

July 13, 2026

Dear Chair Aderholt, Ranking Member DeLauro, Chair Capito, and Ranking Member Baldwin, Chair Cassidy, Ranking Member Sanders, Chair Walberg, and Ranking Member Scott:

The undersigned former officials responsible for the implementation of the Individuals with Disabilities Education Act (IDEA) under Republican and Democratic administrations wrote to the House and Senate Appropriations Committees in July 2025 to urge the committees to reject recommendations made by the Administration to block grant (and eliminate) IDEA Part B preschool (ages 3-5) and IDEA Part D National Activities funds. We deeply appreciate the bipartisan support for rejecting this proposal and retaining preschool funding and IDEA Part D National Activities.

In our letter we respectfully requested that Congress not allow the administration to eliminate the department or move offices within ED to other departments. We are writing to you now to urge immediate congressional action in response to the Administration's decision to transfer the functions of the Office of Special Education and Rehabilitative Services (OSERS), which includes the Office of Special Education Programs (OSEP) and the Rehabilitation Services Administration (RSA), to the Department of Health and Human Services (HHS). It has been our honor to serve a combined total of over 50 years overseeing the implementation of special education. Some of us were also responsible for the implementation of vocational rehabilitation.

In our previous letter, we warned that proposals to relocate IDEA's federal infrastructure outside the Department of Education would have a detrimental impact on students with disabilities, their families, and the educators who serve them. That warning about relocation has now become reality—for both special education and vocational rehabilitation. The Office of Elementary and Secondary Education has also been moved to the Department of Labor and education programs have been scattered to six departments.

The announcement to move OSERS to HHS was made through interagency agreements, not through legislation, and not through Congress. IDEA and the Rehabilitation Act assign these functions to the Department of Education by statute. An interagency agreement cannot lawfully substitute for an act of Congress, and it should not be allowed to stand as one.

This action follows the October 2025 reduction in force that left OSERS, including OSEP and RSA, with only a handful of remaining staff to oversee a law that protects more than 7.5 million students with disabilities nationwide, along with the early intervention services that support infants and toddlers, and the vocational rehabilitation services that support youth and adults with disabilities transitioning to employment.

- This move dismantles, rather than relocates, the federal infrastructure built over five decades to ensure consistent, nationwide implementation of IDEA: monitoring of state

compliance, technical assistance to states and districts, and personnel preparation for the special education workforce.

- Special education is built on an educational model: a child with a disability belongs in a classroom, learning alongside peers, with the right supports. HHS operates from a health model. Moving IDEA's implementation into a health agency risks substituting medical management for educational access.
- States have not requested this change, and many lack the staff, expertise, or infrastructure to deal with multiple federal agencies on education matters and to absorb functions that have depended for decades on a dedicated federal office with deep institutional knowledge of special education law and longstanding relationships with state special education directors.
- The technical assistance network that supports states, districts, educators, and families, including the Parent Training and Information Centers, the Center on Positive Behavioral Interventions and Supports, and dozens of other federally funded centers, has already been destabilized by terminated and non-continued grants and stands to be further eliminated or orphaned by this transfer.

We respectfully and urgently request that you:

1. Require the Administration to reverse the interagency agreements transferring OSERS, OSEP, and RSA functions to HHS.
2. Direct the Department of Education to restore OSERS staffing to levels sufficient to carry out the monitoring, technical assistance, and enforcement responsibilities required by statute.
3. Hold oversight hearings to reaffirm that only Congress has the authority to relocate functions established by federal statute, and to examine the legal basis for these interagency agreements.

IDEA has enjoyed bipartisan support for fifty years and every administration has recognized that students with disabilities deserve consistent, dedicated federal oversight. We urge you to act now, before further damage is done to the systems and protections that make a free, appropriate public education possible for every child with a disability in this country.

Thank you for your attention to this urgent matter. For additional information, please contact Stephanie Smith Lee, Policy & Advocacy Co-Director, National Down Syndrome Congress, at Stephanie@ndsccenter.org.

Sincerely,

Administration of President Joe Biden

Glenna Wright-Gallo, Assistant Secretary, Office of Special Education and Rehabilitative Services

Katy Neas, Deputy Assistant Secretary, Office of Special Education and Rehabilitative Services, and Acting Assistant Secretary, Office of Special Education and Rehabilitative Services

Valerie C. Williams, Director, Office of Special Education Programs

First Administration of President Donald Trump

Laurie VanderPloeg, Director, Office of Special Education Programs

Administration of President Barack Obama

Alexa Posny, Assistant Secretary, Office of Special Education and Rehabilitative Services

Michael Yudin, Assistant Secretary, Office of Special Education and Rehabilitative Services

Sue Swenson, Deputy Assistant Secretary, Office of Special Education and Rehabilitative Services, and Acting Assistant Secretary, Office of Special Education and Rehabilitative Services

Administration of President George W. Bush

Robert Pasternack, Assistant Secretary, Office of Special Education and Rehabilitative Services

Stephanie Smith Lee, Director, Office of Special Education Programs
Alexa Posny, Director, Office of Special Education Programs

Administration of President William Clinton

Kenneth R. Warlick, Director, Office of Special Education Programs

Administration of President Ronald Reagan

Madeleine C. Will, Assistant Secretary, Office of Special Education and Rehabilitative Services

Tom Bellamy, Director, Office of Special Education Programs

Administration of President Jimmy Carter

Edwin W. Martin, Jr., Assistant Secretary, Office of Special Education and Rehabilitative Services (OSERS)

Administrations of Presidents Nixon, Ford, and Carter

Edwin W. Martin, Jr., Director, Bureau of Education for the Handicapped (precursor to Office of Special Education Programs)

Cc: House and Senate Appropriations Committee members, Senate Committee on Health, Education, Labor, and Pensions members, House Education & Workforce Committee members