



July 24, 2026

Electronic Submission

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

Dear Assistant Secretary Baesler:

The Southern Education Foundation (SEF), as the host of the Region II Equity Assistance Center (EAC-South), writes to express serious concerns about the U.S. Department of Education's (ED) proposal to rescind the Equity Assistance Center (EAC) program regulations and urge ED to withdraw this proposal and maintain the existing regulations. This proposal would jeopardize the quality and delivery of technical assistance that Desegregation Assistance Centers (now called EACs) provide to school districts for the desegregation of public schools.

SEF is the nation's longest-standing education opportunity organization, committed to advancing education policies and practices that elevate learning for students from low-income families and students of color in the South. Since 1867, SEF has worked to build educational infrastructure, advance educational opportunities, and influence public policy. SEF works across the entire education continuum, from early learning through postsecondary completion, to ensure every student, regardless of race, income, or zip code, receives a high-quality education that unlocks opportunity and success.

Founded through a legacy of post-Civil War philanthropy dedicated to educating formerly enslaved individuals and underserved communities, SEF has played a pivotal role in shaping public education across the South. The organization also contributed to the legal and historical foundation of *Brown v. Board of Education* by supporting the research and convenings that informed the landmark decision declaring racially segregated schools unconstitutional.¹ Following *Brown* and the enactment of the Civil Rights Act of 1964, SEF became a longstanding partner in advancing the implementation of Title IV, supporting school desegregation efforts and helping educational institutions comply with federal civil rights obligations. Prior to 2022, SEF had never managed a Desegregation Assistance Center (now EACs). However, SEF made the

¹ *Brown v. Bd. of Educ.*, 347 U.S. 483, 495, 74 S. Ct. 686, 692 (1954).



decision in 2022 to host EAC-South and bring new leadership towards the resolution of school desegregation issues. Today, as the host of EAC-South, SEF provides school desegregation specialized technical assistance to states, school districts, and educational communities seeking to ensure equal educational opportunity and compliance with federal civil rights law.

SEF's primary purpose in applying for the award to manage EAC-South was to provide intensive technical assistance to address and resolve longstanding federal school desegregation cases. In addition, SEF responds to requests for assistance from school districts not under federal court orders, yet these school districts still experience desegregation related issues. An astounding 130 desegregation cases remain unresolved, according to the U.S. Department of Justice, approximately 128 of which are concentrated in the southern states of Region II.² SEF secured the five-year grant to establish our organization as EAC-South's new home, dedicating substantial time and resources to transition the program and strengthen its infrastructure to advance the mission of Title IV of the 1964 Civil Rights Act.

In an order granting SEF's motion for preliminary injunction following the Department's termination of the then-EAC-South grant in 2025, the District of Columbia Federal District Court wrote that, "[i]n view of the history of race in America and the mission of SEF since the Civil War, the audacity of terminating its grants based on 'DEI' concerns [was] truly breathtaking."³

This proposed recission is both harmful to public school systems and to SEF, and is in direct contradiction with the government's obligation to eradicate the segregation and disparities found in public education. The decision to end the program threatens the progress made towards resolving the longstanding school desegregation cases currently in federal courts throughout the South and ensuring that all students—regardless of race, sex, religion, or national origin—receive access to high-quality education.

Relevant Historical and Legal Background:

Under the Fourteenth Amendment of the U.S. Constitution, it is unlawful for any state to "deny to any person within its jurisdiction the equal protection of the laws."⁴ Nonetheless, for nearly a century, African American children were subjected to lawful racial segregation in public education. In 1954, 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 systems of public education. To desegregate schools "with all deliberate speed,"⁵ Congress authorized the Department of Education to provide "technical assistance in the preparation, adoption and implementation plans for the desegregation of public schools" in Title IV of the 1964 Civil Rights Act.⁶

Sections 403, 404 and 405 of Title IV of the 1964 Civil Rights Act expressly authorized the Secretary of Education to provide technical assistance and make grants to help schools address "problems incident to

² U.S. Department of Justice, *DOJ Cases with School Districts Under Desegregation Orders*, May 2024.

³ *S. Educ. Found. v. United States Dep't of Educ.*, 784 F. Supp. 3d 50, 56 (D.D.C. 2025), *dismissed*, 25-5262, 2025 WL 2793138 (D.C. Cir. Sept. 30, 2025).

⁴ U.S. Const. amend. XIV, § 1.

⁵ *Brown v. Bd. of Educ. of Topeka, Kan.*, 349 U.S. 294, 301 (1955).

⁶ 42 U.S.C. §2000c-2.



desegregation.”⁷ These sections of Title IV led to the funding of Desegregation Assistance Centers (now EACs) in order to deliver school desegregation technical assistance to school districts and states. More importantly, these provisions recognize that enforcing civil rights laws and helping educational institutions implement them are distinct, but complementary responsibilities.

For decades, Desegregation Assistance Centers (now EACs) have served as an essential partner in the federal government's enforcement of school desegregation, providing specialized technical assistance to school districts, supporting compliance with federal civil rights law, and contributing to the successful resolution of school desegregation cases. Despite this significant progress, the need for these services remains undeniable: approximately 130 school districts continue to operate under federal desegregation orders because our federal courts have decided these school districts have yet to fully eliminate the vestiges of segregation. Additionally, many other districts that are no longer under court supervision (or have never been subject to court orders) continue to face significant patterns of racial segregation, unequal educational opportunities, and other civil rights challenges. EACs step in to provide the necessary technical assistance services that federal court orders demand, while also serving school districts that are not currently under court supervision.

There is still much work to be done, but EAC-South is unquestionably performing the much-needed work. District of Columbia Federal District Court Judge Paul Friedman determined that “[i]n line with *Brown*’s constitutional mandate, SEF—through the EAC-South program—has worked tirelessly to ‘confront the high concentration of unresolved federal school desegregation cases in the Southern region.’”⁸ As the court wrote in regard to ED’s termination of the EAC-South grant last year, rescission of the regulations governing the EAC program would likewise “contravene[] the very principle of ‘deliberate speed’ mandated by *Brown II*.”⁹

While it has been over sixty years since the passage of the 1964 Civil Rights Act, there remains simply too significant a presence of continuing inequity to suggest the country has fully complied with *Brown*. 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. Hence, the continued need for EACs to provide direct technical assistance to our school districts remains urgently necessary.

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:

⁷ Civil Rights Act of 1964, 42 U.S.C. § 2000c – § 2000c-9.

⁸ *S. Educ. Found. v. United States Dep’t of Educ.*, 784 F. Supp. 3d 50, 70 (D.D.C. 2025), dismissed, 25-5262, 2025 WL 2793138 (D.C. Cir. Sept. 30, 2025).

⁹ *Id.*



“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.”¹⁰

Given the Administration's prior budget justifications supporting the EAC program and ED's own documented findings regarding its effectiveness, the proposed rescission represents a significant and unexplained departure from the Department's longstanding position.

For the reasons described below, SEF respectfully urges ED to withdraw the proposed rule and preserve 34 C.F.R. Part 270.

Primary Concerns

1. The Equity Assistance Center-South Has Made Significant Advances Bringing School Districts Into Compliance with Federal Civil Rights Law.

Since receiving the grant in 2022, SEF has invested significant time and resources into building a technical assistance center specifically designed to confront the high concentration of unresolved federal school desegregation cases in the southern region. EAC-South’s region encompasses Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia and the District of Columbia. SEF has extended its historic brand and credibility toward forming a collaborative network to bring real focus and resolution to the longstanding legacy of racial segregation in public education in the southern states.

EAC-South provides research-based, targeted support to public schools still struggling with the lingering effects of segregation that continue to limit educational opportunity for students. It has assembled the high-quality content and providers necessary to address the unique issues of the southern region and its high volume of active federal school desegregation cases. Technical assistance services are provided free of charge and include tailored support to schools, consulting on district goals and challenges geared toward eliminating learning system inequities, resources on retaining teachers and fostering a supportive environment for all students to succeed, and other services related to addressing elements of segregation in public education.

¹⁰ 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>.



The impact of EAC-South and the essential assistance we provide speaks for itself. EAC-South is currently providing technical assistance in four districts under federal desegregation orders: Anniston City, Alabama; Madison City, Alabama; Fayette County, Tennessee; and Dooley County, Georgia. In Tennessee, for example, EAC-South is currently providing critical technical assistance to Fayette County Public Schools (FCPS), which has remained under desegregation federal court order since 1965.¹¹ With EAC-South's expert assistance, a federal court has determined FCPS has achieved partial unitary status and the district continues to make substantial progress toward full compliance.¹² EAC-South has received three additional requests from districts under federal desegregation orders, further demonstrating the importance of EAC-South to bringing districts into compliance with federal civil rights law such that desegregation orders are satisfied. Beyond court-ordered desegregation efforts, EAC-South is also providing essential technical assistance to two districts facing active Office for Civil Rights complaints—both of which explicitly named EAC-South in their resolution agreements as the preferred technical assistance provider. These cases also demonstrate the high demand for EAC-South's expertise.

Additionally, EAC-South provides targeted technical assistance that helps state education agencies strengthen educational systems, improve educator practice, and expand equal educational opportunity. Rather than offering one-size-fits-all solutions, EAC-South develops customized strategies responsive to each state's unique needs. For example, EAC-South partnered with the Virginia Department of Education to develop statewide training tools and professional learning modules that continue to build educator capacity across the Commonwealth.

Lastly, EAC-South provides universal technical assistance by developing and disseminating evidence-based resources that also strengthen educational practice. Another example of EAC-South's impact is its partnership with InnovateEDU, a nonprofit that advances education through policy, data, and research. Together, EAC-South and InnovateEDU developed a report highlighting digital connectivity challenges across Southern schools and providing evidence-based recommendations to expand fair access to technology in alignment with ED's guidance.¹³

The Department's investment in desegregation technical assistance in this region represents the greatest opportunity in recent years for targeted focus and resolution of the nation's federal docket of open school desegregation cases.

2. 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,

¹¹ *McFerren et al., v. Cnty. Bd. of Educ. of Fayette Cnty.*, No. 65-136-STA-EGB, 2014 WL 12837563 (W.D. Tenn. Mar. 5, 2014).

¹² *McFerren et al., v. Cnty. Bd. of Educ. of Fayette Cnty.*, No. 2:65-cv-00136 (W.D. Tenn., Oct. 11, 2023).

¹³ Equity Assistance Center-South, & InnovateEDU, *Digital Connectivity Landscapes in the Southeastern United States: A Comparative Trend Analysis of Broadband Infrastructure and Educational Impact, Access, and Opportunity* (forthcoming 2026).



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. In addition, EAC-South has been provided an exceptional increase in credibility due to its new association with the longstanding 150+ year legacy of SEF in advancing educational opportunity. 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. The separate functions EAC-South and DOJ provide are complementary, but not interchangeable.

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. 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.¹⁴ Additionally, recent actions suggest that DOJ is prioritizing the expedited termination of federal desegregation orders over providing the sustained technical assistance necessary to eliminate the remaining vestiges of segregation that gave rise to those orders.¹⁵ This shift risks ending federal oversight before school districts have fully addressed the underlying conditions those orders were intended to remedy.

Neither ED nor DOJ have demonstrated that an internal federalized technical assistance model offered by federal employees would provide meaningful on-the-ground expertise, reach, or capacity toward the resolution of school desegregation cases. Nor have either ED or DOJ explained how the institutional knowledge developed over decades through the Desegregation Assistance Center (now EAC) program would be preserved and leveraged under a new federally managed structure.

3. The Department Mischaracterizes the Current Demand for Equity Assistance Centers.

The proposal incorrectly concludes that the need for EACs has substantially diminished because school districts are submitting fewer requests than they did during the height of court-ordered desegregation efforts

¹⁴ Perry Stein, *Justice Department struggles as thousands exit – and few are replaced*, THE WASHINGTON POST, Nov. 10, 2025.

¹⁵ Collin Binkley, *Trump Administrations efforts to end 1960s school desegregation cases faces a hurdle*, AP NEWS, Nov. 26, 2025 (A U.S. District Court judge rejected a joint filing from the U.S. Department of Justice and Louisiana, to end the federal supervision of Concordia Parish School Board in Louisiana. However, this decision was appealed, and Fifth Circuit lifted the federal desegregation court order in July 2026).



in the late 1960s and 1970s. This comparison is misleading because it ignores both the changing nature of school desegregation and the evolution of the specialized technical assistance required to address today's complex civil rights challenges. Fewer requests simply do not equate to less need.

Modern desegregation and equal educational opportunity efforts are no longer characterized by short-term compliance activities. Instead, today's EACs provide sustained, customized technical assistance through multi-year partnerships that include strategic planning, policy development, implementation support, leadership coaching, professional learning, stakeholder engagement, and long-term capacity building. Meaningful educational transformation cannot be achieved through standardized solutions or isolated trainings. Rather, it requires individualized, research-based assistance tailored to each educational community's unique history, demographics, legal obligations, and educational goals.

Likewise, the issues confronting school districts have evolved. School districts increasingly seek EAC assistance to address complex and interconnected challenges, including demographic shifts, persistent racial isolation, chronic absenteeism, educator recruitment and retention, school boundary and attendance zone changes, equitable access to advanced coursework, community engagement, and voluntary strategies to promote diverse and inclusive schools. These issues frequently intersect with districts' obligations under federal civil rights law and require the specialized expertise that Congress intended the EACs to provide.

The Department's reliance on historical request volume as evidence of diminished need overlooks the reality that today's technical assistance engagements are broader in scope, longer in duration, and substantially more resource-intensive than those of previous decades. The demand for EAC services has not disappeared; it has evolved alongside the changing landscape of public education. Accordingly, the Department's conclusion that the program is no longer necessary is unsupported by the current needs of states, school districts, and educational communities seeking to ensure equal educational opportunity and comply with federal civil rights obligations.

Conclusion

The EAC Program remains one of the federal government's few proactive investments dedicated to helping states and school districts comply with federal civil rights law and expand equal educational opportunity before inequities escalate into formal civil rights violations or litigation. ED's proposed rescission is therefore far more than a regulatory change. It represents a fundamental departure from Congress's longstanding vision under Title IV of the Civil Rights Act of 1964, which recognized that preventing discrimination through expert technical assistance is both more effective and more efficient than relying solely on enforcement after violations occur.

Rather than dismantling a proven national network of regional technical assistance providers, the Department should preserve and strengthen the EAC Program. The continuing work of EAC-South demonstrates that this model remains both necessary and effective. Over the past three years alone, EAC-South has provided direct technical assistance to two state education agencies, 15 school districts, and approximately 225 schools, supporting educational communities that collectively serve

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approximately 1.48 million students and more than 110,000 educators.¹⁶ These figures reflect only EAC-South's targeted and intensive technical assistance and do not include its universal technical assistance, which has extended the program's reach and impact to countless additional educational leaders and communities throughout the region.

The constitutional obligation of *Brown v. Board of Education* and the statutory framework established by Title IV remains unfinished. More than 128 school districts continue to operate under federal desegregation court orders in the South, while many others continue to confront persistent racial segregation, unequal educational opportunities, and complex civil rights challenges. The need for specialized, voluntary technical assistance has not diminished; it has evolved. Eliminating the EAC Program at this critical time would weaken the federal government's capacity to resolve the large number of open federal court desegregation cases.

For these reasons, the SEF respectfully urges the Department to withdraw the proposed rule in its entirety and preserve the EAC Program as Congress intended. If you have any questions about the content of this letter, please contact the Southern Education Foundation, at info@southerneducation.org.

Respectfully,

A handwritten signature in black ink, appearing to read "Raymond C. Pierce", is positioned above the typed name.

[Raymond C. Pierce \(Jul 27, 2026 10:22:05 EDT\)](#)

Raymond C. Pierce
President & CEO
Southern Education Foundation

¹⁶ Equity Assistance Center-South, FY 2026 Annual Performance Report.