

September 22, 2026

The Honorable Linda McMahon
Secretary of Education
400 Maryland Avenue SW
Washington, DC 20202

Re: Comment on Education Department General Administrative Regulations, 91 *Fed. Reg.* 54666 (August 24, 2026)

Dear Secretary McMahon:

This letter provides comments on behalf of the California Community College Chancellor's Office ("Chancellor's Office") regarding the Department of Education's ("Department's") Notice of Proposed Rulemaking (NPRM), *Education Department General Administrative Regulations* (EDGAR). We appreciate the opportunity to comment on the proposed rule amending the Department's General Administrative Regulations.

The Chancellor's Office oversees the nation's largest system of higher education, with 116 California community colleges serving over 2.2 million students annually. California's community colleges are recipients and subrecipients of Department of Education discretionary and formula grants, and the proposed regulations would cause substantial disruption to California community colleges' ability to plan for secure, stable funding. The affected funding includes Title III, Title V (HSI/AANAPISI), TRIO, Adult Education (WIOA Title II), Career and Technical Education (Perkins V), and Federal TRIO and GEAR UP programs, among others. Such disruption will have an adverse impact on our students and institutions.

Our comments below explain how provisions of the proposed rule are most likely to negatively affect our colleges' ability to plan, administer, and rely upon federal awards.

I. Summary of Our Comments

The proposed rule should be substantially revised or withdrawn because its substantive provisions introduce severe financial and operational instability for higher education institutions. While we support the Department's interest in technical updates and administrative alignment with OMB's Uniform Guidance (2 CFR Part 200), we object to changes that expand broad administrative discretion and impose vague compliance mandates. Specifically, we object to the following substantive provisions: the expansion of "termination for convenience" authority (§ 75.901), retrospective review standards for continuation awards (§ 75.253), vague merit certification requirements (§§ 75.500 and 76.500), and the application of Executive Orders to formula grants (§ 76.700).

These provisions would materially increase the financial, operational, and compliance uncertainty facing California's community colleges and hinder their ability to serve low-income, first-generation, and historically underserved students. Community colleges require stable, reliable funding to enable them to serve these important student groups, engage in important workforce development, and provide economic mobility. We also note that the current competitive grant process, which is unbiased and free from ideological restrictions, is sufficient to ensure the appropriate use of federal funds, making these rule changes unnecessary.

For these reasons, and consistent with the concerns the Chancellor's Office has raised regarding OMB's related proposed revisions to the Uniform Guidance at 2 CFR Part 200, we urge the Department to substantially revise or withdraw the proposed rule.

II. Section-by-Section Comments

A. Section 75.901 — Suspension and Termination

Section 75.901 should be revised to protect fully compliant grantees from arbitrary award cancellations that would derail multi-year academic programs. Allowing the Department to terminate discretionary grants "for convenience" without a finding of noncompliance or poor performance—a significant change—would severely undermine long-term institutional planning. Community colleges hire personnel, build student support systems, and structure multi-year operational budgets based on the expectation that approved grants will continue throughout their multi-year terms.

We request that the Department withdraw § 75.901. Alternatively, we request that the Department revise that section to:

- Clarify that a termination for convenience is not available when a recipient is in good standing and the sole basis for termination is a change in the Department's programmatic or policy priorities that occurred after an award was made, absent a change in the recipient's underlying statutory eligibility;
- Retain a requirement that any termination for convenience be accompanied by a written, individualized statement of the programmatic or fiscal basis for the decision, sufficient to permit meaningful review;
- Provide a minimum notice period (at least 30 days) prior to the effective date of termination, to allow recipients to wind down grant-funded staffing and student services in an orderly manner; and
- Confirm that students who are mid-program (e.g., enrolled in a TRIO cohort or an apprenticeship pathway funded by a terminated award) will not lose access to previously committed support services without a transition plan.

B. Section 75.253 — Continuation of a Multiyear Project

Section 75.253 should be withdrawn because evaluating active projects against shifting criteria without procedural protections creates standardless uncertainty for multi-year grants. The proposed rule would allow the Secretary to consider "all pieces of relevant available information," including information from the grant application and previous grantee activity, in making continuation determinations, and would not apply the protections of the General Education Provisions Act (GEPA) to decisions to reduce or deny a continuation award. This provision, read together with § 75.901, would allow the Department to functionally re-review and re-score an already-funded, in-progress multi-year project against evolving priorities not in effect at the time of the original award without the procedural protections GEPA otherwise affords.

We ask the Department to withdraw this proposed change. At a minimum, the final rule should clearly define what information may be considered and make clear that continuation decisions will be based on a grantee's performance against the goals and measures in its approved application.

C. Sections 75.500 and 76.500 — Merit Certification Requirements

Sections 75.500 and 76.500 should be withdrawn or clarified because the proposed merit certification language is ambiguous and redundant of existing federal non-discrimination statutes. California's community colleges already adhere strictly to federal and state non-discrimination laws in all employment, promotion, and admissions practices. The phrase "under the grant" lacks regulatory clarity, leaving institutions uncertain whether the mandate applies strictly to grant-funded activities or expands to campus-wide administrative operations. The Department should withdraw this unnecessary provision or precisely define its scope.

D. Section 76.700 — Compliance With Executive Orders

Section 76.700 should be revised to prevent executive directives from improperly altering statutory formula grant funding established by Congress.

The proposed rule would require recipients of State-administered formula grants to comply with applicable Executive orders. This includes programs such as Perkins V and WIOA Title II Adult Education. This is problematic because Congress established these programs for specific purposes and set the requirements for how the funds may be used. An Executive order should therefore affect a formula grant only when it directly applies to the administration of that particular program. It should not become a separate basis for withholding or conditioning funds when the Executive order is unrelated to the purpose of the grant.

We ask the Department to withdraw this provision or, at a minimum, clarify that it applies only to Executive orders that are directly relevant to the administration of the specific Federal award.

III. Conclusion

The Department should withdraw or substantially revise the proposed rule to preserve funding stability for postsecondary institutions and the millions of students they serve. California's community colleges are an essential engine of economic mobility for the state's most underserved learners. Federal grant funds are frequently central to the direct student support services — advising, tutoring, case management, and work-based learning — that make completion possible. The proposed rule would create instability in those programs, affecting thousands of students who are seeking educational opportunity and economic mobility. For these reasons, the Chancellor's Office objects to the proposed rule and respectfully urges the Department to substantially revise or withdraw it, with particular attention to termination for convenience, continuation award discretion, and the scope of the proposed merit and Executive Order compliance provisions, before finalizing this rule.

Respectfully submitted,



Sonya Christian

Chancellor, California Community Colleges

cc: Zachary Rogers, Office of Planning, Evaluation and Policy Development, U.S. Department of Education