

Education Department Kills the DEI Enforcement Rule That's Been Running Schools for Decades

The U.S. Department of Education on Thursday rescinded its disparate impact enforcement standard, ending a decades-old policy that had allowed federal investigators to flag school disciplinary practices as discriminatory even when no intentional bias could be proven.

Under the change, which took effect immediately, the department will no longer treat policies as discriminatory solely because they produce statistically unequal outcomes by race or national origin. Officials said the previous standard had forced schools to engage in racial balancing to avoid federal scrutiny.

"With these changes, schools will be empowered to address classroom issues without fearing the federal government will weaponize antidiscrimination laws," said Kimberly Richey, Assistant Secretary for Civil Rights.



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The rule change removes a set of disparate impact provisions tied to Title VI of the Civil Rights Act. Under the old standard, school discipline policies, including suspensions, expulsions, and transfers to alternative schools, could trigger federal civil rights investigations if they produced racial disparities in outcomes, regardless of whether any discriminatory intent was shown.

The department published the rule without a public comment

period, citing its authority to act immediately.

The move follows a broader rollback of disparate impact standards across federal agencies. A White House executive order signed in April 2025 directed federal agencies to stop relying on disparate impact theory in anti-discrimination enforcement. The Equal Employment Opportunity Commission, the Justice Department, and the Department of Energy all dropped their disparate impact guidance last year. The Consumer Financial Protection Bureau is facing a separate lawsuit over similar changes to fair lending regulations.

A coalition of 60 civil rights and educational advocacy organizations condemned the move in a joint letter Thursday. "Today's action has no basis in law or morality and is further evidence that this administration is determined to undermine our laws, abandon civil rights enforcement, and deny the existence of systemic discrimination," the letter stated.

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