

Frequently Asked Questions: What's Happening at the Office of Special Education Programs (OSEP) and What It Means for Students with Disabilities

Authored by Stephanie Smith Lee and Heather Sachs, NDSC Policy & Advocacy Co-Directors
with Micah Rothkopf, NDSC Policy & Advocacy Assistant

What is OSEP and why does it matter?

OSEP stands for the **Office of Special Education Programs**¹ and is part of the U.S. Department of Education. OSEP oversees the federal law known as **IDEA – the Individuals with Disabilities Education Act**, which protects the rights of students with disabilities to have a free appropriate public education (FAPE) in the least restrictive environment.² For more information about IDEA, please see NDSC's explainer entitled, "[Why Protecting IDEA and the U.S. Department of Education is Essential for Students with Disabilities](#)."³

OSEP's responsibilities include distributing Congressionally approved IDEA funds to states for early intervention services for infants and toddlers, preschoolers, and students with disabilities and monitoring the states to ensure they comply with the law.⁴ According to the most recent federal data, 8.4 million infants, toddlers, children, and youth with disabilities in the United States were identified and served under IDEA during the 2022–2023 school year.⁵ Another important function is implementing essential Part D grant programs, such as Parent Training and Information Centers in every state⁶ and teacher training initiatives. The Office is essential for administering technical assistance to states, schools, students, and families through state and local information hubs, including the National Center on Inclusion Toward Rightful Presence (which provides resources on inclusive education for students with intellectual disabilities),⁷ Educational Technology and Accessible Media and Materials Centers,⁸ and Technical Assistance on State Data Collection Centers.⁹

There are many acronyms for various offices within the Department of Education, which can be confusing. Some other offices within the Department that play important roles for students and adults with disabilities are the [Rehabilitation Services Administration](#) (RSA), [Office of Elementary and Secondary Education](#) (OESE), [Office of Civil Rights](#)

(OCR), and [Office of Postsecondary Education](#) (OPE). For more information about each office, see the appendix at the end of this document.

What recently happened to OSEP and other offices at the Department of Education?

On October 10, 2025, the Administration informed approximately 95% of OSEP staff¹⁰ that their jobs will be eliminated within 60 days through a Reduction in Force (RIF), which is a permanent layoff process used by federal agencies.^{11,12} Additional key offices within the Department that are critically important for students with disabilities have been gutted, including the RSA, OCR, OESE¹³ as well as OPE.¹⁴ Unless reversed, these RIFs will become permanent by December 9, 2025.¹⁵ According to multiple laid off staff, employees were shut out of their government email and computers and are not allowed to work.

Lawsuits have been filed by government workers' unions seeking to overturn firings during the government shutdown.¹⁶ On October 15, 2025, U.S. District Judge Susan Illston granted a temporary restraining order against the Administration, freezing the firings.¹⁷ It is certain that the Administration will appeal this decision and there is a probability that the case will ultimately be heard by the Supreme Court.¹⁸ The Supreme Court has formerly allowed the Administration to successfully appeal bans on firings in the Department of Education and proceed to make RIFs permanent, but those cases didn't involve the complexity of a government shutdown.¹⁹ The next ruling in this case is expected in a few weeks. In the meantime, most work at OSEP and the other offices has stopped.

Is the government shutdown the reason for these firings?

No. The Administration is saying that these firings were necessary because of the government shutdown.²⁰ Actually, government shutdowns cause temporary work pauses (or "furloughs"²¹), not permanent firings.²²

Is the Administration trying to close down the Department of Education?

Yes. From the beginning of its term, the current Administration has taken major steps to attempt to close the U.S. Department of Education, led by Secretary Linda McMahon. In March 2025, President Trump signed an Executive Order directing Secretary McMahon to “facilitate the closure of the Department of Education and return authority over education to the States and local communities”²³ and then initiated its first set of firings that impacted nearly 50% of the Department’s workforce.²⁴ In her confirmation hearing²⁵ and in media coverage,²⁶ Secretary McMahon has spoken about her intent to reduce the Department of Education and send certain offices to other federal agencies, including sending OSEP to the Department of Health & Human Services (HHS).²⁷

Dismantling the Department of Education was well underway prior to the government shutdown. While the Administration has been clear about its intent to close the Department, Congress would have to change or abolish the federal law that established the Department of Education²⁸ in order to go along with that plan. While the Secretary cannot legally abolish the Department without Congressional legislation, the Department is effectively being dismantled by firing so many staff.

Does this mean IDEA is repealed?

No. The Individuals with Disabilities Education Act (IDEA) is still federal law.²⁹ Schools are still required to provide a free appropriate public education (FAPE) in the least restrictive environment, follow each student’s Individualized Education Program (IEP), involve parents in decisions, and provide families with due process and procedural safeguards. The law also directs the U.S. Department of Education to provide funding to states to help them meet the requirements of IDEA.

While IDEA itself is still in effect, the enforcement — the “teeth” behind those rights — is now in question because the office responsible for oversight has been gutted along with the other offices that serve children, youth and adults with disabilities. Presently, OSEP programs that support states, schools and families only have a few staff members left to oversee more than \$15 billion in grants to implement IDEA.³⁰

Will my child’s IEP still be valid?

Yes. Your child’s IEP is still a legally binding document and is protected under federal law (IDEA). Schools are legally required to provide a free appropriate public education (FAPE) in the least restrictive environment, regardless of staffing or funding cuts. In addition, students with IEPs are still entitled to appropriate evaluations, ancillary services, parent and student participation in the decision-making process (e.g., the right to disagree with a school’s decision, independent evaluations, and information in understandable language),³¹ early intervention services, and transition programs. Nothing about your legal rights has changed.³²

Teachers and providers must still deliver IEP services (e.g., speech therapy, occupational therapy, and physical therapy) according to the IEP. But over time, there will an indirect impact such as delays in how states handle complaints or due process cases,³³ fewer trainings and updated guidance for educators,³⁴ uneven compliance between states and districts,³⁵ and less accountability if schools cut corners.³⁶ Parents may face greater pushback against requests for IEP services from school districts.

If a district or state fails to follow the law or a child’s IEP, it could become harder to get problems corrected quickly. OSEP will not be there to enforce timelines or require corrective action from states. With very few staff members left, parents should expect longer delays in resolving their educational civil rights cases by the Office of Civil Rights, if their cases are handled at all and not just dismissed.

How will inclusive education be impacted?

Inclusive education (i.e., teaching students with disabilities alongside students without disabilities) relies on strong federal oversight, funding, and technical support. Without these guardrails and resources, states and districts may increase their usage of segregated settings, schools may lack training and capacity to implement inclusive practices, and families could face greater resistance in securing supports that facilitate inclusion.³⁷ The progress made toward early identification, academic achievement, and social inclusion for students with disabilities could stall or even reverse.³⁸ Access to updated resources on best practices for inclusive education, such as through the SWIFT Center, may become more difficult.³⁹

How will individual teachers and schools be impacted?

If the Department of Education is dismantled, teachers could face more challenges. The loss of federal training, technical assistance, and professional development would weaken support for training new and existing teachers and for providing evidence-based instruction, especially for students with disabilities.⁴⁰ As school districts adapt to increasingly tight budget constraints, teachers could face larger class sizes, fewer elective courses, and increased workloads, while schools may lose vital technical support and guidance in areas such as special education, compliance, and civil rights.⁴¹

Additionally, OSEP Part D grant programs that support technical assistance, teacher training, student inclusion, educational technology, and resources for students with disabilities, like blindness or deaf-blindness, will not have staff to manage and assist them or consider new grant applications. This means schools and teachers may not get the support and resources they need from these programs.

Why can't the states just do it?

The Administration has always been clear about its goal to abolish the Department of Education and "return authority over education to the States and local communities."⁴² States are likely to still receive IDEA funding from Congress, but there would be no more guardrails in place to ensure they follow IDEA or receive needed support. Students in some states could receive quality services while students in others may receive none. The vast differences in the way states interpret and implement IDEA was a key reason for the establishment of the Department of Education and OSEP when they were established half a century ago.^{43 44}

Critically, states have long been partners with OSEP in the provision of early intervention services and special education for children with disabilities. OSEP sets consistent national measures for state performance (called indicators) and regularly monitors every state's performance on these indicators, providing the only "outside check" to ensure states correct violations. These indicators are used to send annual determination letters to states, letting them know if they are meeting the requirements of IDEA or whether they need assistance or intervention.

Historically, and even in the present day, states have demonstrated a consistent need for support and

guidance from OSEP. In the 2025 Determination Letters on State Implementation of IDEA, 31 out of 50 states were reported to be in the "needs assistance" category relating to IDEA Part B.⁴⁵ If a state is classified in the "needs assistance" category for two or more consecutive years, the Department of Education must take enforcement actions. The success of these actions is dependent on OSEP monitoring the states and following through to make sure states comply with their Corrective Action Plans (CAPs).

What are some specific ways that OSEP has helped bring states into compliance with IDEA?

OSEP has stepped in with remedial plans when OSEP auditing has shown states to be out of compliance. Here are just a couple of examples:

New York

In 2014, OSEP found New York in violation of IDEA for failing to issue special education appeal decisions within the required 30 days. In response, OSEP required New York to submit a CAP with quarterly progress reports and implement new data-verifications and local monitoring systems. OSEP designated New York as "needs assistance" under IDEA Part B, prompting increased oversight and support. The state submitted a corrective work plan, and by April 2015, was expected to come into compliance, eliminating the need for a formal compliance agreement.⁴⁶ OSEP's oversight and monitoring were key to restoring compliance in that issue.

Then, in late 2023, OSEP found that New York failed to ensure timely evaluations, IEP development, and placements for preschool children with disabilities. Many students went months without services, and the state's data showed persistent noncompliance in early childhood timelines. OSEP continues to monitor New York's Part C early intervention program, identifying ongoing issues with timely service delivery, Individualized Family Service Plan (IFSP) accuracy, and equitable service access, and requiring New York to submit updated policies, show evidence of verification of corrections, and demonstrate full compliance in its early intervention system.⁴⁷

Texas

In Texas, OSEP and the U.S. Department of Education found multiple systemic violations of IDEA, most

notably a state-imposed limit that discouraged districts from identifying more than 8.5 % of students for special education.⁴⁸ Because of this cap, districts delayed evaluations, pushed students into Section 504 or Response to Intervention (RTI) paths instead of IDEA services, or failed to evaluate for dyslexia. OSEP's January 11, 2018 monitoring letter required the Texas Education Authority (TEA) to submit a corrective action plan to eliminate the cap and ensure compliance with IDEA's Child Find and FAPE mandates.⁴⁹ TEA submitted its CAP in April 2018 and continued to update OSEP on implementation.⁵⁰ In a 2021 OSEP letter, the agency acknowledged progress but cited incomplete compliance, imposing special grant conditions.⁵¹ By June 2025, OSEP determined that Texas had met required corrective actions and removed those conditions.⁵² However, OSEP continues to monitor Texas to ensure that reforms are sustained, that students previously denied services are appropriately identified and supported, and that systemic safeguards remain in place to prevent future violations.

There are countless other cases where OSEP has stepped in to take corrective action when it has found systemic violations of IDEA requirements within states. Without OSEP's monitoring, there will be no consistent way to assess a state's compliance with IDEA and force the state to take restorative action.

Should OSEP move to another agency like the U.S. Department of Health & Human Services?

No. Secretary McMahon and other policymakers have announced they plan to transfer IDEA oversight to the U.S. Department of Health & Human Services (HHS), which administers public health insurance (Medicaid and Medicare), ensures the safety of food, drugs, and medical devices, and oversees countless other healthcare programs, offices, and agencies.^{53 54}

Congress would have to amend the IDEA law in order for the Secretary to move oversight of IDEA to HHS or another agency. Such a move would undermine IDEA's core purpose as an education law, not a healthcare program. HHS lacks the structure and expertise to oversee K–12 education, and such a move would separate special education from general education, weaken school accountability, and shift focus away from teaching and learning toward medical or social services. At the Department of Education, OSEP collaborates with other offices focused on general

education, educational research, civil rights of students with disabilities, postsecondary education, and employment of persons with disabilities. This collaboration is essential to OSEP's mission to empower States, districts, and other organizations to meet the diverse needs of every student by providing leadership, technical assistance, and financial support. HHS, while skilled in health and human services, does not have the educational policy, accountability, or fiscal monitoring infrastructure needed to enforce IDEA's legal requirements. Education law specialists, program officers, and data analysts within OSEP are uniquely trained for this work; transferring these functions to HHS risks fragmentation, loss of institutional expertise, and reduced accountability to students and families.

The danger of moving OSEP to HHS is compounded by recent firings at HHS's Administration for Community Living (ACL)—the federal agency responsible for disability and aging programs.⁵⁵ As of October 2025, ACL has lost most of its policy and grant management staff through RIFs, leaving minimal capacity to absorb new education-related responsibilities. With severe understaffing at ACL and the near-elimination of OSEP's own workforce, neither agency would be equipped to monitor compliance or administer IDEA's more than \$15 billion in grants.

What was school like for students with disabilities and parents before IDEA and the U.S. Department of Education existed?

Before IDEA was passed in 1975 (originally called the Education for All Handicapped Children Act), only one in five children with disabilities was educated.⁵⁶ More than 1.75 million children with disabilities were excluded from public schools, mostly stuck at home or in institutions.⁵⁷ There were no IEPs, no rights to services, and no way for families to appeal decisions. Schools could legally refuse to enroll children with certain disabilities, as many states had laws in place to specifically exclude children who were deaf, blind, emotionally disturbed, or intellectually disabled or who were otherwise deemed "uneducable" or "untrainable."⁵⁸ Parents had no federal protections to ensure an appropriate education for their child.

IDEA changed that, guaranteeing every child with a disability the right to a free public education, to receive individualized supports, and to have parents involved in decision-making. In addition to the awareness of

the difficulties faced by children with disabilities, Congress cited three other factors that precipitated the enactment of IDEA as a federal civil rights law: (1) judicial decisions that found constitutional requirements for the education of children with disabilities, (2) the inability of states and localities to fund education for children with disabilities, and (3) potential long-term benefits of educating children with disabilities.⁵⁹ Without strong federal enforcement, there's a real risk of sliding backward toward unequal or inconsistent access to education.⁶⁰

What are “technical assistance” centers, and what happens to them now?

Under Part D, OSEP funds dozens of national Technical Assistance (TA) Centers—universities and nonprofits that help states, educators, and families carry out IDEA. These include centers like CADRE (dispute resolution),⁶¹ NCSI (state compliance),⁶² ECTA (early intervention),⁶³ IRIS (teacher training),⁶⁴ and the Center for Parent Information and Resources (family education).⁶⁵ These programs run on multi-year federal grants, so existing projects can continue for now, but if OSEP remains understaffed or defunded, new grants and renewals may be delayed or canceled, putting the future of these vital supports and training programs at risk. And there are no OSEP staff to ensure the funds are being used as intended or provide support to grantees.

OSEP also funds and oversees other Part D state personnel development, accessible technology, educational media and material grants, and Parent-Training and Information Centers and Community Parent Resource Centers.

What happens to the OSEP grant money?

Each year, OSEP distributes IDEA Part B and Part C formula grants to states to fund special education and early intervention services.⁶⁶ In Fiscal Year 2025 (FY25), OSEP awarded to the states \$14.6 billion for IDEA Part B and \$540 million for IDEA Part C.⁶⁷

The Part D discretionary grants described above are competitive awards to institutions of higher education, nonprofit organizations, technical assistance centers, and research entities.⁶⁸ In FY25, nearly \$300 million was awarded in discretionary grants.⁶⁹

The FY25 Parts C and B formula grants funds are already awarded and that funding is expected to continue. However, future FY26 funding for formula grants and the Part D discretionary grants will depend on appropriations by Congress. If no staff is in place to process payments or oversee compliance at OSEP, states could face delays or confusion. As a result of the recent OSEP firings, there is no one responsible for managing this critically important funding, overseeing its use, or disseminating funds for the next fiscal year.

Appendix of Department of Education Acronyms

- OSEP (explained above) is part of the [Office of Special Education and Rehabilitation Services \(OSERS\)](#), which is the larger office in the U.S. Department of Education that supports programs that serve people with disabilities from birth through adulthood. OSERS provides leadership, funding, and oversight to improve results for individuals with disabilities. It includes both OSEP and the Rehabilitation Services Administration (RSA).
- [Rehabilitation Services Administration \(RSA\)](#)
The Rehabilitation Services Administration (RSA) oversees vocational rehabilitation and independent living programs that help individuals with disabilities gain employment and live independently. It manages the State Vocational Rehabilitation Services (VR) Program—the largest program of its kind—serving over one million people with disabilities each year and supporting states in providing employment services that promote economic self-sufficiency and community inclusion.
- [Office of Elementary and Secondary Education \(OESE\)](#) focuses on K-12 education for all students, not just those with disabilities. It manages federal education programs that support states and districts to improve academic achievement, particularly for underserved students, including a focus on the academic achievement of students with disabilities.
- [Office of Civil Rights \(OCR\)](#) enforces federal civil rights laws that prohibit discrimination in education based on disability, race, color, national origin, sex, and age. It investigates complaints,



conducts compliance reviews, and issues policy guidance to ensure equal access to education and protect students' rights. It is the civil rights enforcement arm of the Department of Education.

· **Office of Postsecondary Education (OPE)** OPE works to strengthen the capacity of colleges and universities to promote reform, innovation and improvement in postsecondary education, promote and expand access to postsecondary education and increase college completion rates for America's students, and broaden global competencies that drive the economic success and competitiveness of our Nation. The National Coordinating Center and model programs for postsecondary students with intellectual disability are funded through OPE.

Together, all these offices are an integral part of the U.S. Department of Education and ensure access and opportunity for people with disabilities and their families. They have all been hit with massive staff layoffs.⁷⁰

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