

# FACT SHEET

## HOW ELIMINATING THE DEPARTMENT OF EDUCATION THREATENS STUDENTS WITH DISABILITIES



The Trump Administration has begun its goal of eliminating the Department of Education (ED), with recent efforts to dissipate its authority through “interagency agreements” that disperse many of the department’s core functions across several federal agencies. Just this week, **the Trump Administration announced plans to move more programs out of ED.** These shifts will push out seasoned education experts, weaken oversight, and make it harder for students to receive the support they need. These efforts pose a particular risk to the rights of students with disabilities. If oversight of the Individuals with Disabilities Education Act (IDEA) were transferred to the Department of Health and Human Services (HHS), the Administration would turn back the clock to a time when students with disabilities were treated as patients rather than students.

### Where IDEA Stands

Over the past year, the Trump Administration has **discontinued several grants within IDEA**, including for state-level initiatives that train teachers of students with disabilities and that help schools and educators gain the resources and training to instruct students with visual and hearing impairments, and for nonprofit organizations that supply resources and legal support to parents of students with disabilities from marginalized groups, including students of color and families that speak languages other than English. These actions set a dangerous precedent of disregard for the needs of students with disabilities.

At the end of last year, the Administration unveiled **new interagency agreements (IAAs)** with the Departments of Labor, Interior, Health and Human Services, and State that would transfer major responsibilities out of the Department of Education. And although the Administration has regularly signaled its plan to **move authority over IDEA to the Department of Health and Human Services (HHS), it has not yet done it.**

This move would severely undermine the rights of students with disabilities. Students with disabilities are general education students first, and moving the program out of ED risks blurring the focus on educational outcomes and opportunities. The Administration must keep IDEA at the Department of Education where it has the staff and resources necessary to improve educational opportunity for students with disabilities.

### At Risk: Civil Rights, Accountability, and Funding

Moving IDEA to the Department of Education sparks grave concern over accountability, potential funding issues, and the civil rights of students.

**Civil Rights:** IDEA is not just a funding law; it is a civil rights law. IDEA requires stringent monitoring and oversight, and it is essential that its guardians protect and strengthen its services. The Department of Education prioritizes the needs of students with disabilities, in large part because IDEA is the second-largest federal funding program for K-12 public schools. If the program

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were moved to HHS, officials there would likely consider it an afterthought. HHS has many large programs to administer, such as Medicare and Medicaid. The department is also responsible for the National Institutes of Health and the Centers for Disease Control and Prevention. With this extensive list of responsibilities, students with disabilities would likely get lost.

Recent large-scale layoffs at ED's Office for Civil Rights (OCR) already has hampered its ability to enforce federal civil rights protections for students across the country. For example, a **recent GAO report** showed that between March and September 2025, about 90% of discrimination cases handled by OCR were resolved by simply dismissing the complaint. Resolving cases without actual review puts the civil rights of the nation's students at severe risk and could prompt **significant challenges for students with disabilities**, such as a lack of accommodations they are legally entitled to, harassment in educational environments, and disproportionate disciplinary measures. The Office for Civil Rights exists for a reason — without these protections, students across the country are in danger of losing equal access to education and enduring unaddressed discrimination.

**Accountability:** IDEA has protected the rights of students with disabilities for 50 years. IDEA gives students with disabilities the right to a Free and Appropriate Public Education (FAPE) in the “Least Restrictive Environment” possible, ensuring students with disabilities are not isolated from their general education peers and receive an education aligned with their needs.

IDEA has successfully ensured that students with disabilities are entitled to a quality education experience, even though Congress has never provided the promised level of funding and state requirements often go unmet. When IDEA was enacted in 1975, Congress committed to funding 40% of the average per pupil cost for special education, but the **federal share is now less than 12%**. Despite this shortcoming, high school graduation rates for students with disabilities have improved drastically since the implementation of IDEA. In the 1995-96 school year, **only 27.2% of students with disabilities graduated** with a high school diploma. For the 2021-22 school year, **that number was at 73.6%**. Moving IDEA out of the hands of education experts risks the astounding progress that the program has had.

The Department of Education plays a crucial role in tracking states' progress in meeting IDEA's requirements, which could be at risk if the program moves to HHS. For example, the most recent Department of Education review found that **only 19 out of 50 states (38%) meet IDEA's requirements**.

**Potential Funding Issues:** While the administration claims that moves to dismantle the department would lessen bureaucracy, it would likely increase it. It would create a breadth of challenges for local and state education agencies, who would likely have to navigate new

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payment systems. This could create funding delays and issues. For example, in 2025, **rural school leaders received funding two months late** after the administration transferred programs outside of the department. In moving K-12 programs to the Department of Labor (DOL), the **DOL grant system didn't recognize state education agencies' bank accounts**. Students with disabilities depend on IDEA for crucial services, and timely payments are critical. Additionally, creating an additional interagency agreement for IDEA would cause states and school districts to have to coordinate with multiple agencies, increasing staff workload and time and effort.

### Conclusion

IDEA is a critical funding and civil rights law that protects the rights of students with disabilities and ensures they receive the education they are legally entitled to. Keeping IDEA at the Department of Education is crucial for the rights of students. Moving IDEA to HHS could undermine civil rights protections, delay funding, and weaken accountability for this very successful program.