

# Interagency Agreements Impacting Special Education Programs

## Background

On June 16, 2026, the Department of Education announced several Interagency Agreements impacting special education programs. The Department announced that responsibility for the Office of Special Education and Rehabilitative Services (OSERS) would shift to the Department of Health and Human Services (HHS), and the Office for Civil Rights (OCR) would shift to the Department of Justice (DOJ). These changes raise important questions about the future of oversight and enforcement of special education programs and protections that students with Down syndrome and other disabilities rely on.

## What is OSERS?

The Office of Special Education and Rehabilitative Services (OSERS) is made up of the Office of Special Education Programs (OSEP) and the Rehabilitation Services Administration (RSA).

The Office of Special Education Programs (OSEP) implements the Individuals with Disabilities Education Act (IDEA), which ensures that students with disabilities receive a free appropriate public education. OSEP oversees nearly \$15 billion in state special education funding and ensures these funds are used according to federal law. OSEP also works to improve educational outcomes by providing research, resources, and guidance to parents, educators, and state agencies. Additionally, OSEP prepares the annual report to Congress and the President on IDEA implementation.

The Rehabilitation Services Administration (RSA) works to improve employment and community living opportunities for people with disabilities through grants and resource dissemination. One major program RSA oversees is Vocational Rehabilitation (VR), which helps people with disabilities access job training and continued support to find meaningful employment. RSA also prepares an annual report to Congress and the President.

## What is OCR?

The Office for Civil Rights (OCR) is responsible for enforcing civil rights laws that protect students with disabilities from discrimination, such as Section 504 of the Rehabilitation Act and the Americans with Disabilities Act (ADA). OCR ensures that students with disabilities and their families have legal recourse if they are discriminated against in school. OCR also collects data on instances of discrimination every other year through the Civil Rights Data Collection (CRDC).



# Interagency Agreements Impacting Special Education Programs

## What have these offices done to support students with disabilities?

### Office of Special Education Programs (OSEP)

- In 2019, OSEP identified IDEA compliance issues in Virginia and provided four years of technical assistance, helping the state achieve a "meets requirements" designation by 2024.

### Rehabilitation Services Administration (RSA)

- After identifying compliance and service delivery challenges in Minnesota's VR program, RSA provided technical assistance that helped improve outcomes, resulting in stronger services and more participants achieving competitive integrated employment by 2019.

### Office for Civil Rights (OCR)

- In 2022, OSEP and OCR issued guidance to address discriminatory discipline practices and promote safer alternatives to restraint and seclusion for students with disabilities.

## What does this mean for students with Down syndrome?

Federal laws like IDEA, the Workforce Innovation and Opportunity Act (WIOA), and Section 504 remain the law of the land and have not been repealed. However, shifting core functions from the Department of Education to other federal agencies could cause students with disabilities to face delays or disruptions in accessing critical services. By fragmenting the oversight of programs that support students with disabilities, these changes may create confusion for families, educators, and advocates while weakening coordination, accountability, and the federal government's ability to effectively enforce the rights and protections guaranteed under these laws.

NDSS remains opposed to any efforts to abolish or undermine the Department of Education and its work to provide students with Down syndrome and other disabilities a free appropriate public education free from discrimination. We will continue to monitor any changes and will provide updates and opportunities for advocacy as they become available.

**For more information, please contact our policy team at [policy@ndss.org](mailto:policy@ndss.org).**