United States Senate

WASHINGTON, DC 20510

June 30, 2026

Secretary Linda McMahon
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Secretary McMahon:

The administration's latest attempts to dismantle the Department of Education ("ED") through the four Interagency Agreements (IAA) announced June 16, 2026 are outrageous and put the educational outcomes of students and their rights in the classroom at risk.[1] These actions illegally move the administration of special education programs authorized under the *Individuals with Disabilities Education Act* (IDEA)[2], vocational rehabilitation programs authorized under the *Rehabilitation Act of 1973* (Rehabilitation Act)[3], and the *Workforce Innovation and Opportunity Act* (WIOA)[4] from ED to the Department of Health and Human Services (HHS). They also transfer fundamental civil rights enforcement responsibility away from ED's Office for Civil Rights (OCR) to the Department of Justice's Civil Rights Division (DOJ CRT). Congress authorized these programs to be carried out by ED, and Congress annually appropriates funding to ED to carry out these authorized programs, including most recently in the Consolidated Appropriations Act, 2026. The administration's actions fly in the face of what Congress has required, directly undermine every child's right to a quality public education in this country, and must be immediately reversed.

Since ED was established, Congress charged it with the responsibility of carrying out special education and vocational rehabilitation programs and authorized the administration of these programs under the Office of Special Education and Rehabilitative Services (OSERS). Similarly, Congress assigned civil rights enforcement responsibilities to the Assistant Secretary for Civil Rights at OCR. The *Department of Education Organization Act of 1979* explicitly prohibits the Secretary from abolishing any offices established under ED and from altering any assigned delegation of functions. You have also acknowledged in congressional testimony that only Congress can determine whether to dismantle ED and its programs.[5] Make no mistake – the IAAs rolled out by this administration dismantle ED and illegally circumvent Congress. While ED's purported position is that these are "proofs of concept" for Congress to codify, other statements from ED and White House staff contradict the alleged "temporary"[6] nature of

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[1] https://www.ed.gov/about/news/press-release/us-department-of-education-announces-additional-partnerships-strengthen-coordination-individuals-disabilities-programs-bolster-civil-rights

[2] 20 U.S.C. 1400 et seq.

[3] 29 U.S.C. 701 et seq.

[4] 29 U.S.C. 3101 et seq.

[5] McMahon response to Chair Cassidy: "We would like to do this right. We would like to make sure that we are presenting a plan that I think our Senators could get on board with and our Congress could get on board with that would have a better functioning Department of Education. But certainly, it does require Congressional action." Nomination of Linda McMahon to serve as Secretary of Education, U.S. Senate Committee on Health, Education, Labor, and Pensions, February 13, 2025

[6] https://www.insidehighered.com/news/government/politics-elections/2025/11/19/mcmahon-says-ed-agreements-are-temporary

these moves.[7] Last year, the White House even claimed that ED was "abolished."[8] ED has not been abolished, and it is *not* within the administration's authority to move the administration of these programs to any other agency. In fact, Congress affirmed on a bipartisan, bicameral basis earlier this year, "that no authorities exist for the Department of Education to transfer its fundamental responsibilities under numerous authorizing and appropriations laws, including through procuring services from other Federal agencies…" and that these agreements will "create inefficiencies, result in additional costs to the American taxpayer, and cause delays and administration challenges in Federal funding reaching States, school districts, and schools."[9]

Special education and vocational rehabilitation are *education* programs. Any attempt to move these programs to HHS would fundamentally alter the purposes of these services, upending fifty years of work that took place at the federal, state, and local level to improve educational and employment outcomes for people with disabilities. It appears the administration values its backward goal of dismantling ED over the faithful execution of the law and improving opportunities and outcomes for children, youth, and students with disabilities. This administration has refused to provide information regarding what office within HHS will carry out these weighty responsibilities under this agreement because it has not been determined. This lack of forethought demonstrates how little concern it has for students with disabilities and their learning. The administration couldn't possibly know that this will be in the best interest of children and families because it doesn't even know where and how these programs will be administered in the future.

The most recent reauthorization of IDEA passed by Congress, the *Individuals with Disabilities Education Improvement Act of 2004*, reiterates that the responsibility for administering the law is clearly vested with ED. The law also vests the Secretary of Education with various duties, including allotting funds to States;[10] carrying out monitoring and oversight of States' implementation;[11] reviewing and approving State performance plans required under the law;[12] subsequently reviewing and making annual determinations of State compliance under law;[13] and furnishing technical assistance to States;[14] among other activities. However, the law does *not* contain any provisions that would permit ED to offload its responsibilities to another agency.

Congress created a clear federal oversight role for ED because of our nation's ugly history of denying children with disabilities a free appropriate public education. This critical federal enforcement has allowed ED to maintain accountability and find States in violation of IDEA, such as when Texas set an illegal cap on special education identification leading to a deliberate under-identification of children with

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[7] https://www.foxnews.com/media/department-education-under-trump-just-took-big-step-closer-shutting-down-expert-says; https://x.com/PressSec/status/2036436256972853685;
[8] https://x.com/WhiteHouse/status/1991285097450926136
[9] Joint Explanatory Statement for *Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2026*, January 20, 2026, https://www.appropriations.senate.gov/news/majority/committee-releases-conferenced-defense-homeland-security-labor-health-and-human-services-education-and-related-agencies-and-transportation-housing-and-urban-development-and-related-agencies-bills
[10] 20 U.S.C. 1411(a)(1)
[11] 20 U.S.C. 1416(a)(1)(A)(i)
[12] 20 U.S.C. 1416(a)(1)(A)(ii)
[13] 20 U.S.C. 1416(d)
[14] 20 U.S.C. 1411(c)(1)

disabilities[15] and when New Mexico failed to maintain appropriate state special education funding.[16] Clearly, federal oversight is a necessary component of our nation's special education system. Without it, families and children with disabilities are left to fight alone to secure services they are entitled to when schools and states fail to meet their obligations.

Additionally, Congress authorized the Secretary of Education to carry out vocational rehabilitation programs in Titles I, III, V, and VI of the Rehabilitation Act. Congress directed the Secretary to undertake various responsibilities in administering the vocational rehabilitation programs, including awarding grants to designated State agencies;[17] approving unified State plans;[18] establishing performance standards and indicators required under the law;[19] and supporting designated State agencies in the provision of pre-employment transition services including highlighting best state practices and consulting with other federal agencies;[20] among other activities. Unsurprisingly, the Rehabilitation Act does not contain any provisions that would permit ED to offload its responsibilities to another agency.

These important responsibilities support nearly ten million individuals with disabilities and their families throughout our nation. ED's actions have already caused them significant harm and uncertainty. This arrangement is the latest callous attack on Americans with disabilities who need quality services and rely on federal support. It follows the sweeping and unlawful firing of 121 employees at OSERS during the government shutdown—an action Congress ultimately had to reverse.[21] This administration's workforce reductions and reorganization last year also eviscerated ED's Office for Civil Rights (OCR), costing taxpayers up to $38 million, as mounting backlogs in OCR's critical work left parents of students with disabilities in the dark about the status of their civil rights complaints.[22] At the same time, ED moved almost all programs supporting elementary and secondary education to multiple agencies with limited capacity and expertise administering similar programs, segregating these programs from those supporting our youth with disabilities and compromising decades of progress toward inclusive education. Each of these actions has undermined ED's ability to fulfill its obligations under IDEA and the Rehabilitation Act. ED is now illegally transferring responsibilities to HHS—an agency undergoing major disruptions and whose principal subagency charged with supporting individuals with disabilities was proposed for elimination by the administration—and DOJ—an agency that this administration is weaponizing against the American people. This is in addition to the responsibilities unlawfully assigned to other agencies through interagency agreements for which this administration still has not explained full costs, potential benefits, and operational details.

Under this administration, OCR has failed to uphold the federal government's obligations to protect students from unlawful discrimination. ED's decision to transfer fundamental civil rights enforcement responsibilities to DOJ CRT will only make things worse. In 2025, ED's OCR reached the fewest resolution agreements in over 12 years and failed to reach a single resolution agreement related to sexual harassment, sexual violence, racial harassment, discriminatory school discipline, or the seclusion and restraint of children with disabilities. ED has repeatedly refused to answer basic questions regarding the

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[15] https://www.texasstandard.org/stories/texas-special-education-caps-violated-federal-law/
[16] https://nmpoliticalreport.com/2015/09/02/audit-nm-underfunded-special-ed-students/
[17] 29 U.S.C. 702(b)
[18] 29 U.S.C. 721 (a)(1)(A)
[19] 29 U.S.C. 721(a)(10)(A)
[20] 29 U.S.C. 733(e)
[21] https://www.npr.org/2025/11/13/nx-s1-5608038/shutdown-special-education-department-layoffs
[22] https://www.gao.gov/products/gao-26-108320

status of over 12,000 pending cases that were under investigation by OCR at the start of this Administration.[23]

Instead of correcting OCR's disastrous track record under this administration and working to rebuild OCR after taking a hatchet to it, this administration has chosen to waste taxpayer funds attempting to illegally transfer OCR's functions to DOJ CRT. Under this administration, DOJ CRT has lost an estimated 75% of its civil rights staff attorneys since January 2025.[24] DOJ CRT is not equipped nor designed to handle the over 23,000 complaints OCR receives and evaluates annually. While OCR is required to evaluate every single complaint it receives, DOJ CRT uses prosecutorial discretion to pick and choose the cases it takes to court. Under this IAA, students whose complaints are not prioritized by DOJ CRT may never see their rights vindicated, meaning thousands of students facing discrimination are likely to be ignored by the federal government. This is an unacceptable outcome for the millions of students and families across the country.

Congress appropriates annual funding to ED to help States and local educational agencies carry out programs and ensure children, youth, students, and families are served in accordance with federal law. The annual bipartisan appropriation bills approved by Congress do *not* provide affirmative authority to ED to transfer special education funding or vocational rehabilitation services to HHS, nor ED's civil rights enforcement responsibilities to DOJ CRT. In fact, the only transfer authority provided to ED by the annual appropriations bill is the authority to transfer *one percent* of discretionary funds between education appropriations accounts, so long as no such appropriation is increased by more than three percent by any such transfer.[25] Such a limited transfer within ED is not what is contemplated here.[26] Moreover, transfers of any other type, including the type contemplated by this IAA, are prohibited by section 512 of Division B of the Consolidated Appropriations Act, 2026, which states, "None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act."[27]

As with the authorizing statutes, the annual appropriations process clearly requires ED to carry out both IDEA and Rehabilitation Act programs and to operate OCR at ED. ED has the expertise in working with state educational agencies, state vocational rehabilitation agencies, and local school districts in the administration of special education and vocational rehabilitation programs and for resources and oversight in complying with federal civil rights laws. Schools in local communities and state educational agencies rely on the guidance and technical expertise from the educational experts at ED to carry out these programs. Congress recognizes the expertise that specific agencies provide and deliberately decides which agency to vest authority with when passing laws. Congress was clear when it vested ED with the authority to carry out special education programs in 2004, and vocational rehabilitation programs in 2014, and did not provide any mechanism in the law for ED to transfer that authority to another agency. The June 16th IAAs fly in the face of laws enacted by Congress, annual appropriations requirements, and practice in states.

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[23] https://www.help.senate.gov/dem/newsroom/press/news-sanders-34-senators-demand-mcmahon-reverse-failed-policies-protect-students-from-discrimination-and-harassment

[24] https://www.thejusticeconnection.org/press-dismantling-doj-civil-rights-division/

[25] Sec. 302 of Division B of the Consolidated Appropriations Act, 2026, P.L. 119-75.

[26] https://storage.courtlistener.com/recap/gov.uscourts.mad.281941/gov.uscourts.mad.281941.147.1.pdf

[27] Sec. 512 of Division B of the Consolidated Appropriations Act, 2026, P.L. 119-75.

We have a simple demand: follow our nation's education and appropriations laws as Congress wrote them to protect students' most basic right to a quality education. More than 80 education, disability, parent, and civil rights groups have vocally opposed the recent IAAs[28] and other departmental changes.[29] We call on this administration to immediately cease implementing these IAAs, fully implement IDEA and the Rehabilitation Act as Congressionally directed, and take immediate action to strengthen civil rights enforcement—instead of burying students' cases behind more bureaucracy. Our students and their families deserve nothing less.

Sincerely,

Patty Murray
United States Senator
Vice Chair, Senate
Committee on Appropriations

Bernard Sanders
United States Senator
Ranking Member, Committee
on Health, Education, Labor,
and Pensions

Tammy Baldwin
Ranking Member
Appropriations Subcommittee
on Labor, Health and Human
Services, Education, and
Related Agencies

Charles E. Schumer
United States Senator

Chris Van Hollen
United States Senator

Lisa Blunt Rochester
United States Senator

[28] https://edtrust.org/press-room/joint-statement-on-the-illegal-transferring-of-key-roles-and-responsibilities-from-the-u-s-department-of-education/

[29] https://www.copaa.org/news/713190/COPAA-with-60-Organizations-Request-a-Senate-Hearing-on-ED-Decimation-.htm#:~:text=On%20behalf%20of%20the%209.5,%2C%20families3%2C%20and%20educators.

Elizabeth Warren
United States Senator

Kirsten Gillibrand
United States Senator

Alex Padilla
United States Senator

Jack Reed
United States Senator

Angus S. King, Jr.
United States Senator

Tim Kaine
United States Senator

Mazie K. Hirono
United States Senator

Christopher A. Coons
United States Senator

John Hickenlooper
United States Senator

Jeanne Shaheen
United States Senator

Richard J. Durbin
United States Senator

Adam B. Schiff
United States Senator

Edward J. Markey
United States Senator

Jeffrey A. Merkley
United States Senator

Margaret Wood Hassan
United States Senator

Andy Kim
United States Senator

Richard Blumenthal
United States Senator

Ben Ray Luján
United States Senator

Mark R. Warner
United States Senator

Amy Klobuchar
United States Senator

Peter Welch
United States Senator

Angela D. Alsobrooks
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Jacky Rosen
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Tammy Duckworth
United States Senator

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Catherine Cortez Masto
United States Senator

Raphael Warnock
United States Senator

Martin Heinrich
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Ron Wyden
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Christopher S. Murphy
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United States Senator

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Maria Cantwell
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Mark Kelly
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Elissa Slotkin
United States Senator

Sheldon Whitehouse
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John Fetterman
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Gary C. Peters
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Michael F. Bennet
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