October 14, 2025

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CC: Matt Soldner, Acting Director, Institution of Education Sciences and Acting Commissioner, National Center for Education Statistics

RE: Admissions and Consumer Transparency Supplement (ACTS) to the Integrated Postsecondary Education Data System (IPEDS) 2024-25 Through 2026-27, Docket No. ED-2025-SCC-0382, OMB Control No. 1850-0582

Via *regulations.gov* and *NCESCommissioner@ed.gov*

Dear Brian Fu,

The Lawyers' Committee for Civil Rights Under Law ("Lawyers' Committee") and the American Civil Liberties Union Foundation ("ACLU") submit this comment in response to the Department of Education's ("the Department") proposed addition of the Admissions and Consumer Transparency Supplement ("ACTS") survey component to the Integrated Postsecondary Education Data Systems ("IPEDS"). We urge withdrawal of this proposed addition to IPEDS, so that a new proposal can be developed that takes into consideration the issues discussed below.

The Lawyers' Committee is a nonpartisan, nonprofit organization, formed in 1963 at the request of President John F. Kennedy to enlist the private bar's leadership and resources in combating racial discrimination and the resulting inequality of opportunity—work that continues to be vital today. Today, the Lawyers' Committee uses legal advocacy to achieve racial justice, fighting inside and outside the courts to ensure that Black people and other people of color have the voice, opportunity, and power to make the promises of our democracy real. We have deep knowledge of the issues presented in this data collection due to our role in supporting and protecting diversity in our country's universities and colleges including by representing student-intervenors in *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*, 600 U.S. 181 (2023) ("*SFFA*"), arguing the case in the Supreme Court, representing student-amici in *SFFA v. Harvard*, and currently litigating on behalf of student-intervenors in *SFFA v. UT Austin*.[1]

[1] Dkt. No. 1:20-CV-763-RP.

For over 100 years, the ACLU has been our nation's guardian of liberty, working in courts, legislatures, and communities to defend and preserve the individual rights and liberties that the Constitution and the law of the United States guarantee to everyone in the country. With more than six million members, activists, and supporters, the ACLU is a nationwide organization that fights tirelessly in all 50 states, Puerto Rico, and Washington D.C. for the principles of liberty and equality. In support of these principles, we have advocated for admissions policies that secure opportunity for all as direct counsel and amicus curiae at the local, state, and federal levels, including in *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*, 600 U.S. 181 (2023) ("*SFFA*"), *Fisher v. University of Texas at Austin* (*Fisher II*), 579 U.S. 365 (2016), *Fisher v. University of Texas at Austin* (*Fisher I*), 570 U.S. 297 (2013), *Gratz v. Bollinger*, 539 U.S. 244 (2003), *Grutter v. Bollinger*, 539 U.S. 306 (2003), *Adarand Constructors, Inc. v. Peña*, 515 U.S. 200 (1995), *City of Richmond v. J.A. Croson Co.*, 488 U.S. 469 (1989), and *Regents of the University of California v. Bakke*, 438 U.S. 265 (1978).

The Department states that it is seeking to make these changes to IPEDS because "[g]reater transparency through the collection of this type of information will help to expose unlawful practices, enable the Department to better enforece [*sic*] Title VI, and create good incentive for voluntary compliance." This is an admirable goal—one that recognizes the importance of collecting accurate and comprehensive data to combat racial discrimination.[2] At the same time, the Department's proposed approach is unlikely to achieve this stated objective. On the contrary, the Department's proposal rests on inaccurate assumptions about admissions in higher education—ignoring the complexity and holistic nature of such review. By reducing Title VI compliance to an assessment of narrow numeric metrics—*i.e.*, GPA and test scores—the proposal is likely to perpetuate rather than combat racial discrimination. Both the specific data the Department proposes to collect and the justifications it offers suggest that the Department is merely looking to collect data that will support its pre-existing views about presumed improper consideration of race in higher education admissions—views that are rooted in biased assumptions and false stereotypes and that are unsupported by *SFFA*, the very case on which the agency purports to rely. This is not the proper use of data. The concern is aggravated by the Department's apparent rush to collect this data, in violation of Paperwork Reduction Act and the Office of Information and Regulatory Affairs' ("OIRA") implementing regulations, which as a result raises significant questions about student privacy and the likely accuracy of the collected data. The failure to collect accurate data will ultimately undermine the Department's own stated goals.

For these reasons, this proposed addition to the ACTS survey should be withdrawn so that the Department can create a new proposal, using the proper notice-and-comment procedures as required by federal law, that ensures the data collected will be appropriate, reliable, and sufficiently

[2] Evidence that "focuses on statistical disparities, rather than specific incidents, and on competing explanations for those disparities" exposes practices that, while "adopted without a deliberately discriminatory motive, may in operation be functionally equivalent to intentional discrimination." *Watson v. Fort Worth Bank & Tr.*, 487 U.S. 977, 987 (1988). Aggregate analysis is at times necessary to achieve the purpose of civil rights laws, which are directed foremost at "the consequences of [ ] practices, not simply the motivation." *Griggs v. Duke Power Co*, 401 U.S. 424, 432 (1971). As Congress found, and the Supreme Court has recognized, discrimination is a "complex and pervasive phenomenon" most accurately described "in terms of 'systems' and 'effects' rather than simply intentional wrongs." *Connecticut v. Teal*, 457 U.S. 440, 447 n.8 (1982) (quoting S. Rep. No. 92-415 at 5 (1971)).

sound to provide an accurate picture of higher education admissions and preserve all lawful considerations in higher education admissions.

I. HISTORY AND IMPORTANCE OF IPEDS DATA COLLECTION

The Lawyers' Committee and the ACLU support the Department's efforts to promote transparency, and we supported earlier efforts by the Department to collect data on admissions metrics in the furtherance of transparency and equity. Throughout our organizations' histories, we have supported measures aimed at transparency, as we believe it is a core tenet of a more equitable society. However, this tenet must be balanced with other competing principles, including the freedom of institutions to make academic judgments and the privacy rights of students.

Data collection in higher education has been a longstanding practice; the Federal government has collected data from colleges and universities for more than a century.[3] IPEDS forms the most systematic collection of data, and it has changed over time to meet evolving needs. Over time, the Department's collection has changed, expanding in scope and purse.

The National Center for Education Statistics ("NCES") first collected data from institutions on a voluntary basis. In 1992, Congress made IPEDS reporting mandatory for institutions that participated in Title IV federal student financial aid. The Department expanded the data collected and made changes to ensure that the data becomes available to researchers who study higher education. The availability of this data is helpful to applicants, students, families, researchers, and policymakers alike. However, previous collections have been narrowly scoped and assessed to strike the required balance between transparency, information collection, and privacy.

II. CHALLENGES WITH THE DEPARTMENT'S PROPOSAL

A. The Department's proposal perpetuates false, harmful, and biased assumptions.

Efforts to ensure that institutions of higher education continue to comply with anti-discrimination laws are admirable; however, the Department's approach to achieving this goal is premised on false, harmful, and biased assumptions. The Department states—without any basis or evidence—that "DEI has been used as a pretext to advance overt and insidious racial discrimination" and that "four-year institutions who utilize selective college admissions . . . have an elevated risk of noncompliance with the civil rights laws."[4] This rationale is neither grounded in fact nor tethered to the proposed data collection.

The Department's proposed justification for its data collection ignores the multifactored and holistic review process of admissions at many colleges and universities. The Department's

[3] Elise S. Miller and Jessica M. Shedd, *The History and Evolution of IPEDS*, NEW DIRECTIONS FOR INSTITUTIONAL RESEARCH (Nov. 2019), https://doi.org/10.1002/ir.20297.
[4] 90 Fed. Reg. 39384 (Aug. 15, 2025), https://www.federalregister.gov/documents/2025/08/15/2025-15536/agency-information-collection-activities-comment-request-integrated-postsecondary-education-data.

proposal rests on the inaccurate premise that meaningful conclusions about Title VI compliance can be drawn based on analysis of narrow metrics of achievement such as GPA and test scores. In doing so, the proposal ignores the multifaceted and nuanced view of admissions decisions at many institutions—one that takes into account numerous factors, such as a student's contributions to their school and their community; their academic and extracurricular interests; and recommendations by teachers and coaches. These factors—which are not reducible to a number—are core components of most selective institutions admissions processes. And because test scores are not the only or the strongest predictor of success in college, many institutions have discarded reliance on test scores altogether.

Notwithstanding its assertion to the contrary, the Department's proposal strongly suggests that it will focus solely on narrow metrics such as GPA and test scores, relying on false, harmful, and biased assumptions. The Department's proposed justification for this data collection strongly suggests that the Department falsely equates decreased admissions rates of Black and Brown students with *SFFA* compliance, and conversely, static admissions rates as evidence of noncompliance. Drawing such conclusions, especially based on quantitative factors, such as test data, alone, would disregard the significance of qualitative predictors of success and perpetuates harmful and inaccurate stereotypes that students of color are admitted to selective institutions because of their race, instead of based on their merit. At the same time, the Department's proposed addition makes no additional effort to capture, or acknowledge, admissions practices that disproportionately benefit white students without regard to academic merit, including consideration of legacy status, donor preference, or athletic recruiting.[5]

Withdrawing this proposal will allow the Department to refine both its proposed data additions and the underlying support for these changes, improving accuracy and avoiding reliance on flawed assumptions.

[5] During the Biden-Harris administration, the Department had included a question regarding use of legacy status in admissions for 2022-2023 through 2024-2025. The Department's current proposal, however, does not seek to disaggregate this data by race and sex, even though doing so would show how much of a benefit legacy preferences give white students versus students of color. And the Department has not added any data collection for donor preferences or athletic recruiting, which generally boost the chances of admissions for white students. *See* James Murphy, *The Significant Technical Problems with the Trump Administration's New Admissions Survey Component*, JAMES MURPHY (Aug. 19, 2025), https://jamessmurphy.com/2025/08/19/the-significant-technical-problems-with-the-trump-administrations-new-admissions-survey-component/ (hereinafter "Murphy, *Technical Problems*"); *Integrated Postsecondary Education Data System (IPEDS) 2022-23 through 2024-25* Admissions (ADM), OMB No. 1850-0582 v.30 at https://downloads.regulations.gov/ED-2022-SCC-0026-0003/attachment_10.pdf; Sarah Reber and Gabriela Goodman, *Who uses legacy admissions?*, BROOKINGS (March 12, 2024), https://www.brookings.edu/articles/how-widespread-is-the-practice-of-giving-special-consideration-to-relatives-of-alumni-in-admissions/#:~:text=of%20affirmative%20action; Eleanor Eckerson Peters, *Responsible Use of Admissions Data Can Expand College Opportunity. The Proposed New Federal Collection Risks the Opposite*, Institute for Higher Education Policy (Aug. 21, 2025), https://www.ihep.org/responsible-use-of-admissions-data-can-expand-college-opportunity-the-proposed-new-federal-collection-risks-the-opposite.

B. The Department's stated justification does not align with Title VI or the Supreme Court's decision in *Students for Fair Admissions*.

Title VI prohibits discrimination on the basis of race, color, and national origin—and as such, recipient universities may not discriminate against applicants in admission based on protected characteristics. The Lawyers' Committee and the ACLU share the Department's goals of ensuring that this important prohibition is not circumvented and that all applicants receive fair and equitable consideration in the process for admission to the nation's selective institutions. However, the Department's stated justification does not align with Title VI or the Supreme Court's decision in *SFFA v. Harvard*.

The Department's explanation relies on a fundamental misreading of *SFFA*—the case on which it purports to rely . *SFFA* prohibited the consideration of race as a factor in admissions except in narrow circumstances, but it did not dictate any particular method for admissions or require monitoring of quantitative factors, as this proposal suggests.

In addition to forward-looking data collections, the Department's proposal would require retrospective data submissions to "establish a baseline of admissions practices from before the Supreme Court's decision in *SFFA v. Harvard*" so that it can "track racial changes in admissions practices." By requesting this data as so-called "baseline," the Department implies that if a school's racial makeup has not changed post-*SFFA*, or not changed "enough," that alone is "evidence" that the school is likely to be unconstitutionally considering race.[6] But such an argument ignores the Supreme Court's decision in *SFFA*, in which the Court recognized that diversity may be pursued even absent race-conscious admissions programs. However, evidence-based efforts designed to remedy particular barriers and to achieve diversity, equity and inclusion are tools that educational institutions can use to combat discrimination. As the Attorneys General from 16 states in a joint letter explained, "[w]ell-designed diversity, equity, inclusion, and accessibility initiatives also call on [educators] to pay attention to the (intentional and unintentional) impact their policies and practices have on different groups of current and prospective [students]. For decades, both state and federal courts have consistently recognized that this does not amount to impermissible discrimination."[7] Legal efforts can include, for example, "[p]rioritizing widescale recruitment efforts to attract a larger pool of applicants from a variety of backgrounds."[8]

In fact, in *SFFA*, two separate concurrences emphasized that the use of race-neutral means were permissible means of achieving diversity. Justice Kavanaugh stated in his concurrence that "governments and universities still can, of course, act to undo the effects of past discrimination in

[6] For example, in letters to Yale, Princeton, Duke, Edward Blum, the president of Students for Fair Admissions stated that "your racial numbers are not possible under true race neutrality" based on data that showed the number of Asian American students decreased after the *SFFA* decision. Letter from Edward Blum, President of SFFA to Kim Taylor, Vice President and General Counsel of Duke University, Ramona E. Romero, Vice President and General Counsel of Princeton, and Alexander E. Dreier, Senior Vice President and General Counsel of Yale University (Sept. 17, 2024), available at https://docs.google.com/file/d/1u-37umCT_ggED8xP-KU9UhJmBnGZUW4D/edit?filetype=msword.
[7] OFFS. OF THE ATT'YS GEN. OF MASS. & ILL., MULTI-STATE GUIDANCE CONCERNING DIVERSITY, EQUITY, INCLUSION AND, ACCESSIBILITY EMPLOYMENT INITIATIVES 3 (Feb. 13, 2025).
[8] *Id.* at 4–5.

many permissible ways that do not involve classification by race."[9] Justice Kavanaugh cites back to *SFFA*'s own briefing,[10] which highlights examples of permissible race-neutral means of eliminating barriers to access, including: increasing preferences for the socioeconomically disadvantaged,[11] eliminating requirements for SAT scores,[12] increasing financial aid, recruitment efforts, and admissions of community college transfers,[13] and developing partnerships with disadvantaged high schools.[14]

In the wake of the *SFFA* decision, courts have upheld the use of race-neutral measures to remove barriers and enhance racial equity. Specifically, the Fourth Circuit in *Coalition for TJ v. Fairfax County School Board* and the First Circuit in *Boston Parent Coalition for Academic Excellence Corp. v. School Committee for the City of Boston* both held that high school admissions programs that increased the racial diversity of their student population through race-neutral means were permissible. In reaching its decision, the Fourth Circuit specifically noted that "[t]he Supreme Court has repeatedly blessed seeking to increase racial diversity in government programs through race-neutral means."[15] Similarly, the First Circuit concluded that "we find no reason to conclude that [SFFA] changed the law governing the constitutionality of facially neutral, valid secondary education admissions policies."[16] The Supreme Court declined review of these cases, leaving the decisions in place.[17] The Department of Education's proposed changes here fail to acknowledge, let alone explain that the very opinion on which its reasoning rests contradicts its premise that race-neutral practices such as these are broadly discriminatory.

Beyond the prohibition on the consideration of racial check-box data,[18] neither the Equal Protection Clause nor Title VI place constraints on an institution's ability to determine criteria for admission as the Department's proposal suggests. The Department's proposed justification for its

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[9] *SFFA*, 600 U.S. at 317 (Kavanaugh, J., concurring).
[10] *Id.* (citing Brief for Petitioner at 80–86, *SFFA*, 600 U.S. 181 (2023) (No. 20-1199; No. 21-707), 2022 WL 2918946 at *80–*86 (hereinafter, "Petitioner's Brief").
[11] Petitioner's Brief at 80–81.
[12] Petitioner's Brief at 82–83.
[13] Petitioner's Brief at 85–86.
[14] *SFFA*, 600 U.S. at 247 (Thomas, J., concurring) ("Importantly, however, the [Freeman Bureau's] Acts applied to freedmen (and refugees), a formally race-neutral category, not blacks writ large.").
[15] *Coal. for TJ v. Fairfax Cnty. Sch. Bd.*, 68 F.4th 864, 891 (4th Cir. 2023), *cert. denied*, 218 L. Ed. 2d 71 (Feb. 20, 2024).
[16] *Bos. Parent Coal. for Acad. Excellence Corp. v. Sch. Comm. for City of Bos.*, 89 F.4th 46, 61 (1st Cir. 2023), *cert. denied*, 145 S. Ct. 15 (2024) (stating that the Department's position "proscribing race-neutral means of increasing all forms of diversity" in previous guidance issued by the Department "is directly contradicted by binding precedent in [the Fourth] Circuit.").
[17] *Am. Fed'n of Tchrs. v. Dep't of Educ.*, No. CV SAG-25-628, 2025 WL 2374697, at *23 (D. Md. Aug. 14, 2025).
[18] The Supreme Court also made clear that the admissions process would never be entirely race-blind. It stated that

> [N]othing in this opinion should be construed as prohibiting universities from considering an applicant's discussion of how race affected his or her life, be it through discrimination, inspiration, or otherwise," even though "[t]he student must be treated based on his or her experiences as an individual—not on the basis of race.

SFFA, 600 U.S. at 230.

collection, however, incorrectly presumes that Title VI compliance rests upon narrow metrics for admissions decisions, thereby effectively imposing substantive obligations on institutions to demonstrate compliance. Institutions have always been free to decide whether or not to consider metrics like test scores, and remain free to do so today.

Withdrawing this proposal will allow the Department to correct these legal misrepresentations and ensure that any proposal for additional survey data is grounded in an accurate understanding of the current state of the law.

C. The Department's proposed addition does not take precautions to make sure the data collected is validated.

As a preliminary matter, the Department's failure to provide the proposed survey limits the ability of the Lawyers' Committee and ACLU to provide detailed comments on the data the survey seeks to collect.

This failure is concerning on its own because the failure to provide the purposed survey violates the Paperwork Reduction Act and OIRA's implementing regulations. Specifically, federal law requires that an agency publish the proposed survey "together with the related instructions, as part of the Federal Register notice;" or that the agency must "[e]xplain how and from whom an interested member of the public can request and obtain a copy without charge;" or that the agency must "[p]rovide more than 60-day notice to permit timely receipt, by interested members of the public" of the proposed survey "and related instructions" from the agency.[19]

Based on the limited information that has been disclosed, the Department's approach to collecting data also raises significant concerns that the data will not be reliable and validated. These concerns are compounded by the sheer volume of additions that the Department is seeking.

There are several issues with the Department's specific requests. For example, many of the proposed additional categories are not defined. This includes terms like GPA, which can vary widely from school to school and is data that the Department has never collected before.[20] Other terms that need to be defined include family income, first-generation, merit-based aid, race,[21] and parental education, among others.

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[19] 5 C.F.R. § 1320.8(d)(2); 44 U.S.C. 3506(c)(2). As OIRA has explained, this regulation "ensures that the public receives '60-day notice in the Federal Register,' as 44 U.S.C. 3506(c)(2) requires" by giving agencies that do not publish the proposed survey in the Federal Register "a choice of providing more than 60 days for comment, or explaining in the Federal Register notice how and from whom a copy can be obtained." 60 Fed. Reg. 44978, 44983 (Aug. 29, 1995).

[20] Jill Barshay, *Inaccurate, impossible: Experts knock new Trump plan to collect college admissions data*, THE HECHINGER REPORT (Aug. 18, 2025), https://hechingerreport.org/proof-points-new-college-admissions-data-collection/ (hereinafter, "Barshay, *Inaccurate, impossible*").

[21] While the Department has collected data that can be disaggregated based on race before, its expected implementation of OMB's Statistical Policy Directive No. 15, which changes how racial information is collected, requires further elaboration on how schools should collect this data now.

The proposed addition also provides no guidance about what schools should do if they do not have or cannot collect the requested data. This is particularly true for the fields relating to family income and Pell Eligibility, since schools in general do not obtain a student's FAFSA information for applicants that are not admitted or for enrolled students who are not eligible or do not seek financial aid.[22] The same is true for test scores—more than 80% of colleges and universities do not require applicants to submit test scores as part of their application.[23]

These critical omissions were likely the result of the Department's failure to seek outside support in drafting its proposal. Specifically, unlike previous proposals to revise the IPEDS data collection, here the Department has failed to conduct stakeholder engagement to inform its proposal—including as to the definitions, feasibility, and timelines imposed on institutions. The Department should withdraw the current proposal and seek stakeholder input regarding its proposed additions.

D. The Department fails to account for applicant and student privacy considerations.

Institutions of higher education are legally required to protect student privacy pursuant to the Family Educational Rights and Privacy Act ("FERPA"), and the Department has legal requirements to protect privacy under the Privacy Act of 1974 ("Privacy Act").[24] The Department fails to grapple with how these legal requirements and privacy considerations will be met while seeking to increase how much the data is disaggregated.

The Department proposes that data be collected by race-sex pair and disaggregated by a number of measures. The Department contemplates this proposal will apply to selective institutions—regardless of size—and for graduate and undergraduate programs alike. Given the extent to which the Department seeks to disaggregate data, there are significant privacy concerns. Some institutions as well as programs within institutions are very small, which poses challenges for student privacy. It is inevitable that some schools will report group counts so small that it could raise confidentiality and privacy concerns on its own, or when combined with other available information—raising serious concerns regarding obligations under FERPA and the Privacy Act. Even FERPA's limited exception for sharing data with the Department for audits or evaluations requires detailed written agreements to protect the data—a requirement the Department has wholly ignored in its proposal.[25]

The Department has not articulated any intention to apply a privacy protection routine to mitigate the risk of privacy concerns. If schools, in compliance with FERPA, do not disclose the data for these small group counts, or the Department, in compliance with the Privacy Act, does not disseminate such data, that will further affect the conclusions that can be inferred from the data. Without finding clear and consistent ways to ensure that the data reflects where information is

[22] Murphy, *Technical Problems.*
[23] *Id.*
[24] *See* 5 U.S.C. § 552a; 20 U.S.C. § 1232g; *see also* Murphy, *Technical Problems.*
[25] 34 C.F.R. § 99.31(a)(3), (6); *id.* § 99.35(a)(3), (b).

unavailable or incomplete, the data will not accurately reflect the state of higher education admissions. In considering this proposal, the Department must articulate its intention to protect student privacy and assist universities in compliance with data collection requirements and FERPA. The tension between the privacy considerations and these requirements will further complicate this data collection—an issue the Department has wholly ignored.

E. The Department's staffing shortages hamper its ability to provide the necessary technical assistance to schools.

Finally, the ability of the Department to execute this significant undertaking is severely hampered by the staff cuts in the offices responsible for this data collection. All six of the staffers from NCES, where IPEDS is housed, were fired this past March.[26] There are currently only *three* employees—out of a previous 100—at NCES.[27] And, this month, the Department fired nearly 500 more Department staff members, using a lapse in government funding as further excuse to eliminate offices and staff at the Department.[28] It has also been reported that the Department's contract with RTI International, a scientific research institute which has previously conducted most of the IPEDS data collection, has been cut approximately in half.[29]

All of these changes compound already existing difficulties in collecting accurate, reliable, and validated data. Data collection and analysis remain labor-intensive processes that cannot be automated or delegated to Artificial Intelligence technologies. For large scale data collection, there is typically an initial pilot project with a small number of participants that identifies issues, including difficulty in responding or reporting certain pieces of data. Even after a large-scale survey is launched and data is collected, the process of "cleaning" the data is very time and labor intensive, involving examination of errors, typos in data entry, and other issues.

III. CONCLUSION

Data collection is an invaluable aspect of the Department's ability to address racial discrimination. The Department's proposed changes, however, will hurt rather than help with this crucial task. Its proposed rationale for these changes suggests a concerning bias against inclusion of high-achieving students who are Black or Brown and raises questions about how the Department will use data to enforce Title VI and other anti-discrimination laws. The ability to collect accurate, reliable, and validated data is further hindered by the failure of the Department to define key terms or consider what colleges and universities can reasonably collect and report, and by reductions to Department and NCES staff who are vital to ensure the validity of IPEDS data. The scope of the

[26] Barshay, *Inaccurate, impossible.*
[27] *Id.*
[28] Jessica Blake, *Nearly 500 Education Dept. Employees Fired*, INSIDE HIGHER ED (Oct. 10, 2025), https://www.insidehighered.com/news/government/student-aid-policy/2025/10/10/trump-fires-more-education-dept-employees; Zachary Schermele, *Education Department lays off roughly 20% of its workforce amid shutdown*, USA TODAY (Oct. 10, 2025), https://www.usatoday.com/story/news/education/2025/10/10/education-department-firings-employees-shutdown-layoffs/86632531007/.
[29] Barshay, *Inaccurate, impossible.*

concerns and issues with this proposed additional data collection require that the Department withdraw it and start anew, taking into careful consideration and addressing the issues raised here.

As organizations dedicated to combating racial discrimination and its persistent effects in education, housing, economic opportunity, and many other aspects of American life, the Lawyers' Committee and ACLU oppose this ACTS addition. In light of all of the important considerations discussed, we strongly urge the Department to immediately withdraw its proposal and to instead, both follow the required legal process and engage in extensive stakeholder outreach to better inform its proposal. If you have any questions or need additional information, please contact Michael Pillera, Director of the Educational Opportunities Project at mpillera@lawyerscommittee.org or Leah Watson, Senior Staff Attorney at LWatson@aclu.org.

Sincerely,

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