

Federal Changes Raise Questions About Special Education and Disability Rights

The U.S. Department of Education recently announced a proposed shift in responsibilities for special education and civil rights enforcement. Under the announcement, the Office of Special Education and Rehabilitative Services will transfer its responsibilities to the U.S. Department of Health and Human Services on programs for infants, toddlers, children, students, and individuals with disabilities.

The Department also announced that the Office for Civil Rights would transfer its responsibilities to the U.S. Department of Justice on enforcing federal civil rights laws.

This proposed move raises important practical questions because it would shift or divide special education and civil rights responsibilities across federal departments when before it was together with an education focus.

Special education is complex, and families also need to know where to go when a student is not getting the support or services they need. Many schools do a good job educating students with disabilities, but when problems happen, families may need help from people who understand special education, school systems, disability rights, and the laws that protect students.

Moving these responsibilities to departments with broader missions, such as health and human services or law enforcement, may raise questions about whether education expertise will remain clear, accessible, and easy for families to find.

This issue also fits into the long history of disability rights. For many years, disability was often viewed through the medical model, which saw a disability mainly as something wrong with the person that needed to be treated or fixed. The social model shifted attention to the barriers around the person, such as inaccessible buildings, classrooms without needed supports, low expectations, discrimination, or rules that make participation harder.

Today, disability policy is increasingly grounded in a rights-based model, which recognizes people with disabilities as people with rights to dignity, access, inclusion, self-determination, equal opportunity, and community life.

These rights were not created overnight. They are part of a civil rights history that includes the [Civil Rights Act of 1964](#), [Section 504 of the Rehabilitation Act](#), the [Individuals with Disabilities Education Act](#), the [Americans with Disabilities Act](#), and the [Lanterman Act](#). Together,

these laws helped move disability policy toward equal access, individualized supports, community inclusion, and enforceable protections.

Last year, the U.S. Dept. of Education laid off 40% of the staff responsible for investigating parent's complaints about schools that aren't doing enough to make sure their students' right to an education is honored. Half of the cases are related to special education.

In this context, the proposed federal move raises important questions. Will it make services easier to understand and access? Will families know where to go when they need help? Will students' rights be protected in a clear and timely way? How should these questions be understood in light of the long history of people with disabilities, families, and advocates working to remove barriers and establish rights?

What Can You Do?

You can share your opinion about these proposed changes with your elected officials and others.

Whatever your view may be, your voice matters.

The following links can help you contact your U.S.

Senators (<https://www.senate.gov/senators/senators-contact.htm>) and

Congressional Representative (<https://www.house.gov/representatives/find-your-representative>).

Please contact policy@scdd.ca.gov with questions or for more information.