



Protecting Special Education

Fact Sheet

The United States Department of Education plays a critical role in safeguarding the provision and oversight of special education services to millions of students with Down syndrome and other disabilities. This fact sheet serves to provide information on the core functions of the Department of Education and the impact it has on students with Down syndrome and other disabilities.

- The Department of Education has **protected the rights of students with disabilities** since 1979 and has had **bipartisan support** in its work since its inception
- Specifically, the Department of Education plays a critical role in the provision of special education and related services:
 - The Department of Education is charged with **overseeing the implementation of the Individuals with Disabilities Education Act (IDEA)**, which currently serves over 7.5 million students with disabilities
 - Before IDEA was enacted, states had no legal obligation to provide education or related services to students with disabilities. As a result, **only one in five children with disabilities received an education in public schools**
 - In Fiscal Year 2024, the Department of Education provided **\$15.4 billion in Congressionally authorized funds** to states to support them in providing special education and related services under IDEA
- The Department also plays a critical role in **safeguarding the rights of students with disabilities** and preventing and resolving cases of discrimination in public schools
 - In FY 2022, the Office of Civil Rights at the Department of Education received the highest number of civil rights complaints in its history – 18,804 complaints were made to OCR. 16,515 of these complaints were resolved.

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



- While the Department plays a critical role in the provision and oversight of special education and related services, the **majority of decision-making power in education currently resides with state and local education agencies**. State and local agencies are responsible for:
 - Overseeing day-to-day operations of schools within their jurisdiction
 - Developing and setting curriculum
 - Approving and regulating instructional and related materials in schools
 - Determining graduation requirements
 - Setting teacher certification standards
 - Deciding and implementing teacher pay scales

NDSS opposes any efforts to abolish or otherwise undermine 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>

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