September 23, 2026

Mr. Zachary Rogers
Senior Advisor
Office of Planning, Evaluation and Policy Development
U. S. Dept. of Education
400 Maryland Ave., SW
Washington, DC 20202

Re: Proposed Rule on Education Department General Administrative Regulations (EDGAR) and other administrative provisions (Docket ID ED-2026-OPEPD-2542-0001)

Dear Mr. Rogers:

Our organizations represent the presidents and trustees of the nation's 1,015 community colleges, serving 10.6 million students annually. Community colleges are pillars of their local economies and support thousands of businesses that rely on a skilled workforce to retain and expand family-sustaining jobs.

We appreciate the opportunity to comment on ED's proposed rule concerning EDGAR and related provisions. Community colleges devote significant staff time to securing and responsibly administering ED grant funding for critical career and technical education, adult basic education, college access and completion, and other programs that strengthen persistence, completion, job placement, and local economic development.

We respectfully offer the following comments:

1. **Overall: Rescind or Delay the Proposed EDGAR Rule**

ED is undertaking the EDGAR regulatory update at its discretion; the update is not required by any change in federal law. Simultaneously, the administration is proposing a major overhaul of the Uniform Grants Guidance (UGG), the implementation of which has been postponed at least through December 11 by legislation signed into law by President Trump. Our organizations joined the broader higher education community in opposing the UGG rule (Docket No. OMB-2026-0034). The opposition was driven in part because of its politicization of the federal grants process that could be exerted by any Administration. The regulation would also place a variety of complications and obstacles on the ability of community colleges to secure federal funding. We note that, while some elements of the UGG represent an improvement over current practices, the regulation as a whole does not.

Congress's uncertainty about the UGG NPRM, as well as the fact that neither the EDGAR or UGG regulations are required—in addition to the substantive issues referred to above—form the basis of our request that the EDGAR rule be delayed or rescinded.

> *To reduce redundancy and confusion for students, college staff, and local business partners, we encourage ED to rescind the proposed EDGAR rule or, at minimum, delay finalizing it until Congress has completed action on the UGG rule.*

We offer the following additional comments on specific provisions of the proposed EDGAR rule:

2. 34 CFR § 75.228 – Indirect Costs

Despite having fewer resources than other sectors, community colleges serve students with some of the greatest needs in higher education and require substantial federal support. Thirty-six percent of community college students receive Pell Grants.

For decades, federal education funding, and often state funding as well, has not kept pace with inflation. Meanwhile, community colleges' administrative costs have increased substantially, given the rising costs of energy, staffing, and facilities. When community colleges negotiate indirect cost rates with the federal government, they make difficult choices about which operational and staffing resources to pay with federal funds, while still meeting basic operating expenses.

Allowing ED to give applicants a competitive preference for using an indirect cost rate lower than the rate they already negotiated with the federal government, or below the federal *de minimis* rate, would harm already under-resourced community colleges. Many community colleges cannot absorb further reductions to their indirect costs; and, as a practical matter, many grants simply do not provide the indirect cost reimbursement that institutions can legally claim. The purpose of this proposal would seem to be to incentivize institutions to unilaterally claim lower indirect costs than would be otherwise justified. This is a short-sighted policy that will harm community colleges.

> *We urge ED to remove this proposed provision from the final rule.*

3. 34 CFR § 75.253 – Continuation of a Multiyear Project

Many community colleges operate with extremely limited grant-writing staff and must weigh carefully whether to apply for any federal grant. When awarded ED grants and entrusted with taxpayer funds, colleges commit to achieving strong results for students. Colleges make financial and staffing decisions and demonstrate strong program performance each year to ensure the continuation of multiyear grants.

Under current regulations, ED appropriately prioritizes continuation funding over new competitive awards. The proposed rule would disrupt this arrangement by eliminating the priority for continuation awards. As a result, community colleges could be more likely to lose long-planned and committed federal funding despite effectively serving students. This arrangement could lead only to reduced efficiency in the execution of federal grants, if not downright chaos.

The proposed rule also would permit ED to make continuation awards later than is necessary or advisable, even after the annual performance period within a multiyear award has ended. ED could make decisions as late as September 30, the end of the fiscal year, even if the annual performance period ends months earlier. This delay could create months of uncertainty and cause a lapse in staffing and student services, even when colleges demonstrate strong performance and ultimately receive the expected continuation award.

Community college officials depend on reliable funding to adequately serve their students. Even under current practice, in cases where federal continuation or renewal awards arrive late in the program period, colleges often cannot sustain these positions without assurance that federal funding will follow.

Presidents have already wrestled with this challenge. For example, one college informed TRIO staff this year they would be laid off as of September 1 when the grant cycle ended August 31. Award announcements were made days before the September 1 deadline. This new rule would have made the problem worse by allowing those awards to be announced a month later, likely when many staff would have already lost their jobs, students lost their services, and the fall semester is well underway.

The proposed rule would worsen this instability and could accelerate staff departures, harming students, employer partners, and local economies.

We urge ED to remove this proposed provision from the final rule.

4. 34 CFR § 75.901 – Suspension and Termination

The proposal would allow ED to terminate awarded grants "for convenience" at any time, regardless of the performance or effectiveness of the funded activity. Community colleges devote significant staff hours to federal grant applications and must demonstrate strong plans before being entrusted with federal funds. Once awarded a grant, colleges make multi-year decisions about student support, staffing, and resource allocation. They also demonstrate annually that they are meeting grant objectives in exchange for continued funding.

Therefore, allowing ED to abruptly terminate awarded grants "for convenience" would create substantial uncertainty and disruption with little if any consequent benefit to taxpayers. Rather, community college students—and the local employers that rely on community colleges to prepare a skilled workforce—would be left without crucial education and workforce services if grants end suddenly, even when colleges have met all performance objectives consistent with original awards.

We urge ED to remove this proposed provision from the final rule.

5. 34 CFR § 76.700 – Compliance with the U.S. Constitution, statutes, regulations, stated institutional policies, and applications

The proposal would require states administering ED formula grants—including Adult Basic Education, Perkins Career and Technical Education, and Individuals with Disabilities Education Act programs—and their subgrantees or contractors, including community colleges, to comply with executive orders (EOs). These orders are beyond the scope of federal law and are not necessarily consistent with it.

Requiring community colleges and their state partners to comply with EOs—some of which may be vague, subject to court challenges, or clearly divergent from other federal statutes and regulations—would create confusion and increase legal and compliance costs, both in determining what compliance requires and then carrying it out. But more importantly, it is the wrong approach to ensuring stability and adherence to Congressional intent in the awarding of valuable federal funds. Executive orders may also contradict state law that governs our institutions.

We urge ED to remove this proposed provision from the final rule.

Thank you for considering our comments.

Sincerely,

DeRionne P. Pollard

DeRionne P. Pollard
AACC President and CEO

Jee Hang Lee
ACCT President and CEO