (GAO-18-258). <https://www.gao.gov/products/gao-18-258>.

¹⁶ Gregory, A., Skiba, R. J., & Noguera, P. A. (2010). The achievement gap and the discipline gap: Two sides of the same coin? *Educational Researcher*, 39(1), 59–68. <https://doi.org/10.3102/0013189X09357621>.

D. EACs help districts recruit, support, and retain a diverse and effective educator workforce

Segregation also affects the quality and stability of the educator workforce available to students. Black students are more likely than other students to be taught by uncertified, first-year, and novice teachers and to attend schools with high concentrations of novice teachers.¹⁷ Black students are also more likely to be assigned teachers with lower licensure-exam scores and lower measures of effectiveness, and racial disparities in access to experienced teachers are persistent and cannot be explained by student poverty alone.¹⁸ High-poverty schools and schools serving large concentrations of students of color also experience greater teacher turnover, which disrupts instruction and makes it more difficult to build the stable faculty, institutional knowledge, and collaborative school culture needed to sustain improvement.¹⁹ This in turn depletes access to a diverse educator workforce, which research links to academic and social-emotional benefits for all students.²⁰ EAC assistance with educator recruitment, assignment, induction, professional learning, retention, and working conditions therefore addresses an important mechanism through which segregation produces unequal educational opportunity.

E. EACs provide the sustained implementation support needed to turn policy into practice

The manner in which EACs provide assistance is also important. Identifying an evidence-supported policy or practice is not the same as successfully implementing it. The EAC regulations charge the regional centers not merely with disseminating information, but with helping school systems prepare, adopt, and implement desegregation plans; providing assistance and advice on educational problems arising from desegregation; and training educators and other stakeholders to address those problems effectively. In adopting the 2016 regulations, the Department also emphasized that EACs would continue to support multi-year technical-assistance activities when necessary and recognized that on-the-ground assistance is often important to addressing entrenched conditions that contribute to segregation.²¹

For instance, EAC-South describes its services as providing “comprehensive, tailored solutions” responsive to each district’s particular needs. Its technical-assistance staff

¹⁷ Altman, M. (2024). *Miles to go: The state of education for Black students in America*. Southern Education Foundation. <https://southerneducation.org/wp-content/uploads/miles-to-go-report-final.pdf>; Cardichon, J., Darling-Hammond, L., Yang, M., Scott, C., Shields, P. M., & Burns, D. (2020). *Inequitable opportunity to learn: Student access to certified and experienced teachers*. Learning Policy Institute. https://learningpolicyinstitute.org/sites/default/files/product-files/CRDC_Teacher_Access_REPORT.pdf.

¹⁸ Altman, M. (2024). *Miles to go: The state of education for Black students in America*. Southern Education Foundation. <https://southerneducation.org/wp-content/uploads/miles-to-go-report-final.pdf>.

¹⁹ Carver-Thomas, D., & Darling-Hammond, L. (2017). *Teacher turnover: Why it matters and what we can do about it* (p. 20). Learning Policy Institute. <https://learningpolicyinstitute.org/product/teacher-turnover-report>; Ronfeldt, M., Loeb, S., & Wyckoff, J. (2013). How teacher turnover harms student achievement. *American Educational Research Journal*, 50(1), 4–36. <https://doi.org/10.3102/0002831212463813>.

²⁰ Blazar, D. (2024). Why Black teachers matter. *Educational Researcher*, 53(8), 450–463.

https://education.umd.edu/sites/default/files/uploads/inline-files/Blazar_2024_Why%20Black%20Teachers%20Matter_ER.pdf.

²¹ 34 C.F.R. §§ 270.1, 270.4(c), 270.30 (2024); Equity Assistance Centers (Formerly Desegregation Assistance Centers), 81 Fed. Reg. 46,808, 46,810–11, 46,815–16 (July 18, 2016), <https://www.federalregister.gov/documents/2016/07/18/2016-16811/equity-assistance-centers-formerly-desegregation-assistance-centers-dac>.

consult on district goals and challenges, conducts needs assessments, and assist to develop individualized training and technical-assistance plans to assist districts toward sustained improvement in student equity and outcomes.²² EAC-South's approach reflects a broader pattern found in research that districts benefit from external partnerships. Districts respond better to assistance that grows out of an ongoing relationship than to a single, isolated engagement. Trust and a real understanding of local context build over time, and that groundwork is what makes guidance usable in practice.²³

This type of sustained, locally responsive assistance helps districts translate research and legal obligations into workable policies, develop the knowledge and organizational capacity needed to put those policies into practice, and sustain improvements beyond the adoption of a written plan. Research on educational reform confirms that meaningful change requires more than initial adoption: new practices must become embedded in everyday work, spread across the organization, endure over time, and increasingly be supported and owned by local educators and leaders.²⁴ EACs center this kind of longer-term, collaborative work; the Department's technical assistance does not and DOJ has no such experience, expertise, or practice and nor should it, as it serves a wholly different function of enforcement.

III. The NPRM Mischaracterizes Demand and Fails to Consider the Consequences for Service Recipients

The Department's own data demonstrate substantial current demand for the EAC services. In fiscal year 2022, the EACs provided targeted and intensive assistance to 24 state educational agencies, 222 local educational agencies, and 145 schools in 46 states and territories, and accepted 96 percent of requests received.²⁵ Since becoming the Region II EAC, EAC-South has provided direct assistance to one state educational agency, 15 local educational agencies or boards, and approximately 225 schools serving educational communities that include about 1.48 million students and more than 110,000 educators. These figures exclude webinars, toolkits, communities of practice, and other universal assistance. Approximately 80 percent of EAC-South requests come from districts and organizations not under a federal desegregation order—a fact that

²² Equity Assistance Center–South. (n.d.-a). *Our services*. Retrieved July 21, 2026, from <https://eacsouth.org/our-services/> (describing EAC-South's "comprehensive, tailored solutions" for addressing districts' particular needs); Equity Assistance Center–South. (n.d.-b). *Our staff*. Retrieved July 21, 2026, from <https://eacsouth.org/our-staff/> (explaining that technical-assistance staff assess district needs and assets and develop individualized training and technical-assistance plans, and that the technical-assistance lead develops and implements strategic plans directed toward districts' equity-related goals).

²³ Coburn, C. E., & Penuel, W. R. (2016). Research-practice partnerships in education: Outcomes, dynamics, and open questions. *Educational Researcher*, 45(1), 48–54. <https://doi.org/10.3102/0013189X16631750>; Honig, M. I. (2003). Building policy from practice: District central office administrators' roles and capacity for implementing collaborative education policy. *Educational Administration Quarterly*, 39(3), 292–338. <https://doi.org/10.1177/0013161X03253414>.

²⁴ Coburn, C. E. (2003). Rethinking scale: Moving beyond numbers to deep and lasting change. *Educational Researcher*, 32(6), 3–12. <https://doi.org/10.3102/0013189X032006003>; Coburn, C. E., Russell, J. L., Kaufman, J. H., & Stein, M. K. (2012). Supporting sustainability: Teachers' advice networks and ambitious instructional reform. *American Journal of Education*, 119(1), 137–182. <https://doi.org/10.1086/667699>.

²⁵ Rescinding the Equity Assistance Center Program Regulations, 91 Fed. Reg. 38,354, 38,357 (proposed June 25, 2026), <https://www.federalregister.gov/documents/2026/06/25/2026-12861/rescinding-the-equity-assistance-center-program-regulations>.

confirms the continuing demand for voluntary and preventive assistance authorized by Title IV.

The NPRM nevertheless compares the number of assistance requests reported in 1967–1970 with the number of entities served in fiscal year 2022. That comparison is not probative. It compares requests with recipients, even though one district can make multiple requests; it compares the immediate aftermath of nationwide legal desegregation with a mature program providing more intensive, often multi-year assistance; and it ignores the dramatic decline in available resources. The Department stated in its 2016 rulemaking that funding fell from \$45 million in fiscal year 1980 for all Desegregation of Public Education programs to \$6.6 million for EAC grants in fiscal year 2016.²⁶ Funding has remained flat since 2016. Thus, today, EACs are provided \$6.6 to \$6.7 million dollars, when in 1980 they were provided \$45 million, roughly equivalent to \$193 million in today's dollars. A smaller program cannot be expected to process the same volume of requests as a program funded at many times its present real-dollar level.

The Department's cost-benefit discussion likewise focuses on the wrong parties. It asks whether rescission might create losses for the three current grantees but does not evaluate the loss of no-cost assistance to the states, districts, schools, educators, students, and communities that receive it. Nor does it assess the cost of disrupted multi-year work, the loss of regional expertise and trusted relationships, or the risk that preventable problems will instead become complaints, investigations, or litigation. A reasoned analysis must consider the consequences for the intended beneficiaries of the regulatory framework, not only the entities holding grants.

IV. If the EAC Program Is Rescinded, DOJ Does Not Have the Infrastructure or Demonstrated Capacity to Replace It

Section 405 of Title IV expressly authorizes the Secretary of Education to “make grants to [school boards] to pay, in whole or in part, the cost of (1) giving to teachers and other school personnel in-service training in dealing with problems incident to desegregation and (2) employing specialists to advise in problems incident to desegregation.”²⁷ This authority reflects Congress's recognition that achieving meaningful desegregation requires far more than legal enforcement; it requires sustained educational expertise, professional development, and hands-on technical assistance to help school systems implement lasting change.

The Equity Assistance Centers fulfill this congressional mandate by bringing together multidisciplinary teams of former educators, school leaders, researchers, instructional specialists, and community engagement practitioners who help educational agencies translate civil rights requirements into effective educational practice. However, ED provides no evidence that DOJ possesses comparable expertise or the institutional infrastructure necessary to administer, procure, or oversee a nationwide educational technical assistance program, especially one focused on desegregation assistance. While DOJ plays a vital and indispensable role in enforcing federal civil rights laws, enforcement is fundamentally different from the educational capacity-building Congress

²⁶ Equity Assistance Centers, 81 Fed. Reg. 15,665, 15,668 (proposed Mar. 24, 2016), <https://www.federalregister.gov/documents/2016/03/24/2016-06439/equity-assistance-centers-formerly-desegregation-assistance-centers>.

²⁷ Civil Rights Act of 1964, 42 U.S.C. § 2000c-4(a) (2018).

authorized under Title IV. Neither the NPRM nor the Interagency Agreement (IAA) with DOJ identifies any framework through which DOJ would administer assistance to school districts, provide sustained professional learning for educators, employ educational specialists, or deliver the long-term implementation support currently provided by the EACs. These concerns are heightened by recent, substantial reductions in DOJ staffing.²⁸

Organizations such as NAEEd have worked directly alongside EAC-South and have witnessed firsthand the extensive coordination, educational expertise, and sustained engagement required to provide effective desegregation assistance. Building trust with school districts, designing locally responsive solutions, training educators, and supporting implementation over months—and often years—requires specialized educational capacity developed through extensive experience in technical assistance. Neither the NPRM nor the IAA offers any evidence that DOJ has any intention to or could replicate these functions or produce equivalent outcomes. The NPRM’s assertion that DOJ has “considerable civil rights expertise” does not answer whether DOJ has the educational and implementation capacity needed to provide the services EACs deliver.

Accordingly, the proposed rescission would not simply alter the delivery mechanism for technical assistance; it would dismantle a proven educational infrastructure without demonstrating that an equally effective alternative exists. Congress intentionally established technical assistance under Title IV as a complement to, not a substitute for, civil rights enforcement. Preserving the Equity Assistance Center Program ensures that educational agencies continue to receive the specialized, preventative, and implementation-focused support necessary to achieve meaningful desegregation.

The distinction matters. Investigation and enforcement generally begin after a legal problem has arisen. EACs help educational agencies prevent problems, develop workable plans, build internal capacity, and sustain change. Congress authorized both functions. Moreover, it makes sense that while a district may seek legal guidance from ED or DOJ, it would be reticent to voluntarily highlight problematic information to the same agency which could then use the information to initiate an enforcement action. This is why Congress, when passing Title IV, contemplated different entities for the very different functions of technical assistance and enforcement.

V. The Proposed Rescission Is Not Supported by the Reasoned Decision-Making the APA Requires

The Administrative Procedure Act (APA) requires the Department to engage in reasoned decision-making by examining the relevant evidence and explaining the rational connection between the facts it finds and the action it takes. Agency action is arbitrary and capricious when the agency fails to consider an important aspect of the problem, relies on factors Congress did not intend it to consider, offers an explanation contrary to the evidence, or fails to reasonably explain a policy change. Although an agency remains free to change policy, it must acknowledge the change, provide a

²⁸ MacFarlane, S. (2025, June 17). 4,000 employees took ‘fork in the road’ at Justice Dept., with more cuts to come. *CBS News*. <https://www.cbsnews.com/news/4000-employees-took-fork-in-road-justice-dept-more-cuts-coming/>.

reasoned explanation, and account for serious reliance interests engendered by the prior policy.²⁹

First, the Department's reliance-interest analysis is inadequate in several respects. The Department states that it does not believe significant reliance interests exist because the rescission would govern future awards, existing grants would remain subject to their terms, and the Department intends an orderly transition.³⁰ That addresses the grantees' legal entitlement to current funding; it does it address the serious reliance interests created by more than fifty years of continuous EAC operation, the reliance by districts and states that have entered multi-year improvement efforts, committed staff and community resources, or structured plans around continued technical assistance, or the more than 130 school districts operating under active federal desegregation orders premised on continued access to technical assistance. Under *Department of Homeland Security v. Regents of the University of California*, 591 U.S. 1, 30–33 (2020), an agency changing a longstanding policy must do more than identify reasons why recipients have no entitlement to its continuation. It must assess whether the prior policy engendered significant reliance interests and weigh those interests against its competing policy objectives. The NPRM does not undertake that analysis.

Second, the alternatives discussion is not meaningful. The NPRM acknowledges options short of full rescission, including retaining Part 270 with targeted revisions, but dismisses them at a high level because they would leave some regulatory constraints in place. That does not explain why those constraints are unnecessary or why narrower amendments could not provide additional flexibility while preserving the regional EAC structure, continuity of service, and specialized educational expertise. Because the Department has not identified any defect that requires wholesale repeal, it must explain why targeted revisions would be inadequate.

Third, the Department's factual rationale is inadequately supported. As noted above, the demand comparison mixes unlike measures and ignores funding and changes in service intensity. The NPRM also assumes that technology makes regional delivery less necessary without evidence about which services can be delivered effectively at a distance, which require local knowledge and relationships, or whether virtual delivery would improve outcomes. An agency may draw reasonable inferences, but it must explain them and address important contrary evidence.

Fourth, the NPRM's claimed cost savings are speculative and cannot rationally justify eliminating the program. The Department's entire quantified savings identifies approximately \$141,000 in budgeted grantee travel and assumes, without a specified alternative model, a minimum 10 percent reduction in that cost—\$14,100. That figure represents roughly .2 percent of the EAC program's total annual budget of approximately \$6.7 million. It also mentions possible savings from peer review and indirect costs but does not quantify them or account for the federal staffing, contracting, oversight, travel, or transition costs of another model. Moreover, EAC-South does not charge indirect costs. The NPRM does not compare these speculative savings with the value of services provided or the costs of lost assistance. The Department does not

²⁹ *Motor Vehicle Manufacturers Association v. State Farm Mutual Automobile Insurance Co.*, 463 U.S. 29, 43 (1983); *FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 515–16 (2009).

³⁰ 91 Fed. Reg. at 38,358 (Reliance Interests),

<https://www.federalregister.gov/documents/2026/06/25/2026-12861/rescinding-the-equity-assistance-center-program-regulations>.

explain why an unquantified, guessed-at savings of this magnitude justifies eliminating a program that, through the Region II center alone, reaches approximately 1.48 million students and 110,000 educators. An agency conducting reasoned decision-making must weigh the actual costs and benefits of its action; the Department has not identified a benefit to this cut against this alleged \$14,100 in savings.

Fifth, the Department's general deregulatory preference cannot substitute for program-specific analysis. The NPRM's central rationale is that it "views this proposal to rescind the regulations in Part 270 as a continuation of the overall deregulatory history of the program," and it invokes Executive Order 14192, "Unleashing Prosperity through Deregulation." Turning to the prior rescissions, they involved provisions or programs the Department deemed unfunded, unnecessary, or obsolete. Here, Congress continues to appropriate funds, districts continue to request services, and the Department identifies no finding that the EACs are ineffective. Additionally, a generalized policy preference for deregulation is not a substitute for the reasoned, evidence-based, program-specific explanation the APA requires when an agency reverses course on a program Congress has authorized for over 50 years.

These deficiencies are particularly important because the NPRM proposes to remove the entire regulatory framework before the alternative delivery model is known. Rescinding the regulations would dismantle a proven framework at precisely the time when its specialized educational expertise is most needed.

Conclusion

The proposed rescission would undermine the federal government's efforts to fulfill Title IV's purpose at the exact moment when the evidence—on segregation's persistence and harm, on the reach of and reliance on the EAC network, and on the absence of any demonstrated DOJ alternative—shows the need for specialized, accountable, regionally delivered technical assistance. The Department has not shown that the current regulations are unnecessary, that DOJ can replace the EACs, or that the modest and speculative savings it identifies outweigh the serious harm rescission would cause to the more than 130 school districts under federal desegregation orders and the many more that voluntarily seek assistance.

NAEd respectfully urges the Department to withdraw the proposed rule in its entirety and to preserve 34 C.F.R. Part 270, so that states, school districts, educators, and students can continue to benefit from the specialized, evidence-based support Congress intended under Title IV.

Thank you for your consideration of these comments. If you have any questions about this, please contact Amy I. Berman, Deputy Director, National Academy of Education, aberman@naeducation.org.

Respectfully submitted,

National Academy of Education Board of Directors