



## NATIONAL CENTER

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March 16, 2026

Russell Vought  
Director of the Office of  
Management and Budget  
1600 Pennsylvania Ave. NW  
Washington, DC 20500

Anne DeCesaro  
Associate Director for Education, Income  
Maintenance, and Labor  
725 17th Street, NW  
Washington, DC 20503

RE: Opposition to Transferring the Office of Special Education and Rehabilitative Services from the Department of Education

Dear Director Vought and Associate Director DeCesaro:

On behalf of the National Down Syndrome Congress, we write to express strong opposition to the interagency agreements (IAAs) that have transferred U.S. Department of Education (ED) programs to other agencies. We are especially concerned about and opposed to transferring the Office of Special Education and Rehabilitative Services (OSERS) that includes the Office of Special Education Programs (OSEP) and the Rehabilitation Services Administration (RSA).

These transfers undermine clear congressional intent and raise serious legal concerns. Congress has repeatedly stated through the bipartisan appropriations process that the Department of Education does not have authority to transfer its fundamental responsibilities under numerous authorizing and appropriations laws.<sup>1</sup> Statutes including the Department of Education Organization Act,<sup>2</sup> the Individuals with Disabilities Education Act (IDEA),<sup>3</sup> and the Workforce Innovation and Opportunity Act (WIOA)<sup>4</sup> place these offices within the Department of Education. Moving them elsewhere effectively dismantles key statutory functions of the Department.

Beyond these legal issues, relocating OSERS—particularly to the U.S. Department of Health and Human Services (HHS)—would be harmful to children, youth, and adults with disabilities.

First, special education is fundamentally an education right, not a medical service. IDEA guarantees students with disabilities the right to a free appropriate public education and ensures their inclusion in the nation's education system. Moving IDEA oversight from an education agency to a health agency risks reviving an outdated medical model of disability, which treats students as patients needing to be "cured" and undermines the law's core civil rights framework.

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<sup>1</sup> Explanatory Statement regarding H.R. 7148 Consolidated Appropriations Act, 2026

<sup>2</sup> 20 U.S.C. 3401, et seq.

<sup>3</sup> 20 U.S.C. 1400, et seq.

<sup>4</sup> 29 U.S.C. 3101, et seq.

Second, transferring OSERS would fragment federal education policy and weaken coordination between special education and general education programs. Students who receive special education services are general education students first. States and school districts rely on integrated policy guidance, technical assistance, and oversight from the Department of Education to effectively serve students with disabilities. OSEP and the Office of Elementary and Secondary Education (OESE) need to be kept together.

Third, moving RSA to HHS would disrupt the longstanding connection between education and workforce preparation. The vocational rehabilitation system administered by RSA is closely aligned with education programs, particularly vocational transition services under IDEA and WIOA that help students with disabilities move from school to employment. Relocating RSA to a health-focused agency would weaken this alignment and risk shifting vocational rehabilitation toward a medical or social services framework rather than its intended employment and independence mission.

Finally, placing OSERS within the vast health bureaucracy of HHS would dilute the visibility and policy focus needed to effectively administer and provide oversight for complex education and employment programs. For decades, state education agencies, vocational rehabilitation agencies, families, and educators have worked directly with the Department of Education to implement these programs. Disrupting these relationships would create unnecessary confusion and administrative burden.

For these reasons, we strongly urge the Office of Management and Budget not to approve any interagency agreement transferring OSERS out of the Department of Education and to reverse those IAAs already implemented.

We would welcome the opportunity to discuss these concerns further.

Sincerely,



Heather Sachs, J.D.

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Cc: Senate Majority and Minority Leaders

House Speaker and Minority Leader

Chair and Vice Chair of Senate Appropriations Committee

Chair and Ranking Member of House Appropriations Committee

Chair and Ranking Member of Senate Committee on Health, Education, Labor and Pensions

Chair and Ranking Member of House Committee on Education and Workforce