without prior notice and comment. As is authorized by 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. The Coast Guard was notified of this event on June 30, 2026, but we must establish this safety zone by August 1, 2026, to protect personnel, vessels, and the marine environment. Therefore, we do not have enough time to solicit and respond to comments.

For the same reason, the Coast Guard finds that under 5 U.S.C. 553(d)(3), good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

III. Discussion of the Rule

This rule establishes a safety zone on August 1, 2026 from 9:00 p.m. to 9:45 p.m. The safety zone will cover all navigable waters of Lake Erie within a 280-foot radius from the following point: 41°30′15.8″ N, 82°3′39.1″ W. Vessels and persons will not be allowed to enter the zone during this time, unless authorized by the Captain of the Port.

IV. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders.

A. Impact on Small Entities

The regulatory flexibility analysis provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, do not apply to rules that are not subject to notice and comment. Because the Coast Guard has, for good cause, waived the notice and comment requirement that would otherwise apply to this rulemaking, the Regulatory Flexibility Act's flexibility analysis provisions do not apply here.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), if this rule will affect your small business, organization, or governmental jurisdiction and you have questions, contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards by calling 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

B. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

C. Federalism and Indian Tribal Governments

We have analyzed this rule under Executive Order 13132, Federalism, and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in that Order.

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

D. Unfunded Mandates Reform Act

As required by The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538), the Coast Guard certifies that this rule will not result in an annual expenditure of $100,000,000 or more (adjusted for inflation) by a State, local, or tribal government, in the aggregate, or by the private sector.

E. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment.

This rule is a safety zone. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 46 U.S.C. 70034, 70051, 70124; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; DHS Delegation No. 00170.1, Revision No. 01.4.

■ 2. Add § 165.T09–0945 to read as follows:

§ 165.T09–0945 Safety Zone; Lake Erie, Avon Lake, OH.

(a) *Location.* The following area is a safety zone: All navigable waters of Lake Erie within a 280-foot radius from the following point: 41°30′15.8″ N, 82°3′39.1″ W. These coordinates are based on the World Geodetic System (WGS 84).

(b) *Definitions.* As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Sector Eastern Great Lakes (COTP) in the enforcement of the safety zone.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) To seek permission to enter, contact the COTP or the COTP's representative on VHF–FM channel 16 or by telephone at (216) 937–0141. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement period.* This section will be enforced from 9 p.m. to 9:45 p.m. on August 1, 2026.

Matthew J. Walter,

Captain, U.S. Coast Guard, Captain of the Port Sector Eastern Great Lakes.

[FR Doc. 2026–14894 Filed 7–22–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF EDUCATION

34 CFR Parts 100, 104, and 106

RIN 1870–AA25

Rescinding Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap in Vocational Education Programs

AGENCY: Office for Civil Rights, Department of Education.

ACTION: Final rule; rescission.

SUMMARY: The Secretary of Education rescinds the U.S. Department of Education's (Department) *Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap in Vocational Education Programs* (*Guidelines*). The *Guidelines,* first published in the **Federal Register** in 1979 and added to the Title VI regulations of the Department's predecessor, the Department of Health, Education, and Welfare (HEW), apply to recipients of Federal financial assistance, including State education agencies, that offer or administer vocational education or training programs. Following the establishment of the Department and HEW's successor, the Department of Health and Human Services (HHS), the *Guidelines* were transferred to both agencies and have remained substantively unchanged since they were first issued in 1979. The Department has determined that the *Guidelines* are no longer necessary due to significant changes in governing jurisprudence on what constitutes actionable discrimination and in the vocational education landscape in the intervening half-century. The Department further finds the *Guidelines* to be burdensome (because they create proactive compliance requirements that do not apply to other programs that receive Federal financial assistance from the Department) and unnecessary (given the Department's existing regulations promulgated under various civil rights statutes). After considering the regulatory burden that the compliance monitoring and reporting structure outlined in section II.B. of the *Guidelines* imposes on State education agencies, local education agencies, and institutions of higher education, and the staffing resources that the Department expends on oversight of this compliance structure, the Department has concluded that the costs of this compliance structure no longer justify its benefits. Accordingly, the Department rescinds the *Guidelines.* This action does not affect the obligations of recipients of Federal financial assistance to comply with Federal civil rights laws because the regulations articulating those substantive obligations remain unchanged.

DATES: This final rule is effective on July 23, 2026.

FOR FURTHER INFORMATION CONTACT: Maria Litsakis, Acting Director, Program Legal Group, Office for Civil Rights, 400 Maryland Ave. SW, 5th Floor, Washington, DC 20202. Telephone: 800–421–3481. Email: *maria.litsakis@ed.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary

The Department rescinds the *Guidelines,* currently appearing in Appendix B to 34 CFR part 100, as well as cross-references to the *Guidelines* appearing in Appendix B to 34 CFR part 104 and Appendix A to 34 CFR part 106. The *Guidelines* purport to explain the civil rights responsibilities of Federal funding recipients who offer or administer vocational education programs with respect to nine issue areas: (1) administrative requirements (section IV.O.); (2) recruitment, admissions, and counseling (sections IV.A., K., N., L., and sections V.A. through V.E.); (3) physical accessibility (section IV.N.3); (4) comparable facilities (section IV.D.); (5) services for students with disabilities (sections IV.N. and VI.A.); (6) financial assistance (section VI.B.); (7) work-study, cooperative programs, and job placement (section VII); (8) housing (section VI.C.); and (9) employment (sections VIII.A. through VIII.F.).

Additionally, section II.B. of the *Guidelines* imposes a proactive compliance structure upon State education agencies that applies only to career and technical education (CTE) or vocational education programs; no parallel proactive compliance structure exists in any other context in civil rights enforcement. This compliance structure requires 68 State education agencies to (1) collect and analyze civil rights information and data; (2) conduct periodic compliance reviews; (3) provide technical assistance upon request; and (4) periodically report method of administration (MOA) activities and findings to the Department's Office for Civil Rights (OCR). Practically, this means that the State education agencies must conduct compliance reviews of a subset of their subrecipients (those that operate CTE programs) each year, detail and issue their findings of noncompliance to the subrecipients, and negotiate voluntary compliance plans with the subrecipients to address the State agency's findings. State education agencies then submit biennial reports of these activities to OCR. Although the Department has supplemented the *Guidelines* with additional guidance in the decades since, culminating in updated procedures issued jointly by OCR and the Office of Career, Technical, and Adult Education in 2020 that provided State agencies with greater flexibility, the proactive compliance structure, developed to address noncompliance in the 1970s, remains fully in place.

OCR allots considerable staff resources to providing feedback on how State agencies can improve their compliance with the *Guidelines* by reviewing and responding to biennial reports submitted by State agencies, and providing technical assistance. The Department also conducts an annual week-long training conference for State officials responsible for complying with the *Guidelines.* The Department has determined that this proactive compliance structure, which applies only to vocational education programs, is no longer necessary given current information and data on CTE programs, and that any benefits from its continued implementation are not justified by its cost and burden on State and local education agencies and postsecondary institutions. The Department is unaware of any recent information demonstrating that recipients administering or operating CTE programs are more likely than other recipients of Federal financial assistance from the Department to be out of compliance with civil rights laws and departmental regulations. Furthermore, any civil rights violations occurring in CTE programs can be addressed in the same manner as those arising in the non-CTE context by the Department's vigorous enforcement of civil rights laws through OCR's complaint resolution process and its own proactive enforcement tools, including by initiating compliance reviews and directed investigations.

The Department also issues this action rescinding the *Guidelines* in furtherance of Executive Order 14192, *Unleashing Prosperity Through Deregulation,* 90 FR 9065 (Feb. 6, 2025). That Order acknowledges that regulations and other rules, memoranda, guidance documents, and administrative policy statements impose costs and inefficiencies on individuals, businesses, organizations, and government entities, and therefore directs agencies to look for opportunities to eliminate regulatory burdens to offset the costs of existing regulations. The Department would rescind the *Guidelines* even in the absence of Executive Order 14192 because: (1) oversight of the proactive compliance structure mandated by the *Guidelines* imposes considerable burdens on recipients without current appreciable benefit; (2) enforcement of the *Guidelines* consumes considerable Department staff resources without current appreciable benefit; and (3) the additional reasons articulated below support rescission.

With the rescission of the *Guidelines,* State education agencies and subrecipients will still be responsible for compliance with Federal civil rights laws, including ensuring equal access to CTE programs. However, neither the Department nor recipients who offer or oversee CTE programs will continue to be saddled with the proactive compliance requirements imposed by the *Guidelines,* particularly those in section II.B.

II. Discussion

A. Historical Background

1. Origins in the Adams Litigation

The *Guidelines* resulted from litigation based on allegations that HEW failed to properly administer and enforce Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d *et seq. See* 44 FR 17162 (Mar. 21, 1979); *Adams* v. *Richardson,* 356 F. Supp. 92 (D.D.C. 1973), *aff'd as modified,* 480 F.2d 1159 (D.C. Cir. 1973) (*en banc*) (*per curiam*); *see also Adams* v. *Richardson,* 351 F. Supp. 636 (D.D.C. 1972). The *Adams* plaintiffs alleged, *inter alia,* that HEW knew or should have known that it was funding segregated vocational education programs in a manner that was ''symptomatic of a general failure by HEW to exercise its Title VI jurisdiction with respect to State Departments of Education which approve and administer programs of Federal financial assistance.'' [1]

In 1977, the district court issued a consent order directing HEW to develop and implement specific procedures to ensure civil rights compliance in vocational education programs, which stated in pertinent part:

> By September 1, 1978, defendants shall . . . publicly issue criteria or guidelines which shall define the ingredients of a violation of Title VI by vocational schools. The statement or regulation shall include a description of how current Title VI regulations applicable generally to all recipients of HEW funds apply specifically to the operation of vocational schools.

Order at 27, ¶ 38(b), *Adams* v. *Califano,* No. 70–cv–3095 (D.D.C. 1977) (consent order). In response, HEW proposed such criteria and procedures on December 19, 1978, at 43 FR 59105, and finalized them as the *Guidelines* on March 21, 1979, at 44 FR 17162. The Department codified the *Guidelines* the following year as Appendix B to 34 CFR part 100 and cross-referenced in Appendix B to 34 CFR part 104 and Appendix A to 34 CFR part 106.

The *Adams* litigation was subsequently dismissed in its entirety for being ''constitutionally impermissible.'' *Women's Equity Action League* v. *Cavazos,* 906 F.2d 742, 747 (D.C. Cir. 1990) (Ginsburg, J.), *aff'g on other grounds sub nom. Adams* v. *Bennett,* 675 F. Supp. 668, 670, 681 (D.D.C. 1987). The D.C. Circuit described the litigation as ''seek[ing] across-the-board continuing federal court supervision of the process by which the agencies ensure compliance with . . . antidiscrimination mandates.'' *Id.* at 748. It held that no cause of action authorized the litigation in the first place and that the plaintiffs had no means of obtaining the relief they desired. Citing *Cannon* v. *University of Chicago,* 441 U.S. 677 (1979), and *Council of and for the Blind* v. *Regan,* 709 F.2d 1521 (D.C. Cir. 1983) (*en banc*), the D.C. Circuit concluded that none of the laws the plaintiffs invoked authorized ''a broad-gauged right of action directly against the federal government officers charged with monitoring and enforcing funding recipients' compliance with discrimination proscriptions.'' *Cavazos,* 906 F.2d at 747. It thus affirmed the district court's dismissal, finally terminating the litigation in 1990. *Id.* at 744, 747, 752 (''[W]e hold that the generalized action plaintiffs pursue against federal executive agencies lacks the requisite green light from the legislative branch.'').

2. 1979 Issuance of the Guidelines

The final *Guidelines* were published by HEW in the **Federal Register** on March 21, 1979. 44 FR 17162. The *Guidelines* purported to ''explain the civil rights responsibilities of recipients of federal funds offering or administering vocational education programs'' and charged the relevant State education agencies overseeing CTE programs with monitoring subrecipients through a new proactive compliance structure. *Id.* Those requirements, described in section II.B. of the *Guidelines,* mandated State agencies to prevent, identify, and remedy unlawful discrimination in CTE programs by (1) collecting and analyzing information and data; (2) conducting periodic compliance reviews; (3) providing technical assistance; and (4) periodically reporting agency activities and findings to the Department. Section II.C. directed State agencies to submit ''methods of administration and related procedures'' for complying with the *Guidelines* ''[w]ithin one year from the publication of these *Guidelines* in final form.'' *Id.* at 17165 (emphasis added). The 1979 **Federal Register** notice promulgating the *Guidelines* stated that the *Guidelines* were ''a result of injunctive orders entered by the United States District Court for the District of Columbia in [the *Adams* litigation,]'' due to HEW's finding of ''evidence of continuing unlawful discrimination in vocational education programs.'' *Id.* at 17162.

In describing this evidence, the 1979 notice presented two categories. First, it cited enrollment data from HEW's Bureau of Occupational and Adult Education for 1976 and 1977 showing that ''male and female students are concentrated in programs traditionally identified as intended for them.'' *Id.* For example, female students comprised 78.8 percent of enrollment in health occupations programs and 84.7 percent of enrollment in occupational home economics, while male students comprised 87.3 percent of enrollment in trade and industrial programs and 88.7 percent of enrollment in vocational agriculture. *Id.* at 17162–63.

Second, the notice cited compliance reviews conducted by OCR from 1973 to 1978 that ''consistently found civil rights violations in vocational schools,'' including: (1) eligibility requirements such as geographic residence or admissions tests that denied opportunities on the basis of race, national origin, and ''handicap''; (2) assignment of ''handicapped students'' to separate, inaccessible facilities; (3) continued operation of vocational schools as ''essentially segregated facilities''; (4) denial of equal opportunity to national origin minorities with limited English proficiency; (5) failure to protect against discrimination in employer placement; and (6) assignment of faculty and staff ''on the basis of race, national origin, sex, and handicap.'' *Id.* at 17162–63. The 1979 notice acknowledged, however, that ''[i]n recent years, vocational education administrators have addressed unlawful discrimination in their programs.'' *Id.* at 17163.

B. Subsequent Changes in Law

The Department does not contend that discrimination in CTE programs has been eradicated. The Department's OCR continues to receive and investigate complaints alleging discrimination on the bases of race, sex, national origin, and disability in education programs, including in CTE programs. But the Department has seen no recent evidence indicating that discrimination on the basis of race, sex, or disability is more prevalent in CTE programs than in other

[1] Amended Complaint at 17–18, *Adams* v. *Richardson,* No. 70–cv–3095 (D.D.C. 1970), *reprinted in* Staff of H.R. Comm. on Educ. & Labor, 100th Cong., Report on the Investigation of the Civil Rights Enforcement Activities of the Office for Civil Rights, app. J (Comm. Print 1988), *https://files.eric.ed.gov/fulltext/ED306322.pdf.*

education programs or activities administered by recipients more broadly.[2] The Department remains committed to vigorous enforcement of the civil rights statutes within its jurisdiction, including Title VI of the Civil Rights Act of 1964 (prohibiting discrimination based on race, color, and national origin), Title IX of the Education Amendments of 1972 (same with respect to sex), and Section 504 of the Rehabilitation Act of 1973 (same with respect to disability).

Governing law has gone through considerable changes since the *Guidelines* were promulgated in 1979. First, the *Guidelines* were promulgated as a direct result of ''across-the-board continuing federal court supervision of the process by which the agencies ensure compliance with . . . antidiscrimination mandates.'' *Cavazos,* 906 F.2d at 748. Such monitoring was foreclosed by *Cannon* and *Council of and for the Blind. Id.* at 747. As the D.C. Circuit explained, ''the message of *Cannon* was that no private right of action should be inferred from federal legislation[,] absent a showing of approbation from the lawmaking branch'' and that ''Congress wished to ward off suits against the government of the very kind plaintiffs now press.'' *Id.* Similarly, *Council of and for the Blind* made clear that because private ''suits directly against discriminating entities were adequate to redress injuries[,] . . . the APA did not provide a discrete claim for relief against the federal monitoring agency.'' *Id.* at 748. This holding reflects two important principles: (1) Congress trusted Federal agencies, including the Department, to enforce Title VI using their own reasoned judgment, rather than by implementing the dictates of Federal courts; and (2) ''Congress considered private suits to end discrimination not merely adequate but in fact the proper means for individuals to enforce Title VI'' to the extent that they are unsatisfied with Federal enforcement. *Id.* at 751. In its exercise of discretion, the Department no longer believes that the *Guidelines* are an effective or efficient vehicle to achieve the goals of Title VI.

Second, subsequent decisions of the Supreme Court, most notably *Alexander* v. *Sandoval,* 532 U.S. 275 (2001), *Students for Fair Admissions* v. *President & Fellows of Harvard Coll.,* 600 U.S. 181 (2023) (*SFFA*), *Loper Bright Enters.* v. *Raimondo,* 603 U.S. 369 (2024), and *Louisiana* v. *Callais,* 146 S. Ct. 1131(2026), have materially altered the legal landscape relevant to the *Guidelines.* In *Sandoval,* the Court held that private plaintiffs lacked a private right of action to enforce the U.S. Department of Justice's (DOJ) disparate-impact regulations. 532 U.S. at 285–87. Although the Court had previously found a private cause of action to enforce Title VI's bar on intentional discrimination, *id.* at 279–80, that holding did not permit private suit to enforce regulations that ''forbid conduct that [Title VI] permits.'' *Id.* at 285. While *Sandoval* ''assume[d],'' without deciding, that DOJ's regulations were valid, it explained that they are in ''considerable tension'' with the Supreme Court's Title VI precedents and the text of the statute itself. *Id.* at 281–82, 284–85; *see also id.* at 286 n.6 (''[Title VI] permits the very behavior that the regulations forbid.'').

SFFA and *Callais* make clear that the use of race, color, or national origin to assign benefits and burdens is presumptively unconstitutional. *SFFA,* 600 U.S. at 206 ('''[The] guarantee of equal protection cannot mean one thing when applied to one individual and something else when applied to a person of another color.'''); *id.* at 223 ('' '[O]utright racial balancing' is 'patently unconstitutional.' ''); *Callais,* 146 S. Ct. at 1152 (noting that Court precedent identified just two compelling interests that justified racial discrimination, declining to add to that list). While the Court has permitted racial discrimination to remedy the effects of ''specific, identified instances of past discrimination that violated the Constitution or a statute,'' that corrective discrimination must be narrowly tailored to achieving that end. *SFFA,* 600 U.S. at 207; *Callais,* 146 S. Ct. at 1152.

Finally, *Loper Bright* held that ''statutes . . . have a single, best meaning'' that is ''fixed at the time of enactment'' and that courts interpreting those statutes must employ that single, best meaning. 603 U.S. at 400.

In light of these decisions, the Department has considerable concerns about the continuing validity of many provisions in the *Guidelines,* which are intended to eliminate race-, sex-, and disability-based disparities that may occur in CTE programs, without inquiry into the cause of such disparities. It is unclear whether any such disparities result from intentional discrimination or, alternatively, the informed decisions of students who may choose to enroll in one program or another for any number of reasons. The *Guidelines* do not differentiate. The *Guidelines* look to data and operate under the presumption that any data discrepancies are the result of discrimination, thus constituting a civil rights violation. The Constitution directs otherwise. Given these concerns, the Department finds that it is preferable to rescind the *Guidelines* rather than to continue to enforce them despite their questionable vitality under the Constitution. *See Edward J. DeBartolo Corp.* v. *Fla. Gulf Coast Bldg. & Constr. Trades Council,* 485 U.S. 568, 575 (1988) (''[W]here an otherwise acceptable construction of a statute would raise serious constitutional problems, the Court will construe the statute to avoid such problems unless such construction is plainly contrary to the intent of Congress.''). The Department additionally finds that attempting to modify the *Guidelines* by excising from them each provision that raises constitutional questions would leave the *Guidelines* incoherent, unhelpful, and otherwise flawed for other reasons discussed herein.

Third, rescinding the Guidelines does not reduce or limit the nondiscrimination obligations applicable to recipients enforced by the Department under Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d *et seq.;* Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794; or Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq.,* as implemented by 34 CFR parts 100, 104, and 106 respectively. Those regulations remain fully in effect and continue to provide the operative legal framework for all departmental compliance and enforcement activities.

C. Subsequent Changes in Fact

In the 1970s, there was widespread discrimination on the basis of race in CTE programs. Indeed, the 1979 **Federal Register** notice promulgating the *Guidelines* referenced ''evidence of continuing unlawful discrimination in vocational education programs'' and documented recurring civil rights violations in vocational schools that HEW's Office for Civil Rights had identified in compliance reviews conducted between 1973 and 1978. 44 FR at 17162–63. The notice expressly acknowledges that it was apparent to HEW ''that many vocational education administrators engage in unlawfully discriminatory practices.'' *Id.* at 17162. Similarly, the *Adams* court noted that ten southern States were ''operating segregated systems of higher education in violation of Title VI.'' *Adams* v. *Richardson,* 351 F. Supp. at 637–38. When HEW requested desegregation plans from the ten States, five of them

[2] Complaints filed with OCR relating to CTE programs and ''technical'' schools make up only a small percentage of OCR's overall case intake and are treated in the same manner as all other complaints.

submitted ''unacceptable'' plans,[3] and the other five failed to respond at all.[4] *Id.* Regarding vocational programs in particular, HEW did not have demographic data for many of the recipients subject to the litigation. *Id.* at 639. In Louisiana, the only State for which HEW provided the court statistics regarding students and faculty in vocational schools, those statistics showed ''seven [vocational] schools as overwhelmingly black and 25 [vocational] schools as overwhelmingly white.'' *Id.* It was against this backdrop that the *Adams* court ordered HEW to issue the *Guidelines.*

One of the problems facing the *Adams* court was a dearth of adequate data. Indeed, the **Federal Register** notice acknowledged the absence of adequate data to enable the court to fully assess the extent of segregation: ''Current information on the enrollment of handicapped and minority students in specific vocational programs is not available.'' 44 FR at 17163.

Almost 50 years later, the data from the National Center for Education Statistics (NCES) and other sources demonstrate that the significant race disparities in CTE participation that existed in the 1970s, at the onset of the *Adams* litigation, no longer exist. For example, Table H259 of NCES's CTE statistics from 2019 demonstrates near-parity in the percentage of public high school graduates of each race earning CTE credits.[5]

	White	Black	Hispanic	Asian/Pacific Islander
Earned any CTE	87.2%	85.8%	84.1%	80.8%

That parity persists regardless of the extent to which students commit to CTE programming. For example, NCES reports the following for students who earned multiple CTE credits:[6]

	White (%)	Black (%)	Hispanic (%)	Asian/Pacific Islander (%)
3.00 or more CTE credits	46.0	43.3	40.4	30.2
2-credit CTE concentrator	45.7	45.6	42.0	33.9
3-credit CTE concentrator	27.5	26.8	24.8	16.9

Further, as of 2024, four-year graduation rates from secondary CTE programs are above 94 percent, regardless of racial classification.[7] For example, 96.57 percent of black CTE concentrators graduated within 4 years.[8]

When comparing NCES data with U.S. Census Bureau data for the same period, it is apparent that minority students are slightly overrepresented in postsecondary CTE programming. Combining decennial census data for 2020 with NCES data on the racial composition of the cohort of approximately 6.7 million sub-baccalaureate occupational education students in the 2015–16 school year reveals the following:[9]

Race/ethnicity	Share of sub-baccalaureate CTE students (%)	Census data (%)
White (non-Hispanic)	47.2	57.8
Hispanic or Latino	23.7	18.7
Black (non-Hispanic)	18.3	12.1
Asian (non-Hispanic)	6.1	5.9

The Department does not mean to suggest that overrepresentation of minorities in CTE programs is a goal that the Department can seek to achieve or even that any particular percentage of minorities in CTE programs is the ''right'' number. To the contrary, ''[o]utright racial balancing is patently unconstitutional.'' *SFFA,* 600 U.S. at 223 (cleaned up). The point is simply that the factual conditions that inspired the *Guidelines* half a century ago are no longer present.

With regard to sex, the principal problem that the *Guidelines* sought to address was somewhat different. The **Federal Register** notice promulgating the *Guidelines* noted that males and females self-segregate into particular programs, such as females in health and

[3] Those five States were Arkansas, Pennsylvania, Georgia, Maryland, and Virginia. *Adams* v. *Richardson,* 351 F. Supp. at 638.

[4] The latter five States were Louisiana, Mississippi, Oklahoma, North Carolina, and Florida. *Id.*

[5] Nat'l Ctr. for Educ. Stats., U.S. Dep't of Educ., *Table H259. Percentage Distribution of Public High School Graduates with Each Career and Technical Education (CTE) Coursetaking Pattern, by Selected Student Race/Ethnicity Categories and Gender: 2019,* Career & Technical Educ. Statistics, *https://nces.ed.gov/surveys/ctes/tables/h259.asp.*

[6] *Id.*

[7] Office of Career, Technical, and Adult Educ., U.S. Dep't of Educ., *National Performance Profile: Secondary 1S1 Indicator Met, by Race/Ethnicity, Program Year 2023–24,* Perkins Collaborative Res. Network, *https://cte.ed.gov/pcrn/profile/national/performance/2024/population/1s1/met/secondary/race* (last visited July 16, 2026).

[8] *Id.*

[9] Nat'l Ctr. for Educ. Stats., U.S. Dep't of Educ., *Table P188. Percentage Distributions of Subbaccalaureate Occupational Education Students Across Student Race/Ethnicity and Across Family Income, by Field of Study: 2015–16,* Career and Technical Educ. Stats.; *https://nces.ed.gov/surveys/ctes/tables/p188.asp;* U.S. Census Bureau, 2020 Census Demographic Profile, *DP–1: Profile of General Population and Housing Characteristics, https://data.census.gov/table?g=010XX00US&d=DEC+Demographic+Profile* (last visited May 12, 2026) (navigate to ''HISPANIC OR LATINO BY RACE'' and then to both ''Hispanic or Latino'' and ''Not Hispanic or Latino'').

home economics and males in trade and industrial programs. 44 FR at 17162–63. OCR has seen no evidence indicating that statistical discrepancies in male and female enrollment in particular areas are the result of sex discrimination. It is just as likely that men and women choose different fields because men and women prefer different fields. And to the extent this is a lingering effect of historical discrimination (the Department has seen no evidence indicating that it is), OCR's existing enforcement structure is more than adequate to address the problem. Thus, to the extent that the *Guidelines* were promulgated to address intentional sex discrimination, the Department finds that the *Guidelines* are no longer necessary.

Finally, regarding disability, the 1979 **Federal Register** promulgating the *Guidelines* articulated concerns that students with disabilities were being discriminated against in various ways in CTE programs, although it did not provide specific data documenting the nature or extent of those concerns. *Id.* at 17163. It appears that discrimination against students with disabilities in CTE programs has significantly diminished since the 1970s, due in large part to subsequent changes in the law guaranteeing accommodations for students with disabilities and in compliance with and enforcement of those laws (across all education programs, not just CTE programs). For example, participation by students with disabilities in secondary CTE programming has reached near parity. In the 2022–23 school year, 14.79 percent of secondary CTE participants were students with disabilities, as defined by the Individuals with Disabilities Education Act (IDEA).[10] According to NCES, in the same school year, roughly the same percentage—15 percent—of students ages 3 to 21 years received special education and/or related services under IDEA.[11] This is a strong indication that students with disabilities are well represented in secondary CTE programs.[12] Further, the Department has seen no evidence indicating that program access to CTE programs for students with disabilities is a particular problem necessitating the special requirements imposed by the *Guidelines.* To the extent that students with disabilities are denied equal access to or face other forms of discrimination in CTE programs, OCR's existing enforcement structure is more than sufficient to address any allegations of discrimination and correct noncompliance.

The Department thus concludes that the concerns that motivated promulgation of the *Guidelines* to combat discrimination based on race, sex, and disability in CTE programs no longer justify the continued existence of the *Guidelines* or the special rules they impose on recipients administering CTE programs.

D. Unjustified Expense

State education agencies and their subrecipients subject to the *Guidelines* face a very significant economic burden under the *Guidelines.* Data submitted to OCR by 68 State education agencies[13] for school years ending 2023 and 2024 reveal that together they devote at least 54 full time equivalent (FTE) employees to ensure State compliance with the *Guidelines.* That data is incomplete because five State education agencies failed to report FTE data, and the Department accordingly estimates that the actual total is nearly 60 FTE employees. This suggests that the *Guidelines* force States to repurpose approximately 60 employees who could have been utilized to oversee State education programs to improve student outcomes and success.

Subrecipients likewise bear a considerable burden for their compliance with the *Guidelines.* According to the Texas Education Agency, local educational agencies in Texas required to comply with the *Guidelines* must compile and submit documentation to the State; host an on-site review by State officials that includes staff and student interviews, document review, and accessibility walkthroughs of every campus operating CTE programs; review and respond to a Letter of Findings by the State, within the timeframe set by the State; and develop and implement a potentially multi-year compliance plan.[14] To offer one specific example in the postsecondary context, Valencia College in Orlando, Florida—widely recognized as one of the premier CTE postsecondary institutions in the country,[15] with a total enrollment of 75,346 students in school year 2024–25 and with over 150 degree and certificate programs—reports to the Department that it dedicates approximately 100 hours of staff time for a compliance review under the *Guidelines.* Those expenses and the underlying reporting obligations exist in addition to, and are potentially duplicative of, other Federal and State oversight and legal obligations.

The overall costs incurred by the Department due to its oversight of the *Guidelines* are difficult to quantify because the Department does not track the portion of its enforcement, oversight, and technical assistance activities that relate specifically to the *Guidelines.* However, OCR has recently employed approximately 2 FTE employees to oversee implementation, enforcement, data collection, and provision of technical assistance under the *Guidelines.* Although that number has changed over the years, the Department continues to employ full-time staff to provide oversight of the program, interact regularly with State agencies, provide technical assistance, run an annual week-long training conference for State officials responsible for complying with the *Guidelines,* review and respond to reports submitted pursuant to the *Guidelines,* and help direct enforcement of the *Guidelines.* The *Guidelines* pose a notable financial burden on the Department, and as explained at length throughout this rule, this financial burden is not justified by the *Guidelines'* proactive compliance structure.

Through this action, the Department will free up assets to better enable State education agencies and their subrecipients to further their missions, and the Department will be able to more effectively utilize taxpayer dollars for the enforcement of Federal civil rights laws utilizing the Department's existing complaint resolution and proactive

[10] Office of Career, Technical, & Adult Educ., U.S. Dep't of Educ., *National Enrollment Profile: Secondary CTE Participants by Special Populations, Program Year 2022–23,* Perkins Collaborative Res. Network, *https://cte.ed.gov/pcrn/profile/national/enrollment/2023/participant/secondary/special/allstudents* (last visited July 16, 2026).

[11] Nat'l Ctr. for Educ. Stats., U.S. Dep't of Educ., *Students with Disabilities* (May 2024), *https://nces.ed.gov/programs/coe/indicator/cgg/students-with-disabilities.*

[12] Although data does not exist in the postsecondary context sufficient to enable the Department to verify that students with disabilities are adequately represented in postsecondary CTE programs, the Department has seen no recent evidence indicating that discrimination on the basis of disability is more prevalent in CTE programs (including postsecondary CTE programs) than in education programs and activities operated by recipients more broadly.

[13] These include education agencies for the District of Columbia, Puerto Rico, and the Virgin Islands. Some States have separate agencies overseeing their secondary and postsecondary education programs that file reports under the *Guidelines* separately.

[14] *See, e.g.,* Tex. Educ. Agency, Methods of Administration (MOA) Access to Career and Technical Education (2021), *https://tea.texas.gov/student-assessment/monitoring-and-interventions/school-improvement/moamethodsofadministrationprogramguidance21.pdf.*

[15] *E.g.,* The Aspen Institute, *Florida's Valencia College Named Top US Community College* (Dec. 12, 2011), *https://www.aspeninstitute.org/news/valencia-college-wins-aspen-prize/.*

enforcement processes, conducting those activities more efficiently.

E. Adequacy of Regulatory Enforcement Mechanisms

OCR enforces civil rights laws that protect millions of students attending or seeking to attend our Nation's educational institutions from unlawful discrimination on several bases, including race, sex, and disability. The majority of OCR's enforcement obligations each year consist of investigating and resolving the large number of complaints filed by individuals. Any person who believes that there has been a violation of the civil rights laws enforced by OCR may file a complaint. The individual or organization filing the complaint does not need to be directly impacted by the alleged discrimination. Upon receiving a complaint, OCR's primary objective is to investigate allegations of discrimination promptly, determine whether a civil rights violation has occurred, and, where a violation is established, remedy the violation by requiring recipients to take corrective action including making substantive changes to address civil rights violations and compliance concerns.[16]

OCR is permitted by regulation to initiate ''periodic compliance reviews'' to assess the practices of recipients to determine whether they comply with the antidiscrimination laws enforced by OCR. 34 CFR 100.7(a). Although these regulations afford OCR broad discretion to determine the substantive issues for investigation and the number and frequency of the investigations, OCR also has the authority to initiate directed investigations when information indicates a possible failure to comply with the civil rights laws and regulations, the matter warrants attention, and the compliance concern is not otherwise being addressed through OCR's complaint, compliance review, or technical assistance activities. These ''proactive'' investigations enable OCR to respond to and correct civil rights violations in schools.

Both the complaint process and OCR's proactive investigatory processes apply to CTE programs no differently than to any other educational program operated by recipients of Federal financial assistance from the Department. Both the complaint process and OCR's proactive investigatory processes are available to any student or employee participating in a CTE program and any recipient that administers or operates a CTE program must comply with Federal civil rights laws. These processes exist independent of the *Guidelines* and are not impacted by the rescission of the *Guidelines.* OCR's enforcement structure is more than adequate to enable OCR to enforce Federal civil rights law—and ensure compliance—in CTE programs.

F. Need for Rescission

1. Alternative Considered

In developing this action, the Department considered the alternative approach of revising the *Guidelines* selectively to remove from them those provisions that the Department finds most problematic, duplicative, burdensome, or outdated. For the reasons explained below, the Department finds that no amount of careful editing could have satisfied the Department's legal and policy concerns while leaving intact any sort of coherent framework akin to the *Guidelines* in their current form.

Any revision to the *Guidelines* would likely need to preserve the existing monitoring and reporting requirements to the limited extent those requirements are not redundant with Federal statutory requirements. But to avoid wasting the resources of both OCR and the State agencies that are required to perform proactive monitoring, compliance, and reporting functions, the monitoring and reporting requirements that are in fact redundant with Federal statutes would have to be removed. The *Guidelines* would thus have to be written around those Federal statutes. Doing so would create a dizzying maze of exceptions that, as a practical matter, would lead risk-averse State agencies to continue to follow the practices required by the *Guidelines* (even after doing so was unnecessary), thereby preserving much of the burden that the Department seeks to eliminate. Many reporting State agencies likely would have found it easier to submit data to OCR than to decipher the hypothetical revised *Guidelines* to determine whether the information at issue fits within one of the exceptions. Accordingly, as a functional matter, eliminating redundant monitoring and reporting burdens on State agencies requires the full rescission of the *Guidelines.* And to the extent that any State agencies might have desired to navigate this complex web, their efforts to do so likely would have imposed significant additional burdens on OCR because OCR would have needed to provide technical assistance—both proactively, in advance of any problem, and in response to specific problems as they arise—to help those State agencies comply with a very confusing set of rules. Moreover, State agencies likely would have made mistakes in attempting to comply, which would have necessitated additional enforcement action by OCR to address unintentional technical violations of an overly complex set of rules setting the parameters of the reporting and monitoring requirements. But imposing all of these additional burdens—on recipients and OCR alike—runs directly counter to the objective of simplifying regulatory burdens in this area.

The reporting and monitoring requirements are only part of the problem. The *Guidelines* also impose various nondiscrimination requirements. OCR has examined those sections and has determined that all of them either (1) mirror the Department's existing civil rights regulations, particularly including 34 CFR 100.3, 100.5, 104.4, 104.11–104.14, 104.21, 104.34, 104.38, 104.42–104.46, 106.21–106.23, 106.31–106.37, 106.51, and 106.53, or (2) differ slightly from the Department's existing civil rights regulations but not in a manner that is reasonably likely to prevent additional discrimination, further improve compliance with civil rights laws, or better remedy violations of civil rights laws. That is not particularly surprising because, if the *Guidelines* materially expanded a recipient's substantive obligations beyond those provided by statute or regulation, they likely would have been illegal and unenforceable as being inconsistent with the laws and regulations OCR enforces.

Because the *Guidelines'* substantive nondiscrimination requirements largely repeat the regulations and add nothing of significance, they serve no material purpose. Editing them such that they might have added something of value, without expanding them well beyond OCR's statutory and regulatory authority, is likely impossible and, in the Department's view, a waste of time. Any such innovations that the Department might want to add to the *Guidelines* belong in the regulatory text, not an appendix to the regulations.

2. Reliance Interests

The Department has considered the reliance interests that may have developed during the nearly five

[16] In June 2026, OCR entered into an interagency agreement with DOJ's Civil Rights Division whereby the latter will investigate and attempt resolution of civil rights complaints filed with OCR, including under Title VI, Title IX, and Section 504. Under the agreement, OCR retains statutory authority for complaint investigation and resolution, including exercising its statutory and regulatory responsibilities with respect to general civil rights enforcement and determinations of noncompliance, but it carries out that responsibility in collaboration with DOJ.

decades the *Guidelines* have been in effect and has weighed those interests against the regulatory objectives achieved by rescission of the *Guidelines.* The Department is aware that many State educational agencies employ full time staff to facilitate their compliance with the *Guidelines.* The Department is also aware that the *Guidelines* were (1) enacted because CTE programs were previously segregated and therefore inaccessible to all students, and (2) because there were serious problems with discrimination in CTE programs. The Department concludes that these and other reliance interests do not outweigh the policy concerns supporting rescission.

State agencies relieved of the excessive burdens imposed on them by the *Guidelines* will have more resources available to them to conduct their principal function: administering educational programs that improve student outcomes and success. Freeing up those resources is a substantial benefit to students and outweighs whatever reliance interest recipients may have in maintaining their existing programs. Further, to the extent that States find value in the data they create in response to the monitoring and reporting requirements imposed by the *Guidelines,* nothing here prevents them from continuing to seek that data under their own authority or State law. Indeed, most States have already integrated their functions under the *Guidelines* into their own CTE compliance activities.

As to any reliance interests related to any purported positive impact that the *Guidelines* may have made in the past, the Department notes that the problem that the *Guidelines* were created to solve has been largely addressed and that the Department's existing enforcement structure, supported by the Department's regulation at 34 CFR 100.6(b) (requiring recipients to maintain civil rights compliance data and provide it to the Department on request), is more than sufficient to address any allegations of discrimination occurring in CTE programs. And, in any event, this is a run-of-the-mill policy concern, not a cognizable reliance interest, because those nonrecipients who might have benefited from future enforcement of the *Guidelines,* by definition, have not entered any relationship with a recipient in reliance on the Department's enforcement of the *Guidelines.*

III. Changes to Part 100 Appendix B, Part 104 Appendix B, and Part 106 Appendix A

The Department rescinds the *Guidelines* and the two places they are cross-referenced, as follows:

1. Remove the full text of Appendix B to 34 CFR part 100;
2. Remove the full text of Appendix B to 34 CFR part 104; and
3. Remove the full text of Appendix A to 34 CFR part 106.

No other portions of 34 CFR parts 100, 104, or 106 are impacted by this action.

IV. Regulatory Certifications

Exemption From Notice-and-Comment Under the Administrative Procedure Act

The Department issues this action without prior public notice and comment under 5 U.S.C. 553(a)(2), which excludes from section 553's notice-and-comment requirements matters relating to agency management or personnel or to public property, loans, grants, benefits, or contracts. This action relates to the nondiscrimination provisions of an appendix to the Title VI regulations that impose conditions on receiving Federal financial assistance, and public property, loans, grants, benefits, and contracts constitute such assistance under both Title VI and the Administrative Procedure Act (APA). The Department's Title VI regulation defines financial assistance to include "grants and loans of federal funds," "property," "interests in property," "personnel," and "any federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance." 34 CFR 100.13(f). Similar definitions of Federal financial assistance are codified at 34 CFR 104.3 (under Section 504 of the Rehabilitation Act of 1973) and 34 CFR 106.2 (under Title IX of the Education Amendments of 1972). Recipients are required, as a condition on the approval of any request for Federal financial assistance and the subsequent extension of any Federal financial assistance, to provide the Department with an "assurance" of "compliance with all requirements imposed by or pursuant to [Title VI]." 34 CFR 100.4; *see Cummings* v. *Premier Rehab Keller, P.L.L.C.,* 596 U.S. 212, 217–18 (2022) (observing that Congress enacted Title VI "[p]ursuant to its authority to 'fix the terms on which it shall disburse federal money'" (internal citation omitted)); *see also* 34 CFR 104.5 (requiring a similar assurance under Section 504 of the Rehabilitation Act of 1973); 34 CFR 106.4 (requiring a similar assurance under Title IX of the Education Amendments of 1972).

Section 553(a)(2) exempts from notice-and-comment rulemaking matters "relating to agency management or personnel or to public property, loans, grants, benefits, or contracts." The Department has carefully reviewed those broad categories of exempt matters together with the definitions of Federal financial assistance at 34 CFR 100.13(f), 34 CFR 104.3, and 34 CFR 106.2, the specific assurances required by 34 CFR 100.4, 34 CFR 104.5, and 34 CFR 106.4, and the types of Federal financial assistance provided by the Department. Based on this review, the Department has concluded that all of the types of Federal financial assistance provided by the Department that are implicated in this final rule are within the categories of exempt activities listed in 5 U.S.C. 553(a)(2). This final rule is thus exempt from notice-and-comment rulemaking.

Similarly, the Department's reliance on 5 U.S.C. 553(a)(2) is consistent with the definition of Federal financial assistance provided by the U.S. Office of Management and Budget's (OMB) in 2 CFR 200.1, which defines such assistance with the same categories as the APA's exception for rules "relating to agency management or personnel or to public property, loans, grants, benefits, or contracts," 5 U.S.C. 553(a)(2). With potentially limited exceptions not applicable to the Department, all the forms of Federal financial assistance set forth in 2 CFR 200.1 that the Department administers would fall under the "public property, loans, grants, benefits, or contracts" exception.

Courts have found that rules related to these forms of financial assistance are exempt from notice-and-comment rulemaking. *See, e.g., Cal. Dep't of Educ.* v. *Bennett,* 849 F.2d 1227, 1236 (9th Cir. 1988) (holding that a Department rule concerning the return of Federal funds used for improper purposes did not require notice-and-comment rulemaking procedures); *Nat'l Wildlife Fed'n* v. *Snow,* 561 F.2d 227, 229 (D.C. Cir. 1976) (holding that a Federal Highway Administration rule governing the issuance of Federal funding for highways was exempt from notice-and-comment procedures); *Texas* v. *Becerra,* 577 F. Supp. 3d 527, 547 (N.D. Tex. 2021) ("The APA specifically exempts matters relating to 'grants,' and Head Start is a federal grant program").

This action relates to the public property, loans, grants, benefits, and contracts that constitute Federal financial assistance because it eliminates various compliance requirements that are imposed as a condition on the receipt of that assistance. The "relates to" standard is a broad one, easily satisfied by this action. *See Cummings,* 596 U.S. at 217–18 (observing that Congress enacted Title VI ''[p]ursuant to its authority to 'fix the terms on which it shall disburse federal money''' (citation omitted)). As one court explained, ''Section 553(a)(2) cuts a wide swath'' and ''a broad domain is preserved for its operation.'' *Humana of S.C., Inc.* v. *Califano,* 590 F.2d 1070, 1082 (D.C. Cir. 1978). ''[T]o the extent that any one of the enumerated categories is clearly and directly involved in the regulatory effort at issue, the Act's procedural compulsions are suspended.'' *Id.* (internal quotation marks omitted). This action is therefore exempt under 5 U.S.C. 553(a)(2). *Cf. Education Programs or Activities Receiving or Benefitting From Federal Financial Assistance,* 82 FR 46655. 46655–56 (Oct. 6, 2017) (invoking exception to amend Title IX regulations to ''promote consistency in the enforcement of Title IX for [Department of Agriculture] financial assistance recipients''); *Preserving Community and Neighborhood Choice,* 85 FR 47899, 47904 (Aug. 7, 2020) (invoking exception to repeal Housing and Urban Development rule regarding Federal grantees); *Participation by Minority Business Enterprise in Department of Transportation Programs,* 53 FR 18285, 18286 (May 23, 1988) (invoking exception to expand coverage of Department of Transportation regulation regarding Federal Aviation Administration's airport financial assistance program); *Nondiscrimination on the Basis of Handicap in Federally Assisted Programs—Suspension of Guidelines With Respect to Mass Transportation,* 46 FR 40687, 40688 (Aug. 11, 1981) (invoking exception to suspend DOJ guidelines regarding prohibiting disability discrimination in transportation programs and activities receiving Federal financial assistance).

Thus, the Department issues this action without prior public notice and comment, under 5 U.S.C. 553(a)(2). Further, because the exception in section 553(a)(2) applies to section 553 as a whole, the Department issues this action without the delayed effective date typically required by 5 U.S.C. 553(d)(1).

Executive Order 12250, Leadership and Coordination of Nondiscrimination Laws

E.O. 12250 delegates to the Attorney General the President's function of approving rules, regulations, and orders of general applicability under section 602 of the Civil Rights Act of 1964. The Department of Justice has reviewed and approved this rule.

Executive Orders 12866, Regulatory Planning and Review and 13563, Improving Regulation and Regulatory Review

Executive Order 12866, 58 FR 51735 (Oct. 4, 1993), requires agencies to consider both the quantitative and qualitative costs and benefits of a rule and to adopt a regulation only if the rule justifies its costs. This action has been drafted and reviewed in accordance with section 1(b) of Executive Order 12866, as well as with Executive Order 13563, 76 FR 3821 (Jan. 21, 2011), which supplements and explicitly affirms the principles of Executive Order 12866. Section 2(c) of Executive Order 13563 states that agencies may consider qualitative values that are either difficult or impossible to quantify, while Section 3 directs agencies to harmonize their regulations to simplify their burden and to avoid inconsistent and overlapping requirements. As discussed above, the *Guidelines* no longer justify their costs and include requirements that overlap with those already found in the Department's civil rights regulations.

The overall costs incurred by the Department due to its oversight of the *Guidelines* are difficult to quantify, as the Department does not track the portion of its enforcement, oversight, and technical assistance activities that relate specifically to the *Guidelines.* Nor is it able to quantify recipients' current compliance costs with the *Guidelines.* However, as noted above, the Department most recently employed 2 FTE staff and estimates that the States together employ approximately 60 FTE staff dedicated to the administration of the *Guidelines.* The Guidelines impose additional substantial burdens on subrecipients that are likewise difficult to quantify.

This deregulatory action should decrease the amount of staffing resources the States, subrecipients, and the Department must allocate to compliance with an outdated regime that is no longer necessary and is unique in civil rights enforcement. The Department has determined that this action, while not an ''economically significant'' action in terms of imposing costs on the economy and society, is a ''significant regulatory action'' under section 3(f) of Executive Order 12866. Accordingly, OMB has reviewed this action.

Executive Order 14192, Unleashing Prosperity Through Deregulation

Executive Order 14192, 90 FR 9065, establishes a regulatory budget process for agencies and requires them to offset new regulatory burdens or costs. This action is expected to be a deregulatory action; it will not increase the total incremental cost of the Department's regulations but is likely to decrease it. By rescinding the *Guidelines,* the Department is removing a substantial compliance burden on State education agencies and their subrecipients, thereby eliminating an overly burdensome and unnecessary regulation. Accordingly, the Department expects this action to be a deregulatory action under Executive Order 14192.

Executive Order 13132, Federalism

Executive Order 13132, 64 FR 43255 (Aug. 10, 1999), ensures that Federal regulations preempt State and local laws and rules only when Congress expressly authorizes or gives an agency clear authority to do so. This action will not have a substantial direct effect on the relationship between the Federal government and the States, on distribution of power and responsibilities among various levels of government, or on States' policymaking discretion. State and local recipients of Federal funding voluntarily comply with civil rights laws and the Department regulations implementing them as a condition of receiving the funding. This action does not subject recipients to new obligations. As a result, and in accordance with section 6 of Executive Order 13132, the Department has determined that these amendments to the Department's regulations do not have sufficient federalism implications to warrant preparation of a federalism summary impact statement as outlined in section 6(c)(2).

Executive Order 12988, Civil Justice Reform

This action meets the applicable standards set forth in sections 3(a) and (b)(2) of Executive Order 12988, 61 FR 4729 (Feb. 7, 1996), to specify provisions in clear language. Pursuant to section 3(b)(1)(I) of the Executive Order, nothing in this action or any previous administrative policy, directive, ruling, notice, guideline, guidance, or writing directly relating to the *Guidelines* is intended to create any legal or procedural rights enforceable against the United States.

Executive Order 14294, Fighting Overcriminalization in Federal Regulations

Executive Order 14294, 90 FR 20363 (May 14, 2025), requires agencies promulgating regulations with criminal regulatory offenses potentially subject to criminal enforcement to explicitly describe the conduct subject to criminal enforcement, the authorizing statutes, and the *mens rea* standard applicable to each element of those offenses. This action does not impose a criminal regulatory penalty and is thus exempt from Executive Order 14294's requirements.

Paperwork Reduction Act, 44 U.S.C. 3501–3520

Pursuant to the Paperwork Reduction Act, agencies must consider whether a rule will create additional burdens related to recordkeeping, paperwork, or information collection. This action will not impose any additional burdens or requirements in these respects. To the contrary, it will reduce paperwork burdens on State education agencies that will no longer have to submit biennial reports to the Department under section II.B. of the *Guidelines.*

Regulatory Flexibility Act, 5 U.S.C. Chapter 6

The Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement and Fairness Act of 1996, requires an agency to prepare and make available to the public a final regulatory flexibility analysis that describes the effect of a rule on small entities (*i.e.,* small businesses, small organizations, and small governmental jurisdictions) when the agency is required ''to publish a general notice of proposed rulemaking'' prior to issuing the final rule. *See* 5 U.S.C. 604(a). Because this action is being issued without a prior proposal, on the grounds set forth above, a regulatory flexibility analysis is not required under the RFA. Further, even if the RFA were applicable here, the Department would find that rescinding the *Guidelines* will not have a significant economic impact on a substantial number of small entities because this rescission does not impose any new substantive obligations on Federal funding recipients. It simply amends existing text appearing in the Code of Federal Regulations by removing burdens on State education agencies and other recipients. All Federal funding recipients remain bound by the Department's regulations that are already in place.

Unfunded Mandates Reform Act, 2 U.S.C. 1501 et seq

The Unfunded Mandates Reform Act of 1995 (UMRA) requires agencies to prepare assessments of any rule that would result in the annual expenditure of more than $100 million by State, local, or Tribal governments, or the private sector. UMRA does not apply because 2 U.S.C. 1503(2) excludes any Federal regulation that ''establishes or enforces any statutory rights that prohibit discrimination on the basis of race, color, religion, sex, national origin, age, handicap, or disability.'' This action is therefore not subject to UMRA.

Congressional Review Act

The Office of Information and Regulatory Affairs has found that this action is not a ''major rule'' as defined by the Congressional Review Act, 5 U.S.C. 804(2).

List of Subjects

34 CFR Part 100

Administrative practice and procedure, Civil rights, Education, Equal employment opportunity, Grant programs, Race discrimination.

34 CFR Part 104

Administrative practice and procedure, Civil rights, Disability discrimination, Education, Equal employment opportunity, Grant programs.

34 CFR Part 106

Administrative practice and procedure, Civil rights, Education, Equal employment opportunity, Grant programs, Sex discrimination.

Linda E. McMahon,
Secretary of Education.

For the reasons discussed in this action, the Secretary of Education amends parts 100, 104, and 106 of title 34 of the Code of Federal Regulations as set forth below:

PART 100—NONDISCRIMINATION UNDER PROGRAMS RECEIVING FEDERAL ASSISTANCE THROUGH THE DEPARTMENT OF EDUCATION EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

■ 1. The authority citation for part 100 continues to read as follows:

Authority: Sec. 602, 78 Stat. 252; 42 U.S.C. 2000d–1, unless otherwise noted.

Appendix B to Part 100 [Removed]

■ 2. Remove appendix B to part 100.

PART 104—NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

■ 3. The authority citation for part 104 continues to read as follows:

Authority: 20 U.S.C. 1405; 29 U.S.C. 794; Pub. L. 111–256, 124 Stat. 2643.

Appendix B to Part 104 [Removed]

■ 4. Remove appendix B to part 104.

PART 106—NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

■ 5. The authority citation for part 106 continues to read as follows:

Authority: 20 U.S.C. 1681 *et seq.,* unless otherwise noted.

Appendix A to Part 106 [Removed]

■ 6. Remove appendix A to part 106.

[FR Doc. 2026–14892 Filed 7–22–26; 8:45 am]
BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2025–3822; FRL–13146–02–R7]

Air Plan Approval; Missouri; Control of Emissions During Petroleum Liquid Storage, Loading, and Transfer

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve revisions to the Missouri State Implementation Plan (SIP) related to the control of emissions during petroleum liquid storage, loading, and transfer in the St. Louis area. The revisions to this rule include revising the tank size threshold applicability of the rule, adding incorporations by reference to other State rules, adding definitions specific to the rule, revising unnecessarily restrictive or duplicative language, adding a streamlined process for modifications to vapor recovery systems at gasoline dispensing facilities and thereby eliminating the associated permitting requirement, and clarifying rule language on testing and reporting. The revisions make this provision consistent with a similar rule that is applicable to the Kansas City, Missouri