

Research Evidence Against Dismantling the U.S. Education Department: How to Support Students with Disabilities

How the U.S. Education Department's Oversight Supports Students with Disabilities

A POLICY REVIEW

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Executive Summary

The Individuals with Disabilities Education Act (IDEA) is the cornerstone federal law that protects the educational rights of infants, toddlers, children, and youth with disabilities. Enacted in 1975, IDEA guarantees that eligible students receive a free appropriate public education (FAPE), tailored to their individual needs, and provided in the least restrictive environment (LRE). Today, IDEA serves millions of children nationwide, from birth through age 21, and is one of the largest and most important federal investments in K–12 education. IDEA is a federal grant program through which states receive funding in exchange for meeting legal requirements related to service delivery, fiscal management, data reporting, and the protection of students' and families' rights.

Federal oversight plays a central role in how IDEA functions in practice. Within the U.S. Department of Education (USED), the Office of Special Education Programs (OSEP), the

Office for Civil Rights (OCR), and the Institute of Education Sciences (IES) monitor compliance, enforce civil rights protections, evaluate program effectiveness, and collect critical data. Monitoring reports and evaluations consistently show that **many states struggle to meet IDEA requirements** on their own, particularly in areas such as dispute resolution, fiscal oversight, data quality, discipline practices, and the transition from early intervention to preschool services. **Federal monitoring has been a key driver of identifying these problems and prompting corrective action by states.**

Evidence from OSEP monitoring, IES studies, and Government Accountability Office (GAO) reports suggests that **without strong federal oversight, longstanding issues—such as delays in services, uneven enforcement of parental rights, shortages of qualified staff, and racial and ethnic disparities in identification and discipline—are unlikely to be addressed consistently across states.** GAO findings also show that while the Department of Education has generally acted on recommendations to improve IDEA administration, many necessary changes ultimately require Congressional action that has not yet occurred.

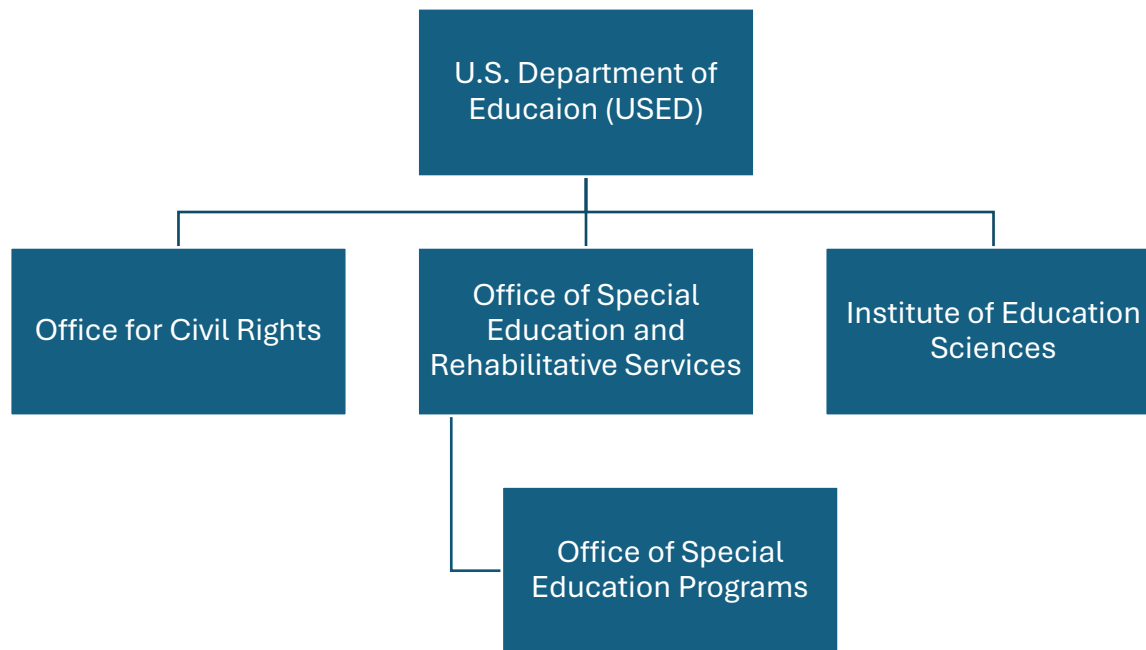
In short, **IDEA’s effectiveness depends not only on funding levels but also on federal standards, oversight, and enforcement.** The evidence reviewed in this document suggests that reducing federal monitoring or restructuring IDEA funding would likely increase variation across states, weaken protections for students with disabilities, and put service quality at risk—particularly for children with the greatest needs.

Current status of monitoring, evaluation and research related to IDEA

This section begins by providing the current structure of USED program monitoring and evaluation. Drawing on publicly available reports, we describe how these offices have been affected by recent policy changes and illuminate how the elimination of USED program monitoring and evaluation might affect program quality.

The Office of Special Education Programs (OSEP), Office for Civil Rights (OCR), and Institute of Education Sciences (IES) are all part of the current structure at USED involved in program monitoring, evaluation, and research related to IDEA programs.

Figure 1. U.S. Department of Education offices related to special education



The Office of Special Education Programs

OSEP is the office in USED most central to IDEA. According to USED’s [website](#):

OSEP monitors all IDEA Part C and B programs through its Differentiated Monitoring and Support 2.0 system (DMS.2.0). OSEP differentiates its approach for each state based on the state's unique strengths, progress, challenges, and needs. DMS 2.0 is a cyclical monitoring process that focuses on states' general supervision systems. OSEP will continue to provide support and technical assistance that is differentiated based on each state's needs. In addition to the States that are identified for monitoring in a given Cohort, OSEP also conducts targeted monitoring based on awareness of additional information that warrants exploration.

While the administration has not released a public regulatory proposal altering OSEP’s monitoring, during the 2025 government shutdown the administration issued reduction-in-force notices that substantially impacted OSEP. According to one [article](#), the National Association of State Directors of Special Education believed that “only the two most senior staff remain in OSEP.” The continuing resolution enacted on November 12, 2025, [reversed many of these layoffs](#). However, it only prohibited further reductions in force until January 30, 2026, so the future capacity of OSEP to continue its monitoring remains unclear. In an [interview](#) on January 14, 2026, an administration official said USED was “still evaluating the future of things like special education programs.”

The Office of Civil Rights

The Office for Civil Rights' Civil Rights Data Collection (OCR) plays a key role in USED's overall strategy for administering and enforcing the civil rights statutes. Since OCR includes educational programs and services data that are disaggregated by disability, it can serve as a resource for other offices within USED and for others who seek data on student opportunity and equity. Additionally, OCR investigates complaints, including complaints regarding services withheld from students with disabilities. For example:

...in April 2024, OCR resolved an investigation of allegations that the Apache Junction Unified School District in Colorado discriminated against students with emotional disabilities by requiring the students to earn points to attend non-academic services, including art, music, library, and physical education instruction.
[2024 Fiscal Year Annual Report - Report to The President and Secretary of Education](#)

As of January 12, 2026, OCR had 5,823 [open cases](#) related to disability discrimination – 4,776 at elementary-secondary schools and 1,047 at post-secondary institutions. Later that month, the GAO published a [report](#) on the estimated costs and savings for the reduction in force and restructuring of OCR. It found that the federal government may have paid as much as \$38 million for the salaries and benefits of OCR staff that were put on leave while other costs and savings have not been accounted for. Crucially, the GAO reported that OCR resolved about 7,000 of the over 9,000 complaints of alleged discrimination it received from March to September 2025. Of those resolved, about 90% were dismissed without further review.

Institute for Education Sciences

IES is the independent, non-partisan statistics, research, and evaluation arm of the USED. IES houses multiple centers, including the National Center for Special Education Research (NCSER), which funds and coordinates high-quality research on the specific challenges facing special education to improve the quality of education and opportunities for children and students with disabilities or at risk for disabilities.

IES was targeted for massive layoffs in March of 2025, reportedly leaving the department with fewer than 20 federal employees. Though NCSEER was one of only two offices that did not reduce staff, that does not mean that research and data collection on students with disabilities is unaffected. One month earlier, IES abruptly terminated about \$900 million in Congressionally approved grants for 89 federally funded research contracts. Among them was an evaluation of the effectiveness of extra services to help teens with disabilities transition from high school to college or work, which not only terminated the research project, but also ended the services. As stated by the Council of Parent Attorneys and Advocates, broader disruptions to data collections, survey programs, and other education research also implicates the ability of IES to “use...evidence based practices to support inclusion of students with disabilities in regular classes” and to provide “the full picture of the status of students with disabilities in America’s schools.”

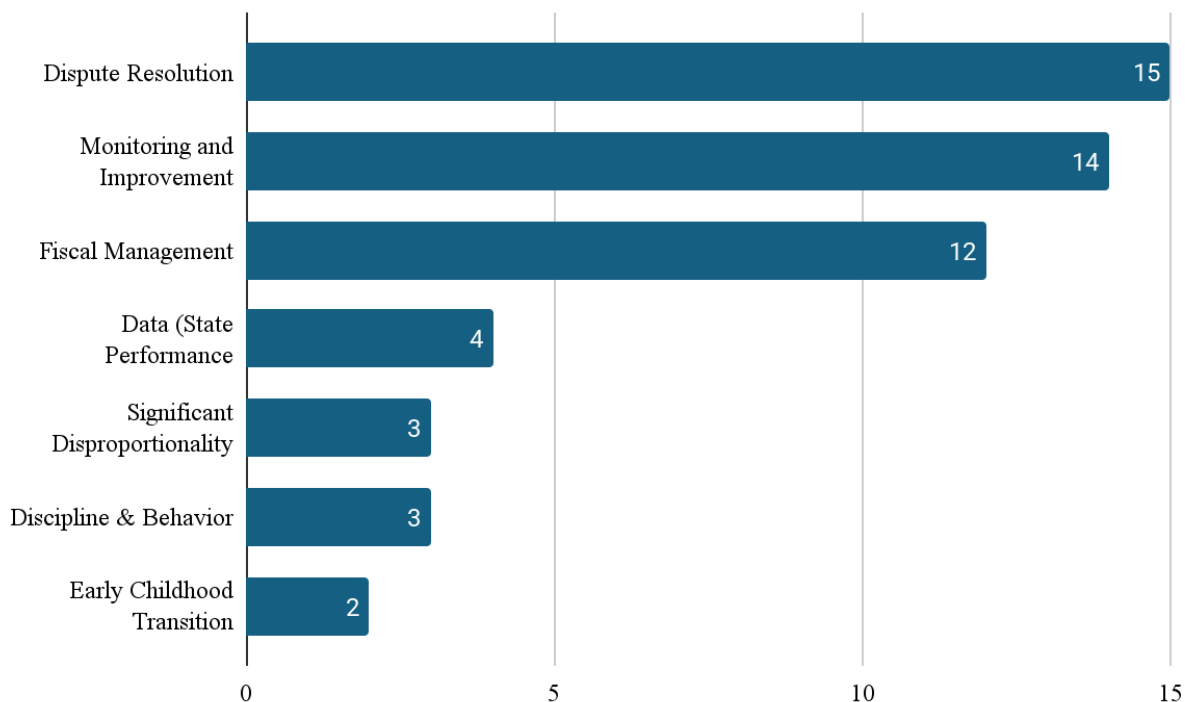
Program Monitoring Findings

In this section we provide a review of recent monitoring conducted by OSEP and GAO as it relates to IDEA and students with disabilities. This review summarizes: 1) the systemic failures in states’ implementation of IDEA that have been uncovered through OSEP’s progress monitoring reports, and 2) recent GAO recommendations to improve USED’s implementation of IDEA. This summary provides examples of the types of issues identified, both at the state and federal level, that might go unnoticed if oversight is reduced.

OSEP Progress Monitoring Reports

As of November 30, 2025, USED’s website listed OSEP IDEA Part B progress monitoring reports for 23 states and territories; four states were closed, leaving 19 states/territories with active progress monitoring reports. The reports, which span FY 2021 through FY 2025, provide a summary of program monitoring indicators along with actions required. Widespread failures across states suggest systemic challenges in their capacity to oversee and ensure quality special education services as mandated by federal law. In Figure 2, we provide a summary of how many states had open actions for IDEA Part B, by category.

Figure 2. Number of states with open actions under OSEP monitoring, by category



Source: [Differentiated Monitoring and Support \(DMS\) Reports](#).

Dispute Resolution

OSEP identified widespread failures across 15 states/territories in their implementation of IDEA Part B dispute resolution requirements, which are critical mechanisms for protecting the rights of students with disabilities and their families. The most common deficiency involved due process hearing procedures, with states having various problems, including failure to meet required timelines, inadequate hearing officer qualifications, and lack of mechanisms to ensure hearing decisions are implemented. State complaint procedures were similarly problematic, with issues ranging from inconsistent policies to failure to resolve complaints within the required 60-day timeframe. Additionally, seven states had mediation-related violations, including improper mediator selection processes and confidentiality requirements that violate federal regulations.

Several critical compliance failures appeared across multiple jurisdictions:

- Seven states **failed to ensure due process hearing decisions occurred within prescribed timeframes**. Even when families win hearings, they have no guarantee of timely relief.
- In six states, **model forms for filing complaints didn't meet federal requirements**, creating barriers for parents seeking to exercise their rights.
- In five states, procedural safeguards **notices failed to properly explain parents' rights** under IDEA.
- Four states had **problems with resolution meeting processes or timeline tracking** for the 30-day resolution period.
- In three states, **hearing officers lacked the required knowledge** and ability to conduct hearings according to legal standards.

Other recurring issues included policies that incorrectly identified who could file complaints (excluding state education agencies), improper confidentiality requirements for mediation that could discourage participation, and failure to provide remedies for denial of appropriate services.

Monitoring and Improving

OSEP identified significant compliance failures across 14 states/territories in their implementation and monitoring of IDEA Part B requirements for special education. **The most widespread problem is the lack of adequate supervision systems to identify noncompliance with IDEA** requirements in a timely manner. States also failed to verify and correct identified noncompliance promptly once discovered. These systemic failures mean states are not adequately ensuring that local education agencies (LEAs) are meeting their obligations to students with disabilities.

Beyond these monitoring failures, several other compliance issues appeared across multiple states:

- Five states **failed to properly notify LEAs about noncompliance** or didn't include required elements in their notifications.
- Four states had **problems with the annual process for evaluating LEA performance**, such as not considering required factors like compliance data, correction of noncompliance, and audit findings.
- Three states had **issues maintaining their State Advisory Panels (SAP)** with proper membership or allowing them to fulfill their duties.

Additional problems identified in individual states included failure to monitor certain types of LEAs (e.g., special education cooperatives), inadequate personnel qualifications for special education teachers, lack of documented monitoring procedures, and missing transition planning requirements.

Fiscal Management

OSEP identified significant fiscal management and subrecipient monitoring failures across 12 states in their administration of IDEA Part B funds. The most pervasive issue, affecting 11 of the states, was the failure to have a reasonably designed general supervision system for subrecipient monitoring and fiscal management that complies with federal regulations. This means **states lack adequate policies, procedures, and internal controls to ensure that federal special education funds are properly managed** and spent according to legal requirements. Additionally, 10 states failed to include all required information in their grant award notifications to local education agencies, with common omissions including subaward performance periods, federal award identification information, and Assistance Listings Numbers.

Beyond these core fiscal management failures, several other compliance issues emerged across multiple states. Three states lacked mechanisms to ensure correction of fiscal noncompliance identified through audits or monitoring: even when problems were discovered, there was no system to verify they were fixed. Two states had inadequate internal controls to provide reasonable assurance that IDEA funds were being managed in compliance with federal requirements. Individual state issues included Alaska's inability to track administrative costs, Colorado's failure to ensure correct calculation of proportionate share funding for parentally-placed private school children with disabilities, and Oregon's failure to inform subrecipients about carryover provisions under the Tydings Amendment. These widespread fiscal management deficiencies indicate that **many states lack the infrastructure necessary to properly oversee billions in federal special education dollars**, potentially compromising the delivery of services to students with disabilities and exposing states to audit findings and potential fund recovery actions.

Data

OSEP identified critical data collection and reporting failures across four states that compromise their ability to monitor compliance with IDEA Part B requirements and identify systemic problems affecting students with disabilities. These data system failures are particularly concerning because accurate data collection is fundamental to identifying discrimination, monitoring compliance, and ensuring that students with disabilities receive appropriate services and are not disproportionately subjected to disciplinary actions.

- Kansas had the most extensive data system failures, including an **inability to collect and report valid and reliable data**, failure to report annual suspension and expulsion rates by LEAs, and a flawed methodology that inflates student counts when calculating discipline risk ratios for students with disabilities.
- Mississippi similarly **failed to submit valid and reliable data** for their State Performance Plan/Annual Performance Report (SPP/APR), including specific deficiencies in reporting secondary transition requirements data.
- Idaho **lacked mechanisms to review policies** when significant discipline discrepancies occur for students with disabilities and couldn't determine whether disproportionate representation of racial and ethnic groups in special education was due to inappropriate identification.
- New Jersey **failed to establish a mechanism for collecting due process complaint data** as required by federal law.

Significant Disproportionality

OSEP identified failures in how three states monitor and address significant disproportionality, defined as the overrepresentation of students from specific racial and ethnic groups in special education identification, placement, and disciplinary actions. Such issues are concerning as they indicate the potential for discriminatory practices or systemic biases that result in inappropriate special education identification, more restrictive placements, and harsher disciplinary actions for students of color with disabilities, perpetuating educational inequities that IDEA was designed to prevent.

- Indiana had the most extensive violations, lacking a reasonably designed system to implement significant disproportionality requirements, failing to ensure that comprehensive coordinated early intervention services properly address the root causes of disproportionality, and having no reasonable standard for determining whether LEAs are making progress in reducing disparate outcomes.
- Idaho lacked mechanisms to determine whether significant disproportionality in identification, placement, or disciplinary removals was caused by non-compliant policies, practices, and procedures.
- South Carolina's policies regarding “reasonable progress flexibility”, which allows states to delay identifying LEAs with significant disproportionality if they show improvement, did not comply with federal requirements that limit this flexibility to LEAs that have failed to demonstrate progress for two consecutive years.

Discipline & Behavior

Three states (Indiana, Iowa, and Mississippi) were unable to demonstrate that they had implemented programmatic monitoring systems that comply with federal requirements for overseeing discipline-related issues and ensuring enforcement of IDEA protections. These monitoring failures are especially troubling given the well-documented disparities in disciplinary actions against students with disabilities, as without proper oversight systems, states cannot identify discriminatory practices, ensure students receive required procedural safeguards during disciplinary actions, or protect students from illegal removals that deny them access to their federally mandated educational services.

- Indiana **failed to review and revise policies** when LEAs showed significant discrepancies in long-term suspension and expulsion rates for students with IEPs, preventing the identification of systemic noncompliance as required for federal reporting.
- Iowa lacked a reasonably designed system to ensure LEAs implement IDEA discipline requirements and had **no policies or procedures to monitor informal removals** (a practice where students are removed from school without proper documentation or due process protections).

Early Childhood Transition

OSEP identified critical failures in Alaska and American Samoa regarding the transition of young children with disabilities from Part C early intervention services (birth to age 3) to Part B preschool programs (ages 3-5). Both **lacked reasonably designed general supervision systems to ensure smooth and effective transitions between these programs**, which is a fundamental requirement under IDEA to prevent service gaps for vulnerable young children with disabilities. Alaska had additional violations, including the **failure to ensure that all parents of potentially eligible children receive procedural safeguards notices**, which are essential documents explaining parents' rights under IDEA. These transition failures are particularly concerning because the period when children age out of early intervention at age 3 is a critical juncture where service interruptions can significantly impact developmental progress. Without proper systems to coordinate between Part C and Part B programs, ensure timely evaluations, develop IEPs before the third birthday, and inform parents of their rights, children with disabilities may experience harmful gaps in services during crucial early developmental years when interventions are most effective.

Government Accountability Office

Congress has tasked the U.S. Government Accountability Office (GAO) with overseeing USED's administration of IDEA. This section describes GAO reports related to IDEA, and makes note of recommendations and whether action was taken.

Federal Actions Needed to Ensure Parents Are Notified About Changes in Rights for Students with Disabilities ([GAO-18-94](#), November 2017)

GAO findings:

- No more than half of all schools participating in any type of voucher program mention students with disabilities anywhere on their websites.
- Private school choice programs inconsistently provide information on changes in rights and protections under IDEA when parents move a child with a disability from public to private school.

In response to GAO's recommendation, USED issued guidance entitled, "[Questions and Answers on Serving Children With Disabilities Placed by Their Parents in Private Schools](#)," in February 2022. GAO also recommended that Congress consider requiring that states notify parents/ guardians of changes in students' federal special education rights when a student with a disability is moved from public to private school by their parent(s). As of March 2024, Congress has not considered this matter.

Special Education: Varied State Criteria May Contribute to Differences in Percentages of Children Served ([GAO-19-348](#), April 2019)

GAO findings:

- Differences in states' eligibility criteria and the difficulty of identifying and evaluating some children suspected of having disabilities may contribute to differences in the percentages of children receiving special education services across states.
- School district officials in all four states GAO visited cited challenges in properly identifying and evaluating English Learner students, as districts do not always have staff who are conversant in a child's first language and skilled in distinguishing language proficiency from disabilities.

Special Education: IDEA Dispute Resolution Activity in Selected States Varied Based on School Districts' Characteristics ([GAO-20-22](#), December 2019)

GAO findings:

- In five selected states (MA, MI, NJ, OH, and PA) GAO reviewed, dispute resolution options varied across school districts with different socioeconomic and demographic characteristics.
- A greater proportion of very high-income school districts had dispute resolution activity as well as higher rates of dispute activity than very low-income districts in most of the five states.
- GAO also found that in most of these states, a smaller proportion of predominantly Black and/or Hispanic districts had dispute resolution activity compared to districts with fewer minority students; however, predominantly Black and/or Hispanic districts generally had higher rates of such activity.
- Technical assistance providers and others told GAO that parents used dispute resolution most often for issues related to school decisions about evaluations, placement, services and supports, and discipline of their children.

Special Education: Additional Data Could Help Early Intervention Programs Reach More Eligible Infants and Toddlers ([GAO-24-106019](#), October 2023).

GAO findings:

- When asked to name their top challenges serving eligible families, 48 states identified a lack of qualified service providers, and 23 cited staffing challenges at the state level.
- Of children referred for Part C services, only 73% were evaluated, with large racial/ethnic gaps in the proportion evaluated.

GAO recommended that USED encourage states to use existing data to maximize children's access to Part C services, and USED agreed. GAO also recommended Congress consider providing authority to USED to collect demographic data from states on children throughout the Part C process and require USED to use these data to better assist states to identify and rectify gaps in access to services. As of March 2024, no relevant legislation had been enacted.

Special Education: Education Needs School- and District-Level Data to Fully Assess Resources Available to Students with Disabilities ([GAO-24-106264](#), July 2024)

GAO findings:

- All 32 entities GAO visited said personnel shortages were a key obstacle to educating students with disabilities.
- Other obstacles cited by officials in most districts were insufficient time for professional development, challenges communicating with parents, and insufficient collaboration between general and special education staff.
- The snowball effect of these obstacles may result in some students not receiving needed education and services; officials said some students do not receive high-quality education, some receive delayed services, and some do not receive services at all.
- In the 2021–22 school year, just 20 percent of public-school students with disabilities attended a school having a social worker, school psychologist, school nurse, and counselor.
- Students with disabilities-to-staff ratios varied widely, from 9 to 1 in one state to 30 to 1 in another.
- Most data—such as the number of certain special education staff—are not available at the school level. These data gaps hinder USED's ability to assess the distribution of resources in its efforts to address a stated purpose of IDEA.

Education officials told GAO that, in general, they do not have the statutory authority to collect such data. GAO recommended that Congress consider granting USED authority under IDEA to collect school- and district-level data on special education and related resources, where feasible, to help USED fulfill its oversight responsibilities under the law. As of February 2025, this recommendation was still open.

K-12 Education: How States Identify English Learners, Including Those with Disabilities ([GAO-24-107376](#), May 2024)

In this report, GAO found that 41 states reported providing recent assistance to schools, districts, or both to help them distinguish between language acquisition issues, specific learning disabilities, or speech-language impairment.

Evaluation and Research: Institute of Education Sciences

The Institute of Education Sciences (IES) is the independent research, statistics, and evaluation arm of the U.S. Department of Education. IES is tasked with five main activities: funding education sciences, evaluating federal programs, supporting evidence-based policies and practices, collecting and reporting education statistics, and scientific peer review. IES has [published](#) approximately 100 reports, data files, fact sheets, infographics, FAQs, blog posts, and events specifically for students with disabilities just since 2020.

Within IES, multiple centers support data collection, evaluation, and research related to IDEA. The National Center for Education Evaluation and Regional Assistance (NCEE) conducts large-scale evaluations of education programs supported by federal funds. The National Center on Education Statistics (NCES) is responsible for collecting, analyzing, and reporting data on the condition of U.S. education to help improve student outcomes. The [National Center for Special Education Research](#) (NCSER) supports research that “provides insight into the challenges facing special education and explores possible solutions.” IES/NCEE awarded a contract to Mathematica to conduct an evaluation of IDEA, *The Individuals with Disabilities Education Act (IDEA) State and Local Implementation Study 2019*. Key findings include:

- Most states and districts reported broad efforts to find children with suspected disabilities, as encouraged by IDEA, but with less emphasis on intensive approaches for younger children.
- Reported policies and practices for evaluating children with suspected disabilities—including use of specialized assessments, data on progress made when struggling students are given extra supports, or strategies to address potential cultural bias in the evaluation process—suggest that states and districts were trying to be sensitive to each child's needs and therefore more accurate in identification, but challenges with linguistically and culturally responsive evaluation remain.
- Despite federal efforts to encourage more consistent detection of large racial and ethnic disparities in special education identification, state differences in how disparities were defined may have limited detection in some cases.

Additionally, IES/NCES oversaw data collection efforts, such as the School Pulse Panel, that shed light on the shortage of special educators. For example:

- As reported by the [Learning Disabilities Association of America](#), “During the 2022-23 school year, 21% of schools reported at least one vacancy in special education

and 55% of schools reported it was difficult to fill special education teacher positions (School Pulse Panel, 2024).”

- The U.S. Commission on Civil Rights, in a briefing report, [*The Federal Response to Teacher Shortage Impact on Students with Disabilities*](#), cited “Data collected in August 2024 by IES found that 72% of public schools with vacancies in special education had difficulty filling the position with a fully certified teacher for the upcoming school year.”

IES/NCSEER supports [research](#) focused on children and youth with or at risk for disabilities, from infancy through postsecondary education, and disseminates information from other parts of IES that are relevant to IDEA. For example, a NCSEER [blog](#) drew on NCES data: “A nationwide survey of schools in 2022 reported that vacancies in special education were nearly double that of other subject areas. This survey also found that 65% of public schools in the United States reported being understaffed in special education.”

Conclusion

Through monitoring, evaluation, and data collection, federal oversight plays a central role in how IDEA functions in practice. Various offices and divisions within USED monitor compliance, enforce civil rights protections, evaluate program effectiveness, and collect critical data. This oversight draws attention to areas where states are struggling to meet IDEA requirements and is the key driver that prompts corrective action by states. Our review of policy documents issued by OSEP, IES and GAO suggests that without strong federal oversight, longstanding issues are unlikely to be addressed consistently across states.

The ability of IDEA to meet its goal of protecting the educational rights of infants, toddlers, children, and youth with disabilities is dependent on consistent federal standards, oversight, and enforcement. To protect students with disabilities, the federal government must not reduce federal monitoring and must maintain a strong commitment to evaluation and research.

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