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Position Statement on Keeping Special Education Within the U.S. Department of Education

The transfer of federal oversight for special education from the U.S. Department of Education to the U.S. Department of Health and Human Services should be rejected because of the harm it will do to the unique civil rights protections afforded students with disabilities under the Individuals with Disabilities Education Act (IDEA). Special education is fundamentally an education and civil rights responsibility, and students with disabilities are best served when the Individuals with Disabilities Education Act (IDEA) is administered within the same federal department responsible for public education policy, school accountability, and student access to a free appropriate public education.

This proposed move raises serious concerns about fragmentation of services, weakened accountability, and unnecessary disruption for students, families, and schools. Advocacy organizations and policy experts have warned that separating special education from general education oversight would undermine coordination between IDEA implementation and the broader educational systems in which students learn, reducing the federal government's ability to support inclusive schooling and to ensure coherent and coordinated state guidance.

Moving special education oversight to HHS also risks shifting the framework from an educational and civil rights model to a more medicalized model of disability. That change would conflict with the long-standing purpose of federal special education law, which is to ensure access, participation, individualized supports, and meaningful educational benefit in school settings rather than to treat disability primarily as a health condition.

The U.S. Department of Education has the institutional expertise, statutory role, and established relationships with state education agencies, school districts, and families that are necessary to implement IDEA effectively. Stakeholders opposing earlier transfer proposals argued that moving these responsibilities to another department would create confusion, administrative inefficiencies, and delays in guidance, monitoring, and enforcement at a time when students with disabilities need stronger—not weaker—federal protections.

Keeping special education within the Department of Education preserves alignment among curriculum, accountability, inclusion, teacher preparation, dispute resolution, and civil rights enforcement. It affirms that students with disabilities are students first, and that their rights should remain embedded within the nation's education system rather than separated from it.

For these reasons, the USU Institute for Disability Research, Policy & Practice opposes any effort to transfer special education oversight from the U.S. Department of Education to the U.S. Department of Health and Human Services. Federal policy should strengthen educational opportunity, continuity of services, and civil rights accountability for students with disabilities by keeping special education where it belongs: within the U.S. Department of Education.