



Fact Sheet: The Impact of Closing the Department of Education

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The National Disability Right's Network has prepared the following fact sheet in response to White House's executive order dismantling the Department of Education. This fact sheet explains the potential impact of this executive order both on students with disabilities and our education system as a whole.

- IDEA and Section 504 still exist. States and schools must follow these federal laws as well as any state laws.
- IDEA funding to states and school districts is provided from a Congressional appropriation. These funds must continue regardless of the dismantling of the U.S. Department of Education (ED).
- ED provides essential funding to state education agencies and local school districts through its grantmaking and contracting activities. These activities and funds may be delayed, reduced or terminated due to the dismantling of ED and would significantly deplete the ability of states and school districts to support teachers, educators, staff, and students.
- ED provides essential funding for educational research activities that support students with disabilities and students

without disabilities. These activities and funds may be delayed or terminated due to the dismantling of ED and would significantly decrease the ability of states and school districts to support teachers, educators, staff, and students.

- ED conducts compliance reviews of state education agencies. It is unclear how this function would be performed due to the dismantling of ED and would result in the loss of necessary oversight and accountability.
- ED, through its Office for Civil Rights (OCR), investigates allegations of disability discrimination in public schools. OCR may be moved to a different agency and its staffing and priorities may be changed due to the dismantling of ED and would result in the loss of necessary oversight and accountability.
- ED announces policy interpretations on IDEA, Section 504, and other federal laws. These policy interpretations do not have the force or effect of law but serve to indicate the agency's approach to understating and implementing those laws. Recent policy interpretations stand to reduce and not protect disability rights.
- Congress has proposed legislation to move IDEA oversight to the Department of Health and Human Services (HHS), which promotes the medical model of disability, thus, opening the door to stigmatizing, segregating, and "othering" children with disabilities instead of supporting and recognizing the natural experience of having a disability.

Impact on Students with Disabilities

- Due to the proposed elimination of Department of Education funding, there will be immense staffing and support reductions. These reductions will cause students with disabilities to experience more formal and informal school removals, restraint and seclusion in school, referrals to law enforcement or psychiatric settings, inability to access general education settings and instruction, and being placed in more restrictive settings with only other students with disabilities. They are also more likely to be placed on shortened school days and

be unable to access regular activities such as extra-curricular and non-academic options with their non-disabled peers.

- The dismantling of ED will also have long term negative impacts for students with disabilities. These impacts will come in the form of:
 - States and school districts losing funding or having delayed access to funding to recruit, train, hire, and retain educators.
 - The educator labor shortage will likely increase and students with disabilities will not have access to services, supports, reasonable accommodations, and/or adequate staffing that is necessary to meet their individual needs and legal requirements of IDEA and other laws.
 - Other longer term negative impacts could include slowing or ending research on ways to support students with disabilities, changes to review and enforcement of disability discrimination claims, and in states and schools receiving less guidance and support in the administration of IDEA funds.
- There will likely be short term effects as well. With less federal support, parents may seek non-public options. There is an Executive Order and proposed legislation to dramatically increase the funding and access to private school vouchers. However, students with disabilities are largely unable to access private school options because private schools do not need to comply with IDEA unless they receive federal funds and there are fewer disability discrimination protections available to parentally placed students with disabilities.

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The National Disability Rights Network (NDRN) is the nonprofit membership organization for the federally mandated Protection and Advocacy (P&A) Systems and the Client Assistance Programs (CAP) for individuals with disabilities. Collectively, the Network is the largest provider of legally based advocacy services to people with disabilities in the United States.