

United States Senate

WASHINGTON, DC 20510

August 11, 2026

The Honorable Linda McMahon
Secretary
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Secretary McMahon:

We strongly urge the Department of Education (ED) to withdraw the proposed rule entitled “Rescinding the Equity Assistance Center Program Regulations.” This proposed rule would effectively gut the Equity Assistance Centers (EACs), which have provided critical services to students, parents, and schools on issues related to civil rights enforcement, desegregation, and bullying prevention as schools work to educate students and uphold America’s promise that all are created equal. ED’s short-sighted decision upends a longstanding congressionally funded program and joins similar actions from the Administration in destroying our civil rights enforcement infrastructure. Consequently, schools, students, and parents will be left without resources at a time of persistent segregation and growing inequality.

The proposed rule contradicts decades of congressional intent in furthering school desegregation efforts. Building on the seminal U.S. Supreme Court decision in *Brown v. Board of Education* and authorized under Title IV of the landmark Civil Rights Act of 1964, EACs — formerly called Desegregation Assistance Centers — are the nation’s leading and oldest school civil rights technical assistance program.¹ Congress has supported and funded EACs for decades, as seen most recently in the Consolidated Appropriations Act, 2026, which included \$6.6 million in explicit funding for EACs as described in Senate Report 119-55.² The proposed rule itself acknowledges that the federal government has invested in this grant structure for more than fifty years through both Republican and Democratic administrations, including the first Trump administration.³ Despite this lengthy history of bipartisan support, the proposed rule repeals *all* existing EAC regulations. This extreme tactic exposes the Administration’s true intentions: eliminating this program, decimating the enforcement capacity of our civil rights agencies, and discarding the federal government’s tools to thwart discrimination.

¹ *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954); 42 U.S.C. §§ 2000c-2000c-2, 2000c-5 (1964); Naaz Modan, *Trump administration moves to slash education civil rights efforts*, K-12 Dive (May 29, 2025), <https://www.k12dive.com/news/trump-administration-mcmahon-equity-assistance-centers-naacp-desegregation/749203/>.

² S. Rep. No. 119-55, at 274-275 (2025), <https://www.congress.gov/committee-report/119th-congress/senate-report/55/1/outputFormat=pdf>; P.L. 119-75.

³ See also U.S. Dept’ Educ., *Training and Advisory Services - Equity Assistance Centers, General Funding Information 2011 to 2024* (accessed Aug. 7, 2026), <https://www.ed.gov/grants-and-programs/grants-birth-grade-12/school-and-community-improvement-grants/training-and-advisory-services-equity-assistance-centers#appropriations>.

The broader context surrounding the proposed rule calls into question ED's stated motivation for pursuing this policy change. Although ED proposes eliminating these regulations to allow for "greater flexibility" in providing technical assistance, the proposed rule is just the latest attempt to close EACs and eliminate critical assistance without viable alternatives. Not even thirty days into the second Trump administration, ED unilaterally terminated federal grants to EACs. The centers went unfunded until, in two separate cases, a federal court directed ED to reinstate EAC grants to the Southern Education Foundation and the Mid-Atlantic Equity Consortium.⁴ Following these court orders, ED also reinstated the remaining two EACs. Furthermore, both the FY 2026 and FY 2027 President's budget request called for zeroing out the program while also calling for a 35%, or roughly \$50 million, cut to ED's Office for Civil Rights (OCR) and reduced funding for the Department of Justice (DOJ) Civil Rights Division (CRT).⁵ The Administration's repeated efforts to cut funding for EACs and for any alleged alternatives undermine its assertion that it is solely seeking "flexibility" for EAC functions.

Moreover, rather than engaging in a reasoned and evidence-based process to determine the proposed rule's efficacy, ED appears to have advanced a vague and hastily drafted proposed rule aimed at fanning the flames of the latest culture war. One need not look further than the FY 2026 President's budget request, which claims the EACs' technical assistance to promote desegregation and combat discrimination has "indoctrinated children" through "DEI" and "weaponized, woke policies."⁶ The proposed rule should also be viewed in light of the Trump administration's broader efforts to curtail civil rights enforcement, including eliminating the use of disparate impact analysis, gutting capacity at civil rights agencies such as OCR through illegal reductions-in-force, and OCR's ongoing failure to settle civil rights complaints in schools.⁷ This proposed rule is further intertwined with partisan attempts to illegally dismantle ED altogether. Instead of reflecting a rigorous assessment of how best to deliver technical assistance, the proposed rule reads as a check-the-box exercise to further ED's demolition.

⁴ Modan, *supra* note 1; Press Release, NAACP LDF, Federal Court Orders U.S. Department of Education to Reinstate Critical Federal Equity Assistance Center Funding (Aug. 4, 2025), <https://naacp.org/articles/federal-court-orders-us-department-education-reinstate-critical-federal-equity-assistance>.

⁵ Off. of Mgmt. & Budget, Exec. Off. of the President, Fiscal Year 2026 Discretionary Budget Request (May 2, 2025), <https://www.whitehouse.gov/wp-content/uploads/2025/05/Fiscal-Year-2026-Discretionary-Budget-Request.pdf>; Off. of Mgmt. & Budget, Exec. Off. of the President, Fiscal Year 2027 Budget of the U.S. Government (April 2026), https://www.whitehouse.gov/wp-content/uploads/2026/04/budget_fy2027.pdf.

⁶ Off. of Mgmt. & Budget, *supra* note 5.

⁷ Laura Meckler, *Education Dept. eliminates tool used to prove racial discrimination*, Wash. Post (July 23, 2026), <https://www.washingtonpost.com/education/2026/07/23/education-dept-eliminates-tool-used-prove-racial-discrimination/>; Exec. Order No. 14281, 90 Fed. Reg. 17,537, Restoring Equality of Opportunity and Meritocracy, (Apr. 23, 2025), <https://www.federalregister.gov/documents/2025/04/28/2025-07378/restoring-equality-of-opportunity-and-meritocracy>; The Leadership Conference on Civil and Human Rights, *Trump's Executive Order: Fundamentally Misunderstanding the Law* (Jan. 2026), <https://civilrights.org/disparate-impact-ai-executive-order/>; U.S. Gov't Accountability Off., GAO-26-108583, Federal Agency Workforce Changes: Update for July 2025 to January 2026 (June 17, 2026), <https://www.gao.gov/products/gao-26-108583>; Press Release, Senate Committee on Health, Education, Labor, and Pensions Ranking Member Bernard Sanders, Sanders Releases New Report Detailing How Trump's Education Layoffs Abandoned Students Facing Violence, Harassment and Discrimination (Apr. 28, 2026) <https://www.help.senate.gov/dem/newsroom/press/news-sanders-releases-new-report-detailing-how-trumps-education-layoffs-abandoned-students-facing-violence-harassment-and-discrimination>; The Leadership Conference on Civil and Human Rights, *Trump Administration Civil and Human Rights Rollbacks* (accessed Aug. 7, 2026), <https://civilrights.org/trump-rollbacks/>.

Substantively, the proposed rule has major flaws, chief among them that other entities cannot easily replicate the EACs' role. The rule suggests that DOJ, particularly CRT, could take over the EACs' responsibilities. But CRT lacks capacity to carry out the level of technical assistance needed. More than 200 former CRT employees signed a public letter stating the division has been all but destroyed after the Administration pushed out hundreds of staff, including 75% of its career attorneys.⁸ Additionally, the proposed rule's suggestion that a diminished DOJ could absorb the EACs' role comes in the context of ED entering into illegal interagency agreements to effectively eliminate both OCR and Training and Advisory Services (TAS), which oversees the EACs, and transfer their functions to CRT.⁹ The Educational Opportunities Section (EOS) of CRT already lacks the capacity to carry out basic investigatory enforcement and remedies for its current caseload, let alone absorb the statutory scope of OCR and TAS *and* provide proactive technical assistance to thousands of schools. As an enforcement and litigating agency, EOS is not an appropriate entity to meet these needs. EOS also does not provide technical assistance to school districts, which would generally be the adverse party in litigation or potential litigation brought by DOJ. Moving EAC functions to the DOJ effectively ensures that schools' requests for assistance get stuck in a massive backlog or go fully unanswered.

The current structure of the EACs exists for a reason. Congress authorized the EAC program to help educational agencies voluntarily resolve challenges *before* they escalate into federal enforcement matters. Many schools may hesitate to seek guidance from a law-enforcement agency, fearing that good-faith efforts could draw them undue attention from a politicized DOJ. Furthermore, DOJ is statutorily charged with enforcing Title IV, including monitoring and enforcing school districts' compliance with active federal desegregation orders in cases where the United States is a party. By contrast, EACs can serve districts not under active court orders and provide a range of voluntary, proactive assistance. Staffed by experienced educators and practitioners—not solely attorneys or investigators—EACs can assist with long-term partnerships, coaching, professional development, training, and community engagement in a holistic way that federal agencies would struggle to replicate. Eliminating this infrastructure risks replacing a proven preventive model with a reactive enforcement model.

The proposed rule would also eliminate the regulatory framework requiring that technical assistance be delivered through regional centers rather than a one-size-fits-all national model. The regional model is fundamental for technical assistance that is responsive to states' needs, reflects local context, and avoids an overly centralized, cookie-cutter approach. The EACs build long-term relationships with state education agencies, districts, schools, and Tribal Nations in their region, allowing them to understand local context and respond quickly when support is needed. DOJ lacks the capacity to robustly maintain these locally informed, longstanding relationships to the extent that regional EACs can. Although civil rights protections apply nationwide, assisting regional needs is critical to ensuring compliance. In some regions, EACs may focus technical assistance more heavily on issues such as school desegregation or

⁸ Sam Levine, *Over 200 ex-staffers decry destruction of DoJ civil rights arm: 'America deserves better'*, The Guardian (Dec. 9, 2025), <https://www.theguardian.com/us-news/2025/dec/09/justice-department-civil-rights-division-decry-trump>.

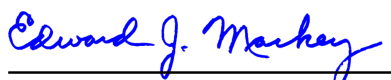
⁹ Press Release, U.S. Department of Education, U.S. Department of Education Announces Additional Partnerships to Strengthen Coordination for Individuals with Disabilities Programs, Bolster Civil Rights Enforcement (June 16, 2026), <https://www.ed.gov/about/news/press-release/us-department-of-education-announces-additional-partnerships-strengthen-coordination-individuals-disabilities-programs-bolster-civil-rights>.

longstanding civil rights compliance concerns. In other regions, states may seek support on other priorities, such as strengthening partnerships with Tribal Nations, addressing chronic absenteeism, or building educator capacity. Eliminating the regulations supporting a regional model of delivery would result in technical assistance that is less tailored, less locally informed, and less likely to address a community's specific needs.

Concerningly, this proposed rule comes at a time when school racial segregation is persistent and rising.¹⁰ A 2022 U.S. Government Accountability Office report found that one in three American K-12 students attends a school where 75% or more of students are of a single race or ethnicity, and one in seven students attends a school that is 90% or more a single race or ethnicity.¹¹ Likewise, a University of California, Los Angeles report found that the number of schools considered “intensely segregated” tripled from 1988 to 2021.¹² To this day, more than 120 school districts remain under federal desegregation court orders.¹³ This painful history and present reality of persistent racial segregation underscores that the federal government should be increasing assistance, not abandoning longstanding efforts.

As with other efforts to erode federal civil rights oversight and enforcement, ED's proposed rule is “like throwing away your umbrella in a rainstorm because you are not getting wet.”¹⁴ While the rule claims to offer “flexibility” in desegregation compliance efforts, the Administration's actions reveal that its goal is to throw away the umbrella, not find a raincoat instead. We urge the Department to withdraw this proposed rule, ensure that the federal government upholds the civil rights of all students, and work to ensure all students can attend schools that are not segregated.

Sincerely,



Edward J. Markey
United States Senator



Angela D. Alsobrooks
United States Senator

¹⁰ Carrie Spector, *70 years after Brown v. Board of Education, new research shows rise in school segregation*, Stanford U. (May 6, 2024), <https://ed.stanford.edu/news/70-years-after-brown-v-board-education-new-research-shows-rise-school-segregation>.

¹¹ U.S. Gov't Accountability Off., GAO-22-104737, K-12 Education: Student Population Has Significantly Diversified, but Many Schools Remain Divided Along Racial, Ethnic, and Economic Lines (July 14, 2022), <https://www.gao.gov/products/gao-22-104737>.

¹² Gary Orfield and Ryan Pflieger, *The Unfinished Battle for Integration in a Multiracial America – from Brown to Now*, C.R. Project U. of Cal., L.A. (Apr. 2024), <https://civilrightsproject.ucla.edu/wp-content/uploads/2024/04/National-Segregation-041624-CORRECTED-for-1.pdf>.

¹³ Mark Lieberman, *Federal Equity Centers Protecting Students' Civil Rights Fight to Stay Open*, Educ. Week (July 23, 2026), <https://www.edweek.org/leadership/federal-equity-centers-protecting-students-civil-rights-fight-to-stay-open/2026/07>.

¹⁴ *Shelby County v. Holder*, 570 U.S. 529 (2013) (Ginsburg, J., dissenting).



Richard Blumenthal
United States Senator



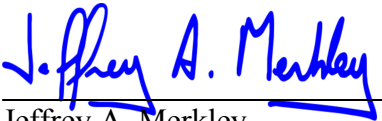
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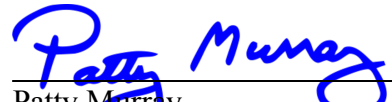
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