



Protecting Special Education

Legislative Request

Please support special education programs by protecting the Department of Education.

Background

The Department of Education is a federal agency that supports state and local education agencies by promoting access to quality education for all students. The Department of Education helps provide a quality education for 7.5 million students with disabilities.

The Department of Education is responsible for enforcing and implementing federal education programs, such as the Individuals with Disabilities Education Act (IDEA), which guarantees free appropriate public education (FAPE) to students with specific disabilities.

While the federal government provides guidance and funding, much of the decision-making authority in education resides with state and local education agencies. State and local education agencies are responsible for setting curriculum, graduation requirements, and teacher certification requirements.

There are several key offices within the Department of Education that support students with disabilities.

- The Office of Special Education Policy (OSEP): distributes grants to states and monitors compliance to ensure state and local education agencies are providing a free appropriate public education to students with disabilities.
- The Office of Civil Rights (OCR): enforces civil rights laws under the Americans with Disabilities Act (ADA) and Section 504 to ensure individuals with disabilities are not being discriminated against in educational settings.
- Institute of Educational Studies (IES): conducts research, including on special education, to provide special educators with evidence-based practices to assist in providing special education to students with disabilities.

Impact

IDEA and Section 504 are civil rights laws that guarantee a quality education for students with disabilities. These programs should remain in a dedicated body with staff committed to improving educational outcomes for all students, not moved to other federal agencies with different priorities. The Department of Education and its staff have the necessary knowledge, experience, and responsibility to ensure students with disabilities have access to specialized instruction, accommodations, and relevant services in schools. Moving the core functions of the Department of Education to another Department or agency could result in severe disruptions in service delivery and quality of education. Abolishing or undermining the work of the Department of Education would impact critical special education programs, create barriers and limit the enforcement of IDEA and Section 504.

Please protect access to special education and related services for students with disabilities by protecting the Department of Education and its work to provide a free appropriate public education free from discrimination to students with Down syndrome and other disabilities.

Sources:

- <https://nces.ed.gov/programs/coe/indicator/cgg/students-with-disabilities>
- <https://crsreports.congress.gov/product/pdf/R/R41833#:~:text=To%20implement%20IDEA%20states%20and,based%20on%20a%20statutory%20formula.>
- <https://www.ed.gov/sites/ed/files/about/reports/annual/ocr/report-to-president-and-secretary-of-education-2022.pdf>

For more information, please contact our policy team at policy@ndss.org.