U.S. Department of Education
Office of Elementary and Secondary Education
400 Maryland Avenue SW
Washington, DC 20202
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Re: Docket ID ED-2026-OESE-0958; RIN 1810-AB72 â€" Rescinding the Equity Assistance Center Program Regulations
Regulations.gov reference: ED-2026-OESE-0958 (participating agency, comment form available)
Comment deadline: July 27, 2026

To the Department:

I write to object to the Department's proposal to rescind the regulations at 34 CFR part 270 governing the Equity Assistance Center

Program. Those regulations implement the technical assistance authority that Congress created in Title IV of the Civil Rights Act of 1964, codified at 42 U.S.C. 2000c-2, which authorizes the Secretary, upon application of a school board, state, municipality, school district, or other governmental unit responsible for operating a public school, to render technical assistance in the preparation, adoption, and implementation of desegregation plans, including by making available Department personnel or other qualified experts to help school systems address the special educational problems that desegregation presents. Sections 270.1 through 270.5 currently translate that broad statutory command into an operable program: they define who may apply, what services are available, and how the Secretary organizes delivery through regional centers. Removing part 270 in its entirety, as the notice proposes, does not touch the underlying statute, but it eliminates the only regulatory text that tells school boards, the public, and the Department's own staff what the technical assistance mandate in 42 U.S.C. 2000c-2 actually requires in practice.

The Department's stated justification is that rescission will provide "greater flexibility" to pursue unspecified alternative means of service delivery and will allow the Department and the Department of Justice to determine the best approach without the constraints of a regional grant structure. Nowhere in the notice does the Department identify a concrete legal defect, an operational failure, or a specific harm caused by the current regulations; it offers only a general preference for discretion and a list of hypothetical alternative delivery methods it might someday pursue, such as direct staff services or contracts, none of which requires repealing part 270 to implement. Under 5 U.S.C. 553(c), an agency conducting notice-and-comment rulemaking must incorporate a concise general statement of the rule's basis and purpose, and under Motor Vehicle Manufacturers Association v. State Farm Mutual Automobile Insurance Co., 463 U.S. 29 (1983), that basis must reflect examination of the relevant data and a satisfactory explanation establishing a rational connection between the facts found and the choice made, including consideration of whether the agency's chosen path was the only way to achieve its stated objective. A desire for administrative flexibility, standing alone, does not satisfy that standard when the agency has not explained why the specific provisions of part 270, such as the definitions in Section 270.1 or the assistance criteria in Section 270.5, are inconsistent with or impede the statutory purpose they were adopted to serve. The Department has likewise failed to consider the obvious alternative of amending or narrowing specific provisions of part 270 that it finds restrictive, rather than eliminating the entire regulatory framework, which is precisely the kind of unconsidered alternative that rendered the rescission arbitrary and capricious in State Farm.

The practical consequence of removing part 270 without a replacement framework is that the statutory mandate in 42 U.S.C. 2000c-2 would be left without any defined implementation mechanism. The statute states only that the Secretary "is authorized" to render technical assistance; it does not itself specify eligibility criteria, application procedures, or the geographic or organizational structure through which assistance is delivered. Part 270 currently supplies those operational details. Once it is rescinded, school boards seeking technical assistance would have no regulatory basis for understanding how to apply, what assistance is available, or how the Department will decide whether and how to respond, leaving the entire program to unreviewable, informal, and unpublished internal Department practice. That is the opposite of the "greater flexibility" the Department describes: it is a removal of the only public, judicially cognizable standard against which the Department's exercise of its statutory authority can be measured or enforced.

This deregulatory action also disproportionately affects the specific communities Title IV was enacted to protect. The Equity Assistance Center Program originated as the Desegregation Assistance Centers program, established to help school boards address racial segregation, and it has historically served districts under active or historical desegregation obligations and districts with significant racial, ethnic, and economic disparities in educational access. The Department's own notice acknowledges that existing active desegregation orders remain concentrated in particular regions currently served under the regional structure that part 270 establishes. Eliminating the regulatory definitions and structural criteria that currently ensure coverage of those regions, without any substitute mechanism guaranteeing continued service to the same districts, creates a material risk that districts with the longest-standing and most acute desegregation-related needs will lose defined access to technical assistance precisely because the framework that assured that access no longer exists.

The Department's assertion that rescission carries no significant reliance interests is also unsupported. School boards, state educational agencies, and the current Equity Assistance Center grantees have relied on part 270's defined eligibility and service criteria to plan and request technical assistance for desegregation and equity matters for nearly a decade since the 2016 consolidation of the program under that part. An agency changing course after such reliance has developed must, under State Farm, provide a reasoned explanation for why those interests do not warrant continuity or a transition mechanism beyond the vague assurance that the Department will work with the three remaining grantees on an unspecified "orderly transition."

For these reasons, the Department should withdraw the proposed rescission of 34 CFR part 270 or, at minimum, republish a revised proposal that identifies specific provisions creating genuine operational obstacles, explains why targeted amendment rather than wholesale repeal cannot address them, and sets out a concrete substitute framework ensuring that the technical assistance mandate in 42 U.S.C. 2000c-2 remains enforceable and that districts currently served under the regional structure, particularly those under active desegregation orders, continue to receive defined access to assistance.

Respectfully submitted,
Concerned Citizen