

# Congress of the United States

Washington, DC 20515

November 25, 2025

The Honorable Linda McMahon  
Secretary  
US Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

Dear Secretary McMahon:

We write to follow-up on our previous letter concerning reports<sup>1</sup> that the Department of Education (Department) is planning to transfer responsibility for administering federal special education programs under the Individuals with Disabilities Education Act (IDEA) to the U.S. Department of Health and Human Services (HHS). We request once again that you immediately halt any attempts to relocate IDEA, which violates congressional intent and threatens to further upend the lives of millions of students with disabilities and their families.

As we discussed in our April 21 letter, students with disabilities across the country rely on IDEA to access the free appropriate public education to which they are legally entitled. Shifting IDEA oversight to HHS without congressional authorization is not only illegal, but it also jeopardizes federal investments in and oversight over special education programs. The Department's recently announced plans to shift several offices to the Departments of Labor, Health and Human Services, and State only heightens our concern that the Department may likewise attempt to transfer the Office of Special Education and Rehabilitation Services (OSERS), which oversees special education programs, to HHS.<sup>2</sup>

Despite this Administration's previous attempt to eliminate nearly the entire staff at the OSERS,<sup>3</sup> the Department of Education remains the only federal agency with expertise, institutional knowledge, and established relationships with state and local education agencies to properly administer IDEA. We remain concerned that moving IDEA to HHS would improperly shift special education toward a medical model rather than an educational right.

Unfortunately, Deputy Assistant Secretary Diaz's May 15 response to our letter failed to adequately address our concerns and questions about your plans for IDEA. Given recent reports that conversations at the Department about transferring IDEA continue, we request that you provide a detailed response to the questions below by no later than December 22, 2025.

1. What steps has the Department taken towards transferring IDEA administration to another federal agency?
2. What statutory authority do you have to move IDEA programs to another agency?

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<sup>1</sup> <https://www.washingtonpost.com/education/2025/10/21/trump-special-education-move/>

<sup>2</sup> <https://www.ed.gov/about/news/press-release/us-department-of-education-announces-six-new-agency-partnerships-break-federal-bureaucracy>

<sup>3</sup> <https://www.k12dive.com/news/special-education-OSEP-OSERS-federal-rifs-Government-shutdown/802662/>

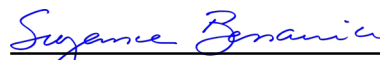
3. What evidence do you have that such a transfer will not negatively affect students with disabilities' access to a free appropriate public education?
4. If you were to move forward with a transfer despite lacking the necessary authority, what office within HHS would assume responsibility for IDEA?
5. What other programs within the Office of Special Education and Rehabilitative Services are the Department considering relocating, and what agencies and offices would receive those programs?
  - a. How has the staffing level in these offices changed since the beginning of this year?
6. Has HHS notified you that it will implement systems to guarantee that the full intent and legal obligations of IDEA are upheld?
7. Are you aware of any concrete steps that HHS will take to ensure that states and local education agencies receive the necessary support and guidance to comply with federal special education requirements? If so, what are those steps?
8. Has the Administration consulted with stakeholders, including disability rights advocates and special education professionals, regarding this transfer? If so, how were those consultations conducted, and what concerns were raised?

We remain strongly opposed to efforts to transfer IDEA to HHS and urge you to properly consider the effects this change will have on millions of students with disabilities and their families.

Sincerely,



Mary Gay Scanlon  
Member of Congress



Suzanne Bonamici  
Member of Congress



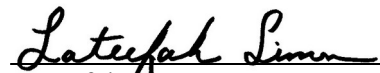
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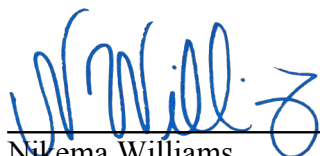
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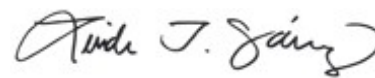
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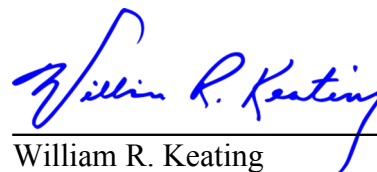
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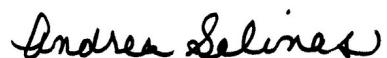
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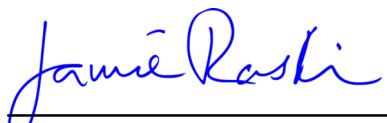
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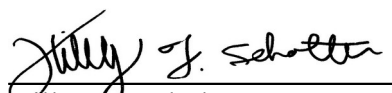
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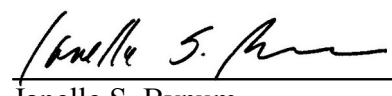



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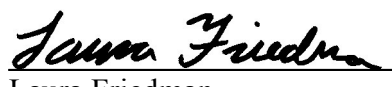
  
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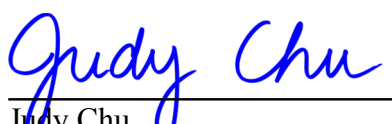
  
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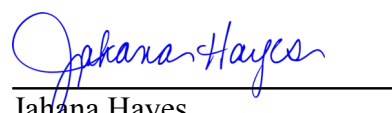
  
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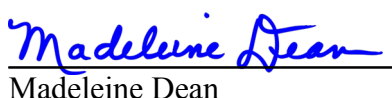
  
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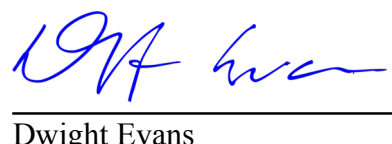
  
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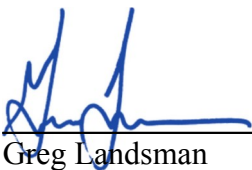
  
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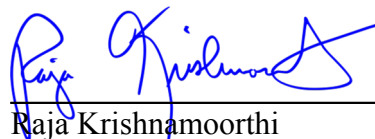
  
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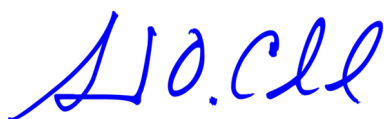
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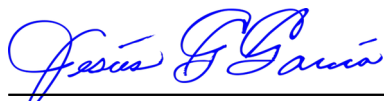
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Jesús G. "Chuy" García  
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