Docket ID ED-2026-OESE-0958

July 23, 2026

Submitted via the Federal eRulemaking Portal (Regulations.gov)

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

Re: Comment of 1792 Exchange <u>in Support</u> of the Proposed Rule, "Rescinding the Equity Assistance Center Program Regulations"

Dear Assistant Secretary Baesler:

1792 Exchange writes in support of the Department's proposal to remove the Equity Assistance Center Program regulations, and we strongly urge the Department to complete this process.[1]

1792 Exchange is a nonprofit corporate accountability organization. We document ideological capture across American companies and institutions and work to return them to neutrality by upholding free speech, free exercise, and free enterprise. That work gives us a clear view of this program, because we sit at the far end of the pipeline it feeds. The drift this rule corrects begins at the schoolhouse. We document where it ends.

Congress created this program in the Civil Rights Act of 1964 for one purpose: to help school districts desegregate. Congress even defined the word "desegregation" so no official could bend it. "Desegregation" means assigning students without regard to race, color, religion, sex, or national origin. And in the same sentence, Congress said what desegregation is not: moving children around to hit racial targets. The rule runs in one direction only. Race is not to be used, not even for approved causes. The Supreme Court says the same thing in plain words: "Eliminating racial discrimination means eliminating all of it."[2] That was the purpose of this program.

The Department's own notice tells the story of what happened next. For decades, the centers implementing the program were called Desegregation Assistance Centers. By 1999, the Department was calling them Equity Assistance Centers, and in 2016 it made the new name official. That same 2016 rule stretched the definition of sex to cover so-called "gender identity." The notice concedes the program was reshaped, step by step, away from the desegregation work Congress assigned it. Reading the two changes together highlights the mission drift. Desegregation is a fixed command:

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[1] Rescinding the Equity Assistance Center Program Regulations, 91 FR 38354 (June 25, 2026) (Docket ID ED-2026-OESE-0958; RIN 1810-AB72), https://www.federalregister.gov/documents/2026/06/25/2026-12861/rescinding-the-equity-assistance-center-program-regulations.

[2] Students for Fair Admissions, Inc. v. President & Fellows of Harvard College, 600 U.S. 181 (2023).

stop sorting students. Equity is a blank check, filled in by whoever runs the program. When the word changed, the mission changed. The program's own name is the evidence.

The courts have already rejected the boldest piece of that 2016 revision. In January 2025, a federal court struck down the Department's attempt to read gender identity into a law about sex, ruling that the Department had exceeded its authority.[3] Yet these regulations continued to keep that repudiated definition on the books. Removing them now corrects a codified error.

The Department has already taken some steps to address the errors of this "new mission". In February 2025, it terminated grants to four Equity Assistance Centers, worth $33 million, because the grants "supported divisive training in DEI, Critical Race Theory, and gender identity for state and local education agencies as well as school boards."[4]

Critical Race Theory teaches children to denigrate some people, and elevate others, based on skin color and other identity categories. DEI programs institutionalize identity-based sorting and call it fairness. Social-emotional learning advances the same activist doctrine through the therapeutic side door. Gender ideology tells a child his body is a mistake to be corrected. None of that is desegregation. It is the opposite of desegregation but paid for by the program created to end it.

These expansive grants trained the state agencies and school boards that run elementary and secondary classrooms and, in turn, the teachers in the classroom. The elementary years are the age of vulnerability and least resistance. The indoctrination planted at this early stage isn't confined to one lesson; it is the foundation the later lessons build on. Teaching a child to see his classmates first by race, or to doubt his own body before he can rationally and critically weigh the issue, is ideological formation carried out with federal money in these susceptible formative years. The children most harmed are the very children the program's defenders are targeting – the children who simply needed reading and arithmetic but were handed an ideology instead.

The damage does not end there. Children formed by these ideas carry them into higher education, where what is taught hardens into assumptions enforced as public orthodoxy. Higher education staffs the American workforce.

1792 Exchange is America's leading provider of actionable data on corporate bias. The pattern in our research is consistent with what is seen in schools: the ideological capture of American companies does not originate in the boardroom. It arrives with the graduates, in the hiring mandates and speech codes we document at the country's largest employers. What begins in the classroom ends in the boardroom. This program sits at the head of the pipeline.

This repeal is not an outlier. Across the federal government, agencies are restricting their programs to the narrow laws that created them. The Department of Labor has moved to remove the entire body of

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[3] Tennessee v. Cardona, 762 F. Supp. 3d 615 (E.D. Ky. 2025).

[4] U.S. Department of Education, Press Release, U.S. Department of Education Cancels Additional $350 Million in Woke Spending (Feb. 13, 2025), https://www.ed.gov/about/news/press-release/us-department-of-education-cancels-additional-350-million-woke-spending.

contractor rules built on a revoked executive order.[5] HUD has stripped its fair housing rule back to the simple commitment Congress actually wrote.[6] And the courts are letting the correction stand: the Supreme Court let this Department's termination of DEI-based teacher training grants remain in effect while the lawsuits proceed, and a federal appeals court has lifted the injunction against the President's orders ending federal DEI programs.[7]

The objections do not survive plain reading. This is not a retreat from civil rights. The Civil Rights Act stays exactly where Congress put it, and any school board that needs help carrying out a desegregation plan can still get it, including through the Department's new partnership with the Department of Justice. This is not a funding cut dressed as reform. The regulations being removed appear nowhere in the law; the Department – not Congress - wrote them, and the Department may - and should - erase them. As for the grantees, the only thing anyone stands to lose is continued payment for work the Department has already found divisive and beyond the scope of the Act. The country does not owe anyone that.

The proposed rule removes the machinery under which a desegregation program became an "equity" program, and it leaves standing the law Congress wrote. The promise of 1964 was that every American child would be assigned and taught without regard to race. 1792 Exchange urges the Department to finalize the rule without delay and hold this program to that promise.

Respectfully submitted,

Douglas Napier
Chief Executive Officer and Executive Chairman
1792 Exchange

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[5] Rescission of Executive Order 11246 Implementing Regulations, 90 FR 28472 (July 1, 2025), https://www.federalregister.gov/documents/2025/07/01/2025-12276/rescission-of-executive-order-11246-implementing-regulations.

[6] Affirmatively Furthering Fair Housing Revisions, 90 FR 11020 (Mar. 3, 2025), https://www.federalregister.gov/documents/2025/03/03/2025-03360/affirmatively-furthering-fair-housing-revisions.

[7] Department of Education v. California, 604 U.S. ___ (2025) (per curiam); National Ass'n of Diversity Officers in Higher Education v. Trump, No. 25-1189 (4th Cir. Feb. 6, 2026).