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The Future of Special Education Under HHS: Implications for Students with Disabilities

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In a sweeping and controversial move, the Trump administration has proposed dismantling the US Department of Education and transferring oversight of special education to the Department of Health and Human Services (HHS). This shift, outlined in a March 2025 executive order, raises serious concerns among educators, families, and disability advocates regarding the continuity and quality of services for students with disabilities.

A Structural Overhaul

Under the proposed plan, all functions of the Department of Education would be redistributed. Special education programs governed by the Individuals with Disabilities Education Act (IDEA) would be moved to HHS, while the Small Business Administration would assume control of the federal student loan portfolio. Enforcement responsibilities, particularly those related to civil rights, are expected to transition to the Department of Justice (Vox, 2025). The proposal aligns with a broader initiative to reduce federal involvement in education and shift responsibilities to state and local authorities. While proponents argue that this streamlining will reduce bureaucracy, critics warn it could disrupt educational access and protections for vulnerable populations.

Potential Disruption of Critical Services

The Department of Education has long served as the federal agency responsible for ensuring that students with disabilities receive free and appropriate public education. By transferring oversight to HHS, an agency primarily focused on healthcare rather than education, there are concerns that critical services

like speech therapy, behavioral supports, and individualized instruction could be compromised (Vox, 2025).

Potential Reduced Oversight and Legal Safeguards

Another major concern is the weakening of oversight and enforcement mechanisms. The Department of Education's Office for Civil Rights currently plays a proactive role in ensuring compliance with anti-discrimination laws, including Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act. If these responsibilities are moved to the Department of Justice, enforcement could shift toward a more reactive and litigation-based model, potentially leaving students and families without timely recourse (Wikipedia, 2025).

Ongoing Funding and Resource Constraints

Simultaneously, proposed budget cuts to disability-related services compound the risks. Reports suggest that upcoming federal budget proposals may reduce allocations for special education and related supports. Such cuts, combined with administrative restructuring, could result in fewer resources for students who require intensive and individualized interventions (The Guardian, 2025).

Advocacy and Legislative Response

In response to the proposal, more than 40 disability rights organizations and 23 Democratic senators have issued formal statements opposing the dismantling of the Department of Education. These groups emphasize the importance of maintaining a centralized agency focused on upholding the rights of students

with disabilities and ensuring compliance with federal law (Disability Scoop, 2025). Legal and legislative hurdles also remain. Because the Department of Education was established by an act of Congress, its dismantling requires congressional approval. With a narrowly divided legislature, the proposal's future remains uncertain.

Next Steps...

The proposed shift of special education oversight to the Department of Health and Human Services represents a fundamental change in the federal role in education. While the long-term outcomes of such a move are unknown, immediate concerns focus on the potential erosion of services, protections, and oversight mechanisms that are vital to students with disabilities. As this initiative unfolds, sustained advocacy, rigorous oversight, and informed policymaking will be essential to ensure that educational equity and legal protections for students with disabilities remain intact. I encourage you to take action and make your voice heard. To contact your representatives and advocate effectively for special education policy, you can follow these steps:

How to Contact Your Elected Representatives

Find Your Representatives

- **US House of Representatives:** <https://www.house.gov/representatives/find-your-representative>
- **US Senate:** <https://www.senate.gov/senators/senators-contact.htm>

**Enter your ZIP code or state to find their names, contact forms, phone numbers, and office addresses.*

Methods of Contact

- **Phone Call:** Call their Washington, D.C., or local district office. Be brief, polite, and specific.
- **Email or Online Form:** Most representatives have contact forms on their websites.
- **Letter:** A mailed letter to their D.C. or district office can be effective for formal advocacy.
- **Social Media:** Engage via Twitter/X, Facebook, or Instagram, tagging them and using hashtags (e.g., #ProtectIDEA, #SpecialEducationMatters). ■

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