

United States Senate

WASHINGTON, DC 20510

April 2, 2025

The Honorable Linda McMahon
Secretary
U.S. Department of Education
400 Maryland Avenue SW
Washington, D.C. 20202

Dear Secretary McMahon:

We write with deep concern regarding the Trump administration's recent actions to dismantle the U.S. Department of Education (the Department) and the impact this will have on students with disabilities and their families.

Shuttering the Department will cause immense harm to all students, and especially students with disabilities and their families who rely on federal funding for key special education services and support. There are approximately 9.5 million students with disabilities in the United States. The Department administers critical programs to support these students, such as those authorized by the Individuals with Disabilities Education Act (IDEA) and conducts vital oversight of federal civil rights laws including the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act, and the Civil Rights Act of 1964. 95 percent of students served under IDEA attend public schools,¹ and these 7.5 million students comprise 15 percent of the public school population.²

Over the years, the Department has developed specific expertise to deliver on the promise that children with disabilities will have equal and fair access to educational opportunity in the United States. Congress has promised to families that students with disabilities will have a free appropriate public education in the least restrictive environment and has specifically charged the Department of Education with making that promise real in the lives of students with disabilities. It administers programs that support employment outcomes, like the Vocational Rehabilitation Services program which supports jobseekers with disabilities in preparing for and succeeding at work, including for underserved communities such as Native Americans.³ Yet, on March 20th, President Trump signed an executive order directing the closure of the Department.⁴ This followed your decision earlier this month to move forward with a reduction in force plan that will critically damage your ability to fulfill your statutory duties to students with disabilities by eliminating nearly half of your workforce.⁵

It is essential to recognize the vital role the Department plays in safeguarding the rights of students with disabilities. We are concerned by President Trump's effort to transfer

¹ <https://nces.ed.gov/fastfacts/display.asp?id=59>

² <https://www.nea.org/nea-today/all-news-articles/how-dismantling-department-education-would-harm-students>

³ <https://rsa.ed.gov/about/programs/american-indian-vocational-rehabilitation-services>

⁴ <https://www.whitehouse.gov/presidential-actions/2025/03/improving-education-outcomes-by-empowering-parents-states-and-communities/>

⁵ <https://www.ed.gov/about/news/press-release/us-department-of-education-initiates-reduction-force>

implementation and oversight of special education to the Department of Health and Human Services (HHS),⁶ a move which you indicated you support during your confirmation hearing.⁷ The Department of Education has the statutory authority to implement and enforce IDEA. Without an act of Congress giving authority to HHS, this administration's attempts to shift IDEA responsibility to HHS will merely prevent the law from being enforced at all. The Senate report from 1979 on the creation of the Department of Education found that the "significant, but carefully restrained Federal role in education...is severely hampered by its burial in [The Department of Health, Education and Welfare]...its confusing lines of authority and administration, its fragmentation, and its obvious lack of direction."⁸ In other words, the Senate's findings in 1979 indicate that this department structure was inefficient and resulted in a lack of attention to public education. The Department of Education is the only agency with an existing institutional infrastructure and a staff of subject matter experts dedicated to ensuring equal educational opportunity for children and students with disabilities. More than this, disabled students deserve to be seen as and treated as the learners and scholars they are. Students with disabilities belong in classrooms alongside their nondisabled peers, and they deserve the accommodations and supports that enable them to thrive. Because of the Department of Education's specific expertise, it is best positioned to do the job well and efficiently. Transferring these authorities to HHS will not only overburden an agency already confronting massive workforce cuts orchestrated by this administration, but it will also stretch HHS beyond its expertise as medical, rather than educational, professionals.

We are alarmed by the potential consequences your proposed reassignment will have on the larger framework of education for students with disabilities. Prior to the passage of IDEA, only one in five children with disabilities were educated in schools, and more than 1.8 million children were systemically excluded from public school in the United States.⁹ Disabilities were seen as medical conditions to be treated and as a result, many children with disabilities were institutionalized rather than educated. We cannot risk regression to an outdated and dehumanizing perspective on disability, which prevented millions of children from accessing the inclusive public education they deserve. Our entire nation benefits when disabled people have equal access to a high-quality education that enables them to use their gifts and talents.

Additionally, the Trump administration instituted a one-month freeze on investigating discrimination complaints,¹⁰ an unprecedented decision even during a presidential transition. The Office for Civil Rights currently faces a backlog of 12,000 investigations, half of which involve students with disabilities. While the freeze was lifted February 20th for disability discrimination claims, we are concerned that the Department will still not have the capacity to process the backlog of 6,000 disability claims, as well as any incoming additional claims—especially

⁶ <https://www.k12dive.com/news/trump-mcmahon-special-education-move-to-hhs/743260/>

⁷ <https://www.disabilityscoop.com/2025/03/05/trump-education-secretary-confirmed-despite-special-ed-concerns/31332/>

⁸ <https://www.congress.gov/bill/96th-congress/senate-bill/210>

⁹ <https://sites.ed.gov/idea/IDEA-History>

¹⁰ <https://www.propublica.org/article/departament-education-civil-rights-investigations-disability-gender-race-discrimination>

considering the unjustified termination of dedicated public servants across the 12 regional divisions of the Office for Civil Rights.

While all disabled students are harmed when supports are taken away and barriers left unchecked, disabled students of color are harmed disproportionately relative to disabled white students and nondisabled students of color. Students of color are misidentified for special education – both improperly identified and improperly excluded from identification, overrepresented in restrictive placements (segregated from their nondisabled peers) and disciplined in school.¹¹ Because of cuts to the Office for Civil Rights, as well as undermining the administration of education programs such as Title I that serve low-income students (who are disproportionately of color), disabled students of color stand to suffer the greatest harms of your policy actions. The Department of Education’s irreplaceable role providing guardrails and enforcing laws has allowed progress towards the goal of equal opportunity in education. While the work is unfinished, we must move forward not backwards.

In a speech on March 3rd, you called for the elimination of “unnecessary bureaucracy” at the Department.¹² Yet, the Department has the smallest staff of any Cabinet-level agency while administering the third-largest discretionary budget. Prior to the recent firings, this number stood at 4,245 employees, including over 700 employees dedicated to addressing the needs of students with disabilities.¹³ More than 1,300 employees have since been fired, in addition to over 500 employees who have opted for separation packages. Indiscriminate firings of workers who are stewards of federal dollars appropriated by Congress with the mandate of ensuring equal access to education for all students does not eliminate “bureaucracy;” it merely impedes the Department’s ability to carry out its work on behalf of children. Indeed, following the recent reduction in force, a coalition of 20 state attorneys general filed a lawsuit arguing the layoffs are so severe the Department “can no longer function, and cannot comply with its statutory requirements.”¹⁴

We are also concerned about the combined efforts from the Department and the “Department of Government Efficiency” (DOGE) to slash \$900 million in education-related research and over \$600 million in educator preparation grants. These cuts will negatively impact critical research into best practices to support students with disabilities who have the shared dream of graduating high school and contributing to our economy.¹⁵ The cuts also result in the suspension of highly successful programs designed to address the special education teacher shortage which has been consistent over decades and negatively impacts the educational outcomes of students with disabilities. We cannot effectively serve students with disabilities or make informed policy decisions without quality information and highly qualified teachers.

¹¹ https://nclد.org/wp-content/uploads/2023/07/2020-NCLD-Disproportionality_Trends-and-Actions-for-Impact_FINAL-1.pdf

¹² <https://www.ed.gov/about/news/speech/secretary-mcmahon-our-departments-final-mission>

¹³ <https://www.npr.org/2025/01/31/nx-s1-5280417/federal-workers-workforce-facts-cuts;>
<https://www.ed.gov/sites/ed/files/about/overview/budget/budget25/justifications/bb-seoverview.pdf;>
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<https://www.ed.gov/sites/ed/files/about/overview/budget/budget25/justifications/dd-ocr.pdf>

¹⁴ <https://apnews.com/article/trump-education-department-lawsuit-layoffs-77708b838b11ce82e07d3bc012086f0f#>

¹⁵ <https://www.chalkbeat.org/2025/02/26/trump-doge-cuts-to-education-research-hit-classrooms-and-students/>

It is critical that students, parents, teachers, and schools have clear and accurate guidance in response to these recent actions to ensure and affirm the right of all students with disabilities to a free and appropriate public education.

We request that you respond to the following questions by no later than April 11, 2025.

1. Please provide a complete list of all terminated grants, contracts, or cooperative agreements that impact students with disabilities.
2. Please provide the guidance developed by the Department and DOGE to determine which grants, contracts, or cooperative agreements to cancel.
3. How many Department employees have been affected by the reduction in force who conduct essential functions pertaining to serving students with disabilities?
4. How many employees impacted by the reduction in force are involved in investigating civil rights complaints? Of those employees, how many were investigating disability discrimination cases?
5. How many employees impacted by the reduction in force are responsible for ensuring compliance with the requirements of the Individuals with Disabilities Education Act (IDEA)? How many employees in the Office of the General Counsel who focused on oversight of IDEA were impacted? What provisions have been made to ensure that oversight of that law continues?
6. As of January 20th, 2025, how many Department staff were employed in the Institute of Education Sciences' National Center for Special Education Research, and how many staff have been impacted by the Department's Reduction in Force (RIF) announced on March 11th, 2025?
7. Given the recent RIF and media reported cancellations of Institute of Education Sciences' routine activities,¹⁶ what is the Department's plan to carry out special education research, including the statutorily required scientific peer-review for research grants awarded by National Center for Special Education Research?
8. What, if any, criteria are the Department of Education using to determine which employees and divisions to cut or eliminate?
9. What is your plan to ensure that all statutory obligations to students with disabilities are properly delivered in light of recent executive actions?
10. Do you commit to the timely investigation of all disability-based discrimination complaints received by the Office for Civil Rights?
11. What evidence do you have that indicates transferring existing programs to other agencies will be more efficient and improve outcomes for students with disabilities?

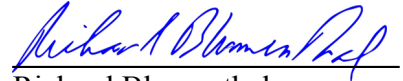
¹⁶ <https://www.insidehighered.com/news/faculty-issues/research/2025/02/12/900m-institute-education-sciences-contracts-axed>

12. How will the Department continue to monitor compliance with the significant disproportionality requirement of the Individuals with Disabilities Education Act (IDEA) and its implementing regulation? How will cuts to OCR, OSERS, and OESE affect the Department's ability to ensure students are protected from discrimination based on disability and race?

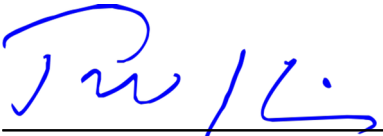
Sincerely,




Lisa Blunt Rochester
United States Senator



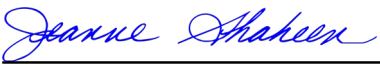
Richard Blumenthal
United States Senator



Tim Kaine
United States Senator



Richard J. Durbin
United States Senator



Jeanne Shaheen
United States Senator



Christopher A. Coons
United States Senator



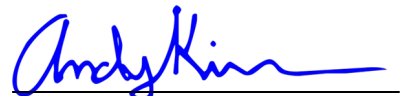
Margaret Wood Hassan
United States Senator



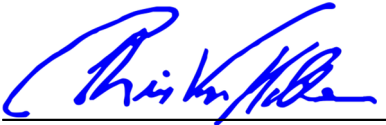
Bernard Sanders
United States Senator



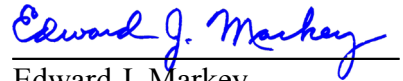
Martin Heinrich
United States Senator



Andy Kim
United States Senator



Chris Van Hollen
United States Senator



Edward J. Markey
United States Senator



Elizabeth Warren
United States Senator



Jack Reed
United States Senator



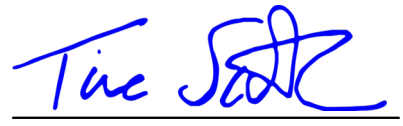
Mazie K. Hirono
United States Senator



Amy Klobuchar
United States Senator



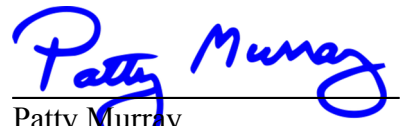
Angela Alsobrooks
United States Senator



Tina Smith
United States Senator



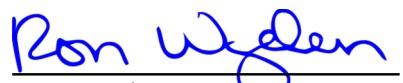
Jeffrey A. Merkley
United States Senator



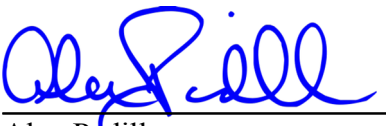
Patty Murray
United States Senator



Mark R. Warner
United States Senator



Ron Wyden
United States Senator



Alex Padilla
United States Senator