

Congress of the United States
Washington, DC 20515

April 21, 2025

The Honorable Robert F. Kennedy, Jr.

Secretary

U.S. Department of Health and Human Services

200 Independence Ave SW

Washington, DC 20201

The Honorable Linda McMahon

Secretary

U.S. Department of Education

400 Maryland Avenue SW

Washington, DC 20202

Dear Secretary Kennedy and Secretary McMahon,

We write to express our strong opposition to President Trump's announcement that the administration will transfer the handling of special education-related funding and oversight responsibilities under the Individuals with Disabilities Education Act (IDEA) from the Department of Education to the Department of Health and Human Services (HHS). This proposed transfer lacks transparency and raises serious legal, practical, and ethical concerns.

Congress passed IDEA so children with disabilities across the United States could receive a free and appropriate public education. Congress charged the Office of Special Education Programs, within the Department of Education, with administering IDEA and ensuring the delivery of special education services nationwide. Shifting IDEA oversight to HHS without Congressional authorization violates the statutory structure and intent of IDEA and risks violation of both federal law and the rights of students with disabilities.¹ We urge the administration to reverse this misguided decision and preserve IDEA oversight within the Department of Education.

Additionally, this decision threatens to undermine decades of progress in supporting and educating students with disabilities. Congress established the Department of Education to strengthen the federal commitment to equal educational opportunity for every individual, and Congress created the Office of

¹ Dilworth, Jackie. "[Why Moving Idea to HHS Could Harm Students with Disabilities.](#)" The Arc, March 24, 2025.

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Special Education and Rehabilitative Services to administer IDEA and ensure that students with disabilities receive the education services they are entitled to under the IDEA.² In creating the department, Congress recognized our nation's need for specialized support and investment for all students – regardless of ability. The Department of Education is the only federal agency with the expertise, institutional knowledge, and established relationships with state and local education agencies to properly administer IDEA. Moving this responsibility to HHS without a clear plan or the infrastructure for oversight raises serious concerns about whether the federal government can continue to guarantee a free and appropriate public education for students with disabilities. This is not merely a bureaucratic reshuffle—it's a direct threat to the educational future of millions of students across the country.

Additionally and importantly, we are deeply alarmed by the potential consequences of reframing special education as a health and human services issue. Placing IDEA under HHS risks shifting the perception of students with disabilities from learners to patients – stigmatizing them and isolating them from the inclusive educational environments that federal law demands. We cannot allow this move to roll back decades of progress and redefine special education as a clinical issue instead of an educational right. IDEA and Section 504 of the Rehabilitation Act affirm that students with disabilities are first and foremost general education students, entitled to equal opportunities and the highest expectations.³

This proposed transition also comes amidst major reductions in workforce and resources at HHS. The department has already cut 20,000 public service jobs, about 25% of its employees, and has announced plans to gut numerous operating divisions, close regional offices, and eliminate essential functions.⁴ We are alarmed by the prospect of transferring one of the most sensitive and complex areas of educational oversight to an agency undergoing destabilizing restructuring and staff attrition.

We demand that the administration halt this transition immediately. We also request a detailed explanation of how this decision was made and what specific actions are being taken to protect the rights of students with disabilities.

We request answers to the following questions by May 21, 2025:

1. What department within HHS has been identified to assume responsibility for IDEA funding and oversight? How has this department been affected by the recent reduction in workforce and resources?

² Hogue, Henry B., and Rebecca R. Skinner. [“U.S. Department of Education: Background and Statutorily Established Officers, Positions, and Offices.”](#) Congressional Research Service, February 14, 2025.

³ Dragoo, Kyrie E., and Abigail A. Graber. [“The Rights of Students with Disabilities under the Idea, Section 504, and the Ada.”](#) Congressional Research Service, May 17, 2024.

⁴ Weber, Lauren, Dan Diamond, Joel Achenbach, Rachel Roubein, and Lena H. Sun. [“RFK Jr. Announces Big Cuts to Department of Health and Human Services - The Washington Post.”](#) The Washington Post, March 27, 2025.

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2. What systems has HHS implemented to guarantee that the full intent and legal obligations of IDEA are upheld, and that children with disabilities continue to receive a free and appropriate public education?
3. In light of its lack of existing infrastructure and expertise in this area, what concrete steps will HHS take to ensure that states and local education agencies receive the necessary support and guidance to comply with federal special education requirements?
4. Has the administration consulted with stakeholders, including disability rights advocates and special education professionals, regarding the proposed transfer? If so, how were those consultations conducted, and what concerns were raised?

As Members of Congress, we remain committed to protecting the rights of students with disabilities and upholding the integrity of special education across the nation. We demand that the administration and HHS uphold this same commitment.

We appreciate your attention to this matter and look forward to your prompt response.


Sincerely,



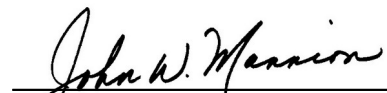
Mary Gay Scanlon
Member of Congress



Jared Huffman
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Rashida Tlaib
Member of Congress



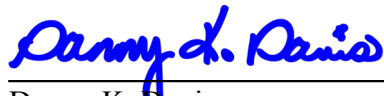
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Henry C. "Hank" Johnson, Jr.
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Betty McCollum
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Danny K. Davis
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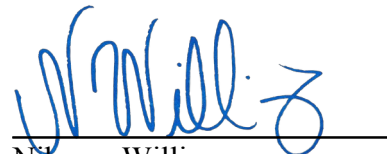
Dwight Evans
Member of Congress



Dina Titus
Member of Congress

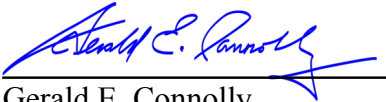


Chellie Pingree
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Nikema Williams
Member of Congress

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Gerald E. Connolly
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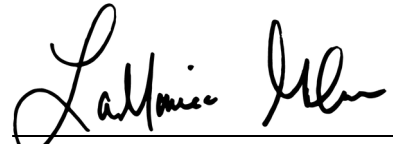
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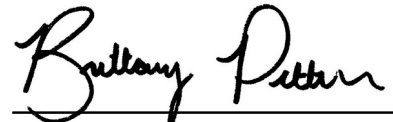
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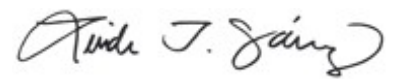
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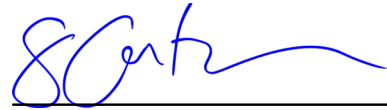


Linda T. Sanchez
Member of Congress

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Julia Brownley
Member of Congress



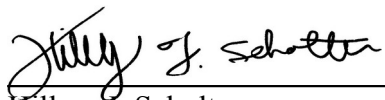
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Member of Congress



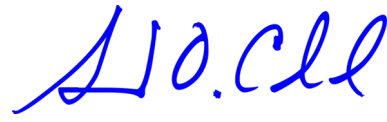
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Member of Congress



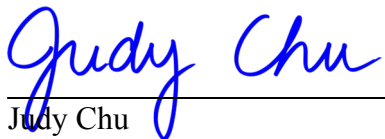
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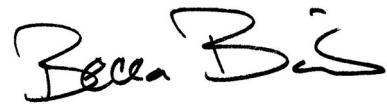
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Angie Craig
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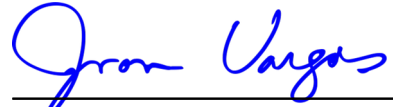


William R. Keating
Member of Congress

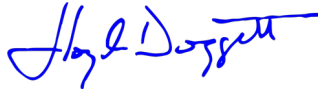
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