



Looking Ahead: Potential Consequences of Dismantling the U.S. Department of Education

December 9, 2025

Presented by: Disability Rights Education &
Defense Fund and Council of Parent Attorneys
and Advocates

Housekeeping

This is a Zoom Webinar

- All attendees are muted, and cameras are turned off.
- If there is enough time, we will take questions at the end.

Live Captioning is Available

- Select “Show Captions” in the Zoom meeting control bar to enable captions, and to view the full transcript. There is a drop down menu to choose English or Spanish language.
- Or, to get the captions in a web browser, go this link bit.ly/DREDF-CART, which will also be dropped in the Chat.

Please use the Q&A or reach out to me, Drew McKay, by email at dmckay@dredf.org with any questions and/or comments.



Disability Rights Education & Defense Fund

- Unique alliance of people with disabilities and parents of children with disabilities.
- National law and policy center dedicated to protecting and advancing disability civil and human rights.
- Disability rights are civil rights.
- **Vision:** a just world where all people live full and independent lives free of discrimination.
- Educate legislators and policy makers on affecting rights of people with disabilities.

Council of Parent Attorneys and Advocates

Mission: to protect and enforce the legal and civil rights of students with disabilities and their families.

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COPAA

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Topics

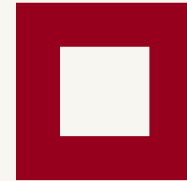
- Overview of the Department of Education
- Examples of OSEP Oversight and Enforcement
- RIFs, Shutdown and Dismantling
- What Parents, Students, and Professionals Should Know and What you Can Do

Overview of U.S. Department of Education



Department of Education

- Created by Congress in 1979
- Can only be closed or its functions transferred by an act of Congress, **not** by an Executive Order or other actions that in effect amount to the same result
- Responsible for special education, low-income school funding (Title I) and student federal loans
- Serves 50 million K-12 students



IDEA Part B: Primary and Secondary Education Special Education Services and Provision of FAPE

- Funding for FAPE provisions
- Congressional funding and appropriations
- State funding
- Section 619 – Preschool funding and implementation of preschool special education

Students with Disabilities

- Enforces the Individuals with Disabilities Education Act
- Enforces Section 504 of the Rehabilitation Act
- Provides federal funding to states and local agencies
- Investigates complaints of civil rights violations
- OESE: Office of Elementary and Secondary Education
- OSERS: Office of Special Education and Rehabilitative Services

OESE (Moved to Labor in Part)

- Federal pre-K-12 programs including the Elementary and Secondary Education Act (ESEA)
- Title I
- Rural education programs
- Programs that support mental health services
- Programs that support migrant and unhoused students
- All students with disabilities who qualify for support, services, and accommodations are also general education students.

OSERS

- Rehabilitation Services Administration (RSA) + Office of Special Education Programs (OSEP)
- OSERS serves 7.5 million students with disabilities
- RSA ensures that students with disabilities have access to targeted services to prepare for independence and employment
- Includes career counseling, job coaching and financial aid to support post secondary transition

OSEP

- OSEP oversees implementation of the IDEA and ensures protections for students with disabilities
 - Administers funding
 - Provides technical assistance
 - Oversees special education data collection
 - Reports outcomes to Congress and the public
 - Conducts state monitoring visits

OCR

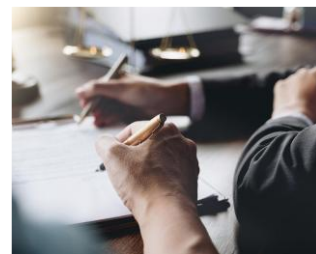
- Investigates civil rights complaints in public education institutions and those receiving federal funding
- 2024: about 23,000 complaints with a majority falling under disability or sex-based discrimination
- Does not have authority under IDEA, but addresses complaints about disability discrimination under Section 504 and Title II of the ADA

OCR (Continued)

- The Civil Rights Data Collection (CDRC)
- Title VI: Discrimination Based on Race, Color, or National Origin
- Title IX: Discrimination Based on Sex
- Section 504 and ADA Title II: Discrimination Based on Disability
- An Examples of OCR Impact
 - Frederick County, Maryland
 - Apache Junction Unified School District in Colorado
- Families and advocates can and should continue to file OCR complaints when discrimination occurs



Examples of OSEP Oversight and Enforcement



ED Enforcement - Examples

- **Pennsylvania** (Prior to 2020) – Statewide failure in public school districts and charter schools to appropriately accommodate and educate students with complex medical needs and complex disabilities.
- **Texas** (2004-2017) – For 13 years, the Texas Department of Education capped the rate of students made eligible for special education at 8.5% statewide. TDE also threatened to withhold state funding for special education for any school district with a higher rate of eligibility than 8.5%.

ED Enforcement - Examples

- **Virginia** (2020-2021) – Roughly 50% of IEPs in the state had no annual goals, and the Virginia Department of Education ignored compliance complaints.
- **New York Department of Education** (NYC, 2022) – Widespread failure across the school district to meet federal timelines for initial evaluations/re-evaluations and IEP meetings.

ED Enforcement - Examples

- **Illinois** (2022) – Extremely high rates of restraint and seclusion of students with disabilities. No notice provided to parents, little documentation or tracking of restraint and seclusion use by the state.
- **Alaska** (2023) – Students were secluded for any behaviors (including non-threatening behaviors).

ED Enforcement - Examples

- **Connecticut** (2023-2024) – School districts in the state reported a total of approximately 46,000 incidents of restraint and seclusion. 18 students required medical attention as a result of restraint at school.
- **California** (Ongoing) – Despite AB2657 in 2018 regarding limits on restraint and seclusion, implementation of proper behavior supports and services, as well as training and appropriate response to behaviors has been inconsistent state-wide. CDE oversight has also been inconsistent between SELPAs and school districts.

If OSEP is Dismantled:

- It will still require an act of Congress to move OSEP to another Department or agency, or dismantle altogether
- Block grants to state departments of education rather than specific allocations (no control or transparency on where funds go or how they are used by states)
- Unequal enforcement of IDEA across states, especially on systematic issues
- IDEA remains in effect but no oversight; solely up to individual parents to enforce the IDEA
- Documentation is key—obtain education records, emails, and record IEP meetings if possible



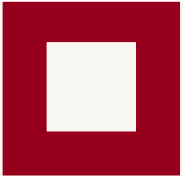
RIFs, Government Shutdown and Dismantling



RIFS

- OCR (3/20 25): closed 7 of 12 offices, fired half of staff
- 465 ED staff (20% of remaining workforce) received layoff notices in October; lawsuits challenge RIFs
- NCYL filed a lawsuit against Department, COPAA is co-counsel as is SPLC and COPAA is org plaintiff along with 7 families: *Carter, et al v. USDOE*
- *Somerville v. Trump* (now consolidated with *New York v. McMahon*)
- On December 5, 2025, ED ordered hundreds of fired employees to "return to duty" later this month

Government Reopening



- Longest government shutdown ended on November 12, 2025
- Federal government is funded through January 30, 2026
- Reversed layoffs of thousands of federal employees and prevents further federal layoffs

Parts of ED Moved to Other Departments

- LABOR: “Postsecondary Education Partnership”
- INTERIOR: “Indian Education Partnership”
- STATE: “International Education and Foreign Language Studies Partnership”
- HHS: “Foreign Medical Accreditation Partnership” and “Child Care Access Means Parents in School Partnership”



What Parents, Students and Professionals Should Know and What You Can Do



How Families Can Take Action Now: Other

States

- State Departments of Education complaints
- Due process hearings
- ED OCR Complaints still filed when discrimination occurs
- State court suits
- Pennsylvania Dept of Education OCR legislation proposed (PA Senate)
- Policy advocacy with state agencies and legislatures
- Advisory Commission on Special Education
- Find COPAA members in each state or territory
- Protection and Advocacy organizations
- LEA Board of Education or State Board of Education

How Families Can Take Action Now: California

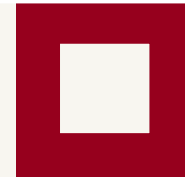
- Involvement at local or SELPA (County Office of Education) level
- LEA Board of Education or State Board of Education
- Follow Advisory Commission on Special Education
- Brown Act/public records requests of public agencies
- State education budgets (contact assembly members and state senators, follow hearings, give input and comment on legislation)
- California Office for Civil Rights (coming 2026)

IEPs Across State Lines

- What the IDEA requires receiving school district to do for students who move across state lines:
 - Provide FAPE
 - Provide comparable services to the previous IEP in consultation with parents/ed rights holder
 - Until district adopts previous IEP or conducts an evaluation (if needed) and develops a new IEP consistent with state/federal law.

CA's AB 1412 for Military Families

- Receiving school districts must proactively work with families and obtain student's education records from previous district
- School district may also work with family to use unofficial records or diagnoses that will help to develop the IEP until education records from previous school district are received.



Contact Us



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Contact Us

DREDF provides information and training to parents/guardians of school-age children with disabilities (up to age 26), and professionals who serve these students and their families. To see the Northern California counties that we serve, visit dredf.org/vertical/pti

Contact us to request help from an **Education Advocate:**

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Parent Training and Information Centers

- PTIs help families understand and use the education rights of their children with a disabilities.
 - PTIs offer **free** trainings for parents of children with disabilities, youth and community members.
 - There is a PTI in every state and territory in the United States.
 - To find a PTI near you, visit the: [Center for Parent Information Resources](#)
 - The PTI at DREDF now serves the North Coast Region!
- To Contact us:

- 800-348-4232 (toll free)
- 510-644-2555 x5227 (voice)
- iephelp@dredf.org (Email)



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