

**Rescinding the Equity Assistance Center Program Regulations
A Proposed Rule by the U.S. Department of Education on 06/25/2026**

July 25, 2026

The Honorable 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: Docket ID ED-2026-OESE-0958: RIN number 1810-AB72

Dear Assistant Secretary Baesler:

We, the 41 undersigned organizations, write to express serious concerns about the U.S. Department of Education's (ED) proposal to rescind the Equity Assistance Center program regulations and urge ED to withdraw this proposal and maintain the existing regulations. This proposal would jeopardize the sound provision of technical assistance and training to desegregate public schools that Equity Assistance Centers (EACs) provide, which would effectively terminate the program as we know it.

EACs, federally designated school desegregation centers, provide no-cost technical assistance and training to state education agencies, local education agencies, school boards, and other governmental agencies. EACs provide support to districts, states, and community leaders in preparing, adopting, and implementing plans to desegregate public schools in compliance with federal civil rights laws. This program is authorized under [Title IV of the Civil Rights Act of 1964](#)¹ and plays a vital role in ensuring that school districts fulfill their obligations under the U.S. Constitution's Equal Protection Clause to address school desegregation issues and help districts achieve unitary status.

EACs are statutorily obligated to support school districts under federal desegregation orders with technical assistance, especially given the history and impact of enslavement, Jim Crow laws, and other government-sanctioned racial discrimination and inequality that led to racially segregated schools and unequal distribution of resources. EACs in every region have a legal and fiduciary responsibility to ensure that all students have equal access to a quality education and to develop high academic proficiency, regardless of race, sex, national origin, or religion, across the United States. We, again, strongly urge ED to withdraw its notice to rescind the EAC regulations.

Relevant Background

For nearly a century, African American children were subjected to lawful racial segregation in public education. The U.S. Supreme Court, in *Brown v. Board of Education*, ruled that racial segregation in public education was unconstitutional and ordered the desegregation of our nation's public education system. In Title IV of the Civil Rights Act, Congress authorized the ED to provide "technical assistance in the preparation, adoption and implementation plans for the desegregation of public schools." Specifically, sections 403, 404, and 405 authorize the

¹42 U.S.C.A. § 2000c-2.

Commissioner of Education in the Department of Health, Education, and Welfare (the Secretary of Education's predecessor) to fund remedies to segregation in schools.

To this day, there remains an acute need for desegregation assistance in the South. Southern states contain roughly 128 (98%) out of 130 school districts with open federal court desegregation cases. These districts educate millions of students each year. The sheer volume of decades-old ongoing desegregation cases and the resource inequities resulting from historic disinvestment and discrimination highlight the need for the EAC program to continue.

In fact, during the Trump Administration's first presidential term, the administration suggested the EAC program be level-funded for all four years and offered overall positive findings in their budget justifications. ED's FY 2021 budget justification stated:

EACs continue to adopt innovative approaches to technical assistance that respond to areas of need, including socioeconomic integration and religious discrimination. For example, one EAC provided intensive, research-based support to a school district to increase hiring and retention of African-American faculty and certified staff in response to a consent order...As an additional example, another school district requested support from its EAC to address racial disparities in academic achievement and disciplinary infractions. The EAC served as a critical thought partner with the district to develop improvements to its existing plan and assisted the district in creating a 'bridging the gap' plan that addresses five areas: graduation rates; grade level proficiency; participation and performance in accelerated courses; disciplinary infractions; and eligibility for exceptional students.²

Given the administration's prior budget justifications for funding and its internal evaluations, we are disappointed by its current actions to rescind the EAC regulations.

Primary Concerns

I. Scaling Back Federal Support for School Desegregation

ED is using this regulatory notice to highlight a decline in requests for technical assistance over the decades since *Brown v. Board of Education*, rather than to acknowledge the shocking number of districts that remain under court desegregation orders. The decades-long persistence—and in many cases growth—of school segregation is worthy of the ED's focus. We are concerned by the implication that, because demand for these services has decreased, they are no longer needed. Instead, the ED should focus on addressing the remaining needs and pervasive segregation challenges. A decline in technical assistance requests over six decades does not mean students' needs have been addressed, nor is it grounds to scale back federal support.

Research continues to show that public schools across the United States remain highly separated by race, ethnicity, and socioeconomic status.³ According to findings presented by

² U.S. Department of Education. (2021). School Improvement Programs: Fiscal Year 2021 Budget Request. <https://www.ed.gov/sites/ed/files/about/overview/budget/budget21/justifications/d-sip.pdf>

³ Owens, A., Reardon, S. F., Kalogrides, D., Jang, H., & Thom, T. (2022). Trends in Racial/Ethnic and Economic School Segregation, 1991-2020. https://edopportunity.org/papers/Trends-in-Racial-Ethnic-Segregation_Rnd6.pdf

leading school desegregation researchers, segregation persists nationwide, and in many large school districts, White-Black and White-Asian segregation has increased substantially since 1991.

Similarly, the U.S. Government Accountability Office (GAO) has documented the continued prevalence of racial and economic segregation in public schools.⁴ The GAO found that, during the 2020–21 school year, more than one-third of all public school students—approximately 18.5 million students—attended schools where 75 percent or more of students were of a single race or ethnicity. Further, research shows that racial segregation undermines student achievement, particularly due to resource inequities.⁵ Title IV authorizes technical assistance for the preparation, adoption, and implementation of desegregation plans, not simply compliance with court mandates. For more than 50 years, ED has interpreted this authority to include proactive assistance on: school redistricting and boundary planning, voluntary desegregation efforts, advanced coursework access, and other assistance.

Demand for technical assistance to desegregate schools has not disappeared, as ED referenced in this notice. It has evolved. As previously noted, the continuing need for federal leadership on this issue is further evidenced by the fact that approximately 128 school districts in the South remain subject to federal desegregation orders while millions of students simultaneously continue to attend racially isolated schools. School segregation remains a significant challenge in the American public education system, and given this reality, it is difficult to conclude that federal desegregation assistance should be scaled back or to insinuate that assistance from EACs is no longer needed. In fact, the data support maintaining and significantly strengthening federal efforts to assist school districts in meeting their obligations to desegregate. Fully rescinding the EAC regulations could effectively deprioritize current and future technical support to school districts while jeopardizing the educational future of millions of students.

II. DOJ Cannot Replace the Comprehensive Role of Regional Equity Assistance Centers

The proposal appears to assume that the U.S. Department of Justice (DOJ) or other federal staff can readily replicate the work currently performed by the EACs. Yet, it presents no evidence that these agencies possess the capacity or expertise to do so. EACs provide a unique combination of long-term district partnerships, implementation coaching, professional learning, school improvement support, community engagement, leadership development, and organizational capacity-building, all aimed at resolving open desegregation cases. They are staffed by multidisciplinary teams of experienced educators, school leaders, researchers, implementation specialists, and community engagement professionals who understand both the requirements of federal civil rights laws and the practical realities of school improvement. By contrast, DOJ's mission and expertise are appropriately focused on investigations, litigation, enforcement, and legal compliance—not on educational systems change, instructional improvement, or sustained implementation support. These functions are complementary, not interchangeable.

⁴ U.S. Government Accountability Office. (2022, June 16). K-12 Education: Student population has significantly diversified, but many schools remain divided along racial, ethnic, and economic lines. U.S. Government Accountability Office. <https://www.gao.gov/products/gao-22-104737>

⁵ Ayscue, J., Frankenberg, E., & Siegel-Hawley, G. (2017). The complementary benefits of racial and socioeconomic diversity in schools. National Coalition on School Diversity; American Educational Research Association. Brief amicus curiae filed in *Parents Involved in Community Schools v. Seattle School District No. 1*. 551 U.S. 701 (2007)

The EAC program serves a fundamentally different and equally important role: preventing civil rights violations and educational inequities by serving school districts under federal court orders, *and* those not under federal court orders. We are particularly concerned by indications that the federal government may seek to assume a more direct role in providing technical assistance rather than continuing to contract with independent organizations that possess specialized expertise in school desegregation and civil rights compliance. Historically, DOJ has relied on external technical assistance providers, including EACs, to help school districts navigate complex desegregation obligations, implement corrective action plans, comply with settlement agreements, and make progress toward unitary status. In many cases, courts and federal agencies have recognized that districts need the practical guidance and trusted partnerships that EACs provide to successfully meet their legal obligations.⁶ At this time, it is also unclear how DOJ would have the capacity necessary to perform the significant work following a major reduction in force.⁷

ED nor DOJ have demonstrated that an internal federalized technical assistance model offered by federal employees would provide comparable on-the-ground expertise, reach, or capacity. Nor has it explained how the institutional knowledge developed over decades through the EAC program would be preserved and leveraged under a new federally managed structure.

Conclusion

The proposed rescission is not simply a regulatory change. It represents a significant retreat from the federal government's longstanding commitment to ensuring that all students receive dedicated support and to rectifying issues of prior discrimination. At a time when 128 school districts in the South remain under federal desegregation orders, and 18 million students continue to attend racially isolated schools, eliminating the EAC regulations risks weakening one of the few dedicated federal mechanisms designed to help districts with school desegregation efforts.

If ED truly wishes to support school desegregation, rather than dismantling a proven regional technical assistance network, ED should preserve and strengthen the EAC Program, which continues to help states and school districts proactively address voluntary and involuntary school desegregation efforts.

As such, we, the 41 undersigned organizations, **urge ED to withdraw its proposal to rescind the EAC regulations, which will effectively terminate the EAC program as we know it and the critical work to desegregate our nation's public schools.**

If you have any questions or need additional information, please contact Fred Jones, Jr., Senior Director of Public Policy and Advocacy, at fjones@southerneducation.org, or Darian Burns, Legislative and Public Policy Analyst, at dburns@southerneducation.org.

Thank you for considering our comments and concerns.

Sincerely,

⁶ Consent Decree (Filed Oct. 11, 2023), *McFerren v. Cnty. Bd. of Educ. of Fayette Cnty., Tennessee*, 497 F.2d 924 (6th Cir. 1974).voluntaryinvoluntary

⁷ Levine, S. (2025, December 9). Over 200 ex-staffers decry destruction of DoJ civil rights arm: 'America deserves better'. *The Guardian*; *The Guardian*.
<https://www.theguardian.com/us-news/2025/dec/09/justice-department-civil-rights-division-decry-trump>

AACTE (American Association of Colleges for Teacher Education)
AFT
All4Ed
American Association of University Women (AAUW)
American Civil Liberties Union
Asian Americans Advancing Justice- AAJC
Beloved Community
Brown's Promise
Center for Black Educator Development
Center for Children's Advocacy
Clearinghouse on Women's Issues
Dudley Flood Center for Educational Equity & Opportunity
EDGE Partners
ED-OCR Alumni Collective
Education Law Center
ERASE Racism
Families for Strong Public Schools
Family Voices NJ
Feminist Majority Foundation
InnovateEDU
Institute for Social Progress at Wayne County Community College District
Integrated Schools
Lawyers' Committee for Civil Rights Under Law
Magnet Schools of America
MDC, Inc.
Metis Associates
National Association for Family, School and Community Engagement (NAFSCE)
National Coalition on School Diversity
National Education Association
National Women's Law Center
National Writing Project
NYU Metro Center
Out Accountability Project
Public Advocacy for Kids (PAK)
Sheff Movement Coalition
Southern Education Foundation
SPAN Parent Advocacy Network
Stop Sexual Assault in Schools
Students Engaged in Advancing Texas (SEAT)
The Southern Poverty Law Center
Together for Public Schools WV