



1201 16th St., N.W. | Washington, DC 20036 | Phone: (202) 833-4000

Rebecca S. Pringle  
*President*

Princess R. Moss  
*Vice President*

Noel Candelaria  
*Secretary-Treasurer*

Kim A. Anderson  
*Executive Director*

June 16, 2025

Submitted via Regulations.gov

Chris Wright, Secretary  
U.S. Department of Energy  
c/o David Taggart  
Office of the General Counsel  
1000 Independence Avenue SW  
Washington, DC 20585

***RE: DOE-HQ-2025-0024; Rescinding Regulations Related to Nondiscrimination in Federally Assisted Programs or Activities (General Provisions)***

Dear Secretary Wright:

On behalf of the more than three million members of the National Education Association (NEA), we offer the following **significant, adverse comments** in opposition to the Department of Energy’s direct final rule, “Rescinding Regulations Related to Nondiscrimination in Federally Assisted Programs or Activities (General Provisions)” published in the Federal Register on May 16, 2025 and **urge its immediate withdrawal**. This direct final rule is inconsistent with our civil rights laws, undermines the protections they provide, and has been issued through an inappropriate process.

NEA members continue to face discrimination based on protected characteristics, including discrimination based on race, color, and national origin. In FY 2024 alone, the Office for Civil Rights within the Department of Education received 4,107 complaints containing allegations of race, color, or national origin discrimination.<sup>1</sup> At the same time, an established body of research affirms that a culturally responsive and racially inclusive education benefits all students – and is the most effective pedagogical approach.<sup>2</sup> These studies show that students who participate in a curriculum that is culturally responsive and racially inclusive are more engaged, perform better academically, and graduate at higher rates.<sup>3</sup>

The educational mission of our nation’s public schools is to instill in all students “the values on which our society rests,” and to provide those students with the skills and knowledge necessary

<sup>1</sup> <https://www.ed.gov/media/document/ocr-report-president-and-secretary-of-education-2024-109012.pdf>

<sup>2</sup> See National Education Association & Law Firm Antiracism Alliance, *The Very Foundation of Good Citizenship: The Legal and Pedagogical Case for Culturally Responsive and Racially Inclusive Public Education for All Students* (2022), <https://www.nea.org/sites/default/files/2022-09/lfaa-nea-white-paper.pdf>.

<sup>3</sup> *Ibid.*

to realize their full potential.<sup>4</sup> Businesses and other stakeholders have recognized that diversity and cross-racial understanding are sources of strength and creativity in American society and in the workplace. A culturally responsive and racially inclusive education facilitates these goals by preparing students for citizenship and voting, teaching cultural literacy, developing students' capacities for critical thinking and self-directed learning, and cultivating a workforce that can compete in the global marketplace.<sup>5</sup>

The prohibition on discrimination in all its forms based on race, color, and national origin by recipients of federal financial assistance has meant that generations of Americans have had the opportunity to live, learn, and work free from discrimination. Yet this regulation seeks to narrow the scope of Title VI's prohibitions and rescind provisions that prohibit policies and practices with discriminatory effects, undermining the law's promises and subjecting people to unlawful and harmful discrimination. The Department of Energy fails to provide a reasoned explanation for this change. Now is the time to strengthen civil rights enforcement, to recommit to equal protection under the law, and to act together to ensure that no person is excluded from participation in, denied the benefits of, or subject to discrimination under any program or activity receiving federal financial assistance. This direct final rule will instead undermine equal access to programs and perpetuate unlawful discrimination by removing longstanding protections against unjustified disparate impacts and requirements to provide language access. It should thus be immediately withdrawn.

The direct final rule process is intended for noncontroversial rules that are unlikely to raise objections. Allowing for discrimination, as this regulation does, cannot, in any instance, be considered noncontroversial. We urge DOE to withdraw this DFR immediately. Thank you for considering this significant adverse comment. Please do not hesitate to contact me or Bianca Singh at [BSingh@nea.org](mailto:BSingh@nea.org) should you have any questions.

Sincerely,



Daaiyah Bilal-Threats  
Senior Director, Education Policy and Implementation Center  
National Education Association

---

<sup>4</sup> Ibid.

<sup>5</sup> <https://www.nea.org/sites/default/files/2022-09/lfaa-nea-white-paper.pdf>.