

Why Protecting IDEA and the U.S. Department of Education is Essential for Students with Disabilities

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What is IDEA and Why is it Critical for Students with Disabilities?

- The U.S. Constitution gives Congress the power to make laws, allocate funding, and oversee the Executive Branch, including the U.S. Department of Education.
- In 1975, Congress passed the Individuals with Disabilities Education Act (IDEA) to ensure children with disabilities receive an education. Across the United States, 8 million children are now served under IDEA.
- **Before IDEA:**
 - Only 1 in 5 children with disabilities received an education, and over 1 million children with disabilities were completely excluded from school.
 - Some states had laws preventing students with certain disabilities, such as intellectual disability (ID), from attending school.
 - Nearly 100,000 children with disabilities lived in institutions and were not in school.
- IDEA is a federal law that guarantees all students with disabilities a Free Appropriate Public Education (FAPE) in the least restrictive environment. This means students with disabilities must be educated with their peers as much as possible and receive necessary supports like speech or physical therapy, specialized instruction, or other services.
- The law also protects the rights of students and parents and directs the U.S. Department of Education (the Department) to provide funding to states to help them meet the requirements of this law.

The Role of the U.S. Department of Education in Supporting IDEA

- The Department issues regulations and guidance to help states understand how to follow IDEA. Without this oversight and guidance, states will interpret IDEA differently and students with disabilities

across the country will not have their rights enforced in a consistent manner.

· The Department's Office of Special Education Programs (OSEP):

- Distributes IDEA funds to states as approved by Congress.
- Funds essential programs, such as Parent Training and Information Centers and teacher training initiatives.
- Monitors states to ensure they comply with IDEA and provides technical assistance to states that need it and enforces consequences when states do not follow the law.
- Provides technical assistance for states, schools, students and families such as the TIES Center resources on inclusive education for students with ID.

What the Department Does NOT Do

- The Department does not decide what schools teach or what books they use. States set curriculum and graduation requirements.
- The Department does not control how states train teachers. Each state determines teacher training and certification requirements.
- The Department does not develop or approve Individualized Education Programs (IEPs). Instead, the Department sets IDEA regulations and IEP teams at local schools, including parents, develop IEPs.

Declining Test Scores: Does This Mean the Department Should Be Eliminated?

- No! School districts and states are responsible for teaching students and setting education policies. The Department's role is to support them by providing funding, research, and technical assistance.
- Eliminating the Department would make it harder, not easier, for schools to improve student learning outcomes.

Why the Department Is Essential for Students with Disabilities

- OSEP distributes over \$13 billion annually in IDEA formula grants to support early intervention (birth to age 2), preschool, K-12 education, and services through age 21 (for students with disabilities who have not earned a regular diploma).
- OSEP monitors the states to ensure that they comply with the law.
- The Department's Office for Civil Rights (OCR) enforces civil rights laws, including Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act (ADA), ensuring equal educational opportunities for students with disabilities.
- The Department's Office of Postsecondary Education funding includes inclusive college programs for students with ID at 42 colleges and universities and Think College. Graduates of these programs have a 74% employment rate compared to a 15% employment rate for those with ID who do not attend.
- The Department's Institute of Education Sciences conducts research and provides data to improve academic achievement, social-emotional skills, and post-secondary outcomes for students with disabilities. For example, an IES study used Universal Design for Learning (UDL) principles to improve reading comprehension for students with disabilities.
- The Department's Office of Elementary and Secondary Education oversees funding for high-poverty schools and requires academic assessments to track student learning, including for students with disabilities.

Why Breaking Up the Department Would Harm Students with Disabilities

- It is being proposed that the Department be closed and some offices relocated to other departments, with OSEP moved to the U.S. Department of Health and Human Services (HHS).
- Moving OSEP and IDEA out of the Department of Education to HHS would bury the rights of children with disabilities in a vast bureaucracy where much larger programs would take priority. IDEA is an education and a civil rights law, not a social service, and it must remain in a department dedicated to education to ensure strong oversight, enforcement, and accountability.

- While improvements to the Department can be made, there is no doubt that dismantling or weakening the Department would harm students with disabilities.
- Congress would need to pass a law in order to close the Department and scatter its offices across multiple agencies. Doing so would:
 - Lead to massive staff layoffs, loss of institutional knowledge, and reduced funding for critical programs.
 - Disrupt collaboration among offices currently within the Department that work together to protect the rights and opportunities of students with disabilities.
 - Make it harder to coordinate efforts between OSEP and other programs, such as vocational rehabilitation, which helps students with intellectual disabilities transition to college or employment.
 - Undermine accountability, making it easier for states to ignore their responsibilities under IDEA.

What Could Happen If IDEA Becomes a Block Grant with No Federal Oversight?

- IDEA provides formula grants to each state and requires the states to supervise local school districts to make sure that they follow the requirements in the law to educate students with disabilities.
- Current proposals to amend IDEA and turn IDEA funding into block grants would have devastating effects. With block grants, states and local school districts would receive federal funds without protections. This could lead to:
 - Eliminating Individualized Education Programs (IEPs), which ensure students with disabilities receive necessary supports and services.
 - The loss of many students' and parents' rights under IDEA, such as:
 - the requirement that parents must provide consent before their child's initial evaluation for special education services, and
 - the requirement that there must be a meeting that includes parents before a change in the child's placement.
 - The diversion of IDEA funds to non-special education purposes away from students with disabilities.

- A lack of federal monitoring and accountability for how states provide special education services, meaning students in some states could receive needed services while students in others receive very few or none. **States would not have to answer to anyone about whether or how they are (or are not) following the law.**

Why Turning IDEA into a Voucher Program Would Harm Students with Disabilities

- IDEA is also in jeopardy from other proposals that would allow parents to use their child's portion of IDEA funding to pay for private school tuition.
- While some families of students with disabilities have negative experiences with public schools and prefer private schools, this voucher approach would hurt the majority of students with disabilities because:
 - Many private schools do not accept students with disabilities, particularly those with significant needs. Often the only private school option is a separate school just for students with disabilities and no inclusion.
 - Private schools that do accept students with disabilities are able to suspend or expel them much easier than public schools.
 - Private schools do not exist in many rural areas.
 - Federal voucher funding would cover only a small portion of private school tuition, leaving lower-income and middle-income families unable to afford private options even with vouchers.
 - Private schools are not required to follow IDEA unless a public school district places a student there through the IEP.

Why Immediate Action Is Needed to Protect IDEA and Students with Disabilities

- Department staff with deep expertise have been put on leave and many have already been fired, with more firings planned. Almost \$900 million for current important IES research studies has already been revoked. The Administration estimates that over a \$1 billion in total funding cuts have been made, and millions of dollars for grants that are critically important for students with disabilities are on the chopping block.
- Staff in the Office for Civil Rights (OCR) have been directed to halt virtually all their work, including

external communications essential to their investigations into potential civil rights violations.

- Many families have experienced difficulties obtaining education for their child guaranteed by IDEA and implementation of IDEA should definitely be improved. However, moving OSEP and IDEA to another Department, or eliminating the services, protections, and oversight in the law through block granting or "voucherizing" IDEA is not the answer.
- Advocacy is most effective before more harmful changes happen.
- When experienced Department staff are fired and vital programs are eliminated, it will be difficult to restore them later.
- Members of Congress must understand how these proposed changes would hurt students with disabilities and undermine their rights.

Protecting IDEA and keeping the U.S. Department of Education strong is essential to ensuring that all students with disabilities receive the education and support they need to succeed.