

## ISSUE BRIEF: PRESERVING THE U.S. DEPARTMENT OF EDUCATION

### OVERVIEW

The Individuals with Disabilities Education Act (IDEA) is one of the nation's most significant civil rights laws, guaranteeing a free appropriate public education (FAPE) to more than 8.5 million infants, toddlers, children, and youth with disabilities. Prior to the enactment of IDEA, one in five children with disabilities were excluded from public education entirely or denied meaningful educational opportunities. IDEA fundamentally changed that reality by establishing clear federal expectations and enforceable rights for students and families nationwide. Since Congress passed this important law in 1975, IDEA has maintained a strong national commitment to educational access, accountability, and opportunity for all eligible children and youth with disabilities.

The statute established the Office of Special Education Programs (OSEP) within the Office of Special Education and Rehabilitative Services (OSERS) in the U.S. Department of Education (ED). OSEP is designated as the principal agency responsible for administering and implementing IDEA. States, local districts, schools, children, and families have relied on the leadership and expertise of OSEP and its cross-office collaboration within the Department of Education to provide the oversight, guidance, and technical assistance critical to meeting the spirit and letter of the law.

Embedded within IDEA is a strong federal role within ED in ensuring the continuation of FAPE for students with special learning needs and a robust presence of that Department in providing essential funding to schools, the protection of the civil rights of children with disabilities, and support for ongoing research to better the lives of infants, toddlers, children, and youth with disabilities. Through IDEA and related statutes, Congress established a federal framework for special education within ED, which remains critical today to preserving equitable access to education and ensuring all students receive the services and support they need to succeed, regardless of disability.

### What Members of Congress Can Do:

Congress established the Office of Special Education and Rehabilitative Services (OSERS) within the U.S. Department of Education to administer and oversee federal programs serving children and adults with disabilities. Through IDEA and other federal statutes, Congress assigned specific responsibilities related to funding, monitoring, technical assistance, accountability, research, and the protection of educational rights.

This statutory framework has now been upended by the recent release of an Interagency Agreement that transfers key functions of OSERS from ED to the U.S. Department of Health and Human Services (HHS). While some programs administered by HHS impact the lives of people with disabilities, these programs are medical and social services in nature. IDEA is an education program, as its title states. HHS has no experience or expertise in overseeing and implementing special education. In fact, the vast majority of children with disabilities are educated in the regular classroom, with IDEA providing the services and support that enable them to access and succeed in the general education curriculum. This function is well beyond the scope of any program or expertise at HHS.

Transferring IDEA functions outside ED or reducing the capacity of OSERS would weaken the federal framework Congress established to support infants, toddlers, children, and youth with disabilities and the systems that serve them. Therefore, Members of Congress must:

- Preserve the U.S. Department of Education, keeping all education programs funded under that agency together in the agency that is best able to ensure compliance with federal education laws.
- Halt the use of any Interagency Agreements to dismantle the Department of Education; such agreements have never been used to transfer programs from one federal agency to another.
- Maintain the Office of Special Education and Rehabilitation Services (OSERS) within the U.S. Department of Education.
- Reject any changes that weaken IDEA implementation and oversight.

# The Role of U.S. Department of Education in Special Education

## ESTABLISHING NATIONAL EXPECTATIONS AND PROTECTIONS

The federal government, through the U.S. Department of Education, plays a critical role in ensuring consistency and equity across all states through IDEA, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act.

Federal law establishes:

- Uniform protections for students with disabilities
- Requirements for individualized services and supports
- Expectations for inclusion and educational access
- Accountability for student outcomes
- Parent and family procedural safeguards

ED oversight protects students from discrimination and ensures that educational rights are not contingent upon geography or local resources.

## ENSURING ACCOUNTABILITY AND EFFECTIVE IMPLEMENTATION

IDEA is more than a funding statute. It is a national accountability system designed to improve educational outcomes for students with disabilities. Federal oversight through the U.S. Department of Education and the Office of Special Education Programs (OSEP) ensures:

- Monitoring of state implementation of IDEA
- State Performance Plans and Annual Performance Reports (SPP/APR)
- Collection and analysis of national special education data
- Technical assistance and guidance for states and districts
- Enforcement of compliance and civil rights protections

These systems promote transparency, consistency, and continuous improvement while helping ensure that federal investments result in improved educational outcomes for students with disabilities.

## PROVIDING ESSENTIAL FUNDING ACROSS THE IDEA CONTINUUM

The Office of Special Education Programs (OSEP), within the U.S. Department of Education, helps states and schools improve outcomes for infants, children, and youth with disabilities. One of its central responsibilities is administering formula grants and discretionary grants under IDEA. Congress annually appropriates funds for IDEA, which are distributed through the U.S. Department of Education Office of Special Education Programs to state education agencies, which then allocate the funds to local school districts and programs to support services for children with disabilities. This structure combines federal funding, state oversight, and local implementation to ensure students with disabilities receive the services and protections guaranteed under IDEA. Discretionary grants flow to states, institutions of higher education, technical assistance centers, and parent information and training centers to support personnel preparation and leadership development, research, parent support, resource development, and dissemination, building capacity and sustainability within the state systems. The accountability system requires trained personnel, data, monitoring protocols, and technical assistance networks that can't be maintained without a federal administrative structure.

The grant management system at HHS is incompatible with that of the U.S. Department of Education. Moving OSERS to HHS jeopardizes the longstanding system that states have used to draw down federal IDEA funds. It may ultimately impede the flow of these dollars, interrupting critical services provided by local school districts.

## SUPPORTING RESEARCH AND INNOVATION

ED also plays a vital role in advancing research and evidence-based practices through the Institute of Education Sciences (IES) and the National Center for Special Education Research (NCSEER). Federal investments support:

- Evidence-based instructional practices
- Research on effective interventions
- Data systems and outcome analysis
- Postsecondary transition research
- Professional learning and implementation science

These efforts improve educational outcomes and help states and school districts implement effective, research-based programs and services.

# The Role of U.S. Department of Education in Special Education

## PROVIDING VITAL OVERSIGHT

Within the U.S. Department of Education, OSEP plays a vital role in ensuring IDEA protections, addressing inequities, and providing strong accountability. Removing these functions from ED will threaten consistent access to and quality of services and support for children with disabilities.

Potential consequences of moving accountability and oversight for IDEA from the U.S. Department of Education to HHS include:

- Increased disparities in services and outcomes across states
- Reduced accountability for student achievement and service quality
- Erosion of civil rights protections for students with disabilities
- Greater financial burden on state and local school systems
- Reduced access to technical assistance and evidence-based practices
- Increased long-term public expenditures, reduced workforce participation, and diminished economic productivity resulting from unmet educational needs.

## FAST FACTS ON DEPARTMENT OF EDUCATION

- Congress and the U.S. Department of Education have supported states and districts in implementing IDEA since its enactment in 1975.
- U.S. Department of Education leadership says it intends to keep OSERS whole, yet its budget proposal would reduce FTE in that office from 163 to 31.
- According to a recent oversight report from the Office of Inspector General, OSERS has seen a 14% decrease in staff, leaving critical functions unmet.
- Interagency agreements have historically been used to share personnel and resources only for short-term projects, rather than to transfer full programs from one agency to another.
- Interagency agreements add additional layers of bureaucracy, making program management less efficient and more cumbersome at all levels of implementation.

**Preserving the  
U.S. Department of Education  
and maintaining a strong OSERS  
is essential to protecting the  
rights Congress established  
for millions of children with  
disabilities and ensuring IDEA  
continues to fulfill its promise  
for future generations.**