

Trump strips special education and civil rights oversight from the Department of Education

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On Tuesday, June 17, the Trump administration signed an agreement stripping the Department of Education of two of its largest remaining responsibilities: special education and civil rights enforcement.

The Office of Special Education and Rehabilitative Services, which administers \$15 billion annually for more than 7 million students with disabilities, is being transferred to the Department of Health and Human Services. The Office for Civil Rights is being moved to the Justice Department's civil rights division.

This move advances the administration's use of "interagency agreements" to abolish the Department of Education through attrition, dismantling its workforce and authority piece by piece. Programs formally remain in existence, but they are being transferred to agencies that lack the capacity and expertise to administer them properly and are headed by officials who are outright hostile to their stated mission.

The latest agreements follow 10 others that shifted more than 100 K-12 and higher education programs to the Departments of the Interior, Labor, State, Treasury and Health and Human Services. These transfers have included school safety, academic supports, family engagement, Title I, career and technical education, higher education grant programs, the \$1.7 trillion student loan portfolio and, eventually, FAFSA administration.

The measures follow, nearly to the letter, the fascist blueprint laid out in Project 2025. The Department of Education is being reduced to a legal shell that nominally retains responsibility for outsourced programs, including liability when they fail, while the machinery needed to run them is scattered across multiple agencies with neither the staffing nor the intention to do so.

Tuesday's transfers mark a sharp escalation of the assault on public education. They create the conditions for a large-scale destruction of access to special education, and violate the law.

The key legislation establishing these rights—the Education for All Handicapped Children Act of 1975 (amended and renamed the Individuals with Disabilities Education Act (IDEA) in 1990), Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990—rests on the equal protection principles recognized and applied to public education by the US Supreme Court's 1954 *Brown v. Board of Education* ruling.

Parents and disability rights advocates fought to end a system in which more than a million children with disabilities were excluded from public schools, institutionalized, or forced into menial labor.

The ruling class no longer wants to fund these services or recognize these rights. IDEA funding for special education will now be overseen by an HHS headed by Robert F. Kennedy Jr., who has shown open contempt for people with disabilities while promoting antiscientific nostrums and bigotry.

The Arc, a disability rights organization, warned Tuesday that transferring oversight out of the ED would result in "a patchwork of rights" that families would be forced to enforce on their own through private lawsuits, a remedy beyond the means of most working-class families. Secretary of Education Linda McMahon, appointed to oversee the dismantling of the department, canceled more than \$30 million in IDEA grants for teacher training, research and assistive technology last year, dismissing them as "DEI programs."

That pattern escalated this month. On June 12, California, Rhode Island and Wisconsin sued the department in federal court after its Office of Special Education Programs cut off 25 multiyear State Personnel Development Grants—money earmarked to train special education personnel—for mentioning diversity, equity and inclusion "no matter how fleeting." The grants were mid-cycle awards normally subject only to routine annual review, yet they were terminated without the notice required by law, stripping

states of funds for which they had already built staffing and training plans.

In late April 2026, the ED's budget request for fiscal year 2027 revealed it had struck a deal with the White House Office of Management and Budget to limit Research in Special Education spending to \$45.3 million for fiscal year 2025—nearly a third less than the \$64.3 million Congress had appropriated, a shortfall special education advocacy groups say the department had no legal need to impose.

The assault on special education is further compounded by Medicaid cuts in Trump's "One Big Beautiful Bill." That 2025 law will slash more than \$1 trillion from Medicaid by 2034, undermining reimbursement rates that fund IDEA-mandated therapies and nursing services and leaving districts legally obligated to provide services they may no longer be able to afford.

The transfer of the Office for Civil Rights places disability-discrimination complaints, including those brought by families seeking basic services for their children, in the hands of a Justice Department (DOJ) that has spent the past 18 months turning civil rights enforcement against the very groups it was supposedly created to protect.

Under Trump, investigations into disability and racial discrimination have ground to a halt as the office has been redirected toward right-wing political agendas, including attacks on transgender students and prosecutions of universities under the banner of combating "antisemitism." The vast majority of cases brought to the OCR are families seeking services for disabilities. These are now being largely ignored, while the DOJ investigates 43 school districts regarding how they teach sexual orientation and gender identity.

The transfer of oversight from the ED to the DOJ has another component. Unlike the OCR, which was required to evaluate every student complaint, the Justice Department can choose which complaints to pursue. The result will be even less recourse for students and families in a system where enforcement had already been gutted. The OCR lost half its staff in March 2025 and, although those layoffs were rescinded by the end of 2025, the agency resolved a record-low number of cases—by design. These included no cases involving sexual harassment, sexual violence or racial harassment.

The transfer of desegregation and student privacy functions follows the same logic. These responsibilities are being handed to an agency that treats civil rights law as discrimination against white students and has been weaponized against anti-war and pro-Palestinian speech.

Tuesday's action impacts a special education system already starved for decades by both big-business parties. When IDEA was enacted in 1975, Congress pledged to

cover 40 percent of the excess cost of special education. That share has never risen above 18 percent and now stands at roughly 12 percent.

The results are visible everywhere. In 2024-25, 45 states reported shortages of special education teachers, the highest shortage level of any subject area or specialty. A 2024 Government Accountability Office report also found that students with disabilities were going without legally mandated services because there was no one available to provide them.

There is unlimited funding for war, militarism and tax cuts for the oligarchy, but "no money" for speech therapists, classroom aides and the basic supports disabled students need. The high cost of special education—roughly 1.9 to 2.3 times as much as educating a general education student—is viewed as an intolerable deduction from profit-taking or military spending. The needs of disabled children are treated as an intolerable burden in a society organized around private wealth and imperialist violence.

The AFT, NEA and the union representing federal education workers, with more than 5.3 million members combined, have responded to the gutting of the Department of Education and now OSERS with press releases and lawsuits. They called for no strike and organized no serious mobilization against Trump's sweeping attacks on public education.

This is not an oversight. The function of the pro-capitalist union apparatus is to contain the anger of rank-and-file educators and school workers and prevent them from breaking free of the Democratic Party.

Genuinely universal, high-quality public education for every child cannot be secured within a social order that subordinates all human needs to private profit and war. What is required is the independent mobilization of the working class through rank-and-file committees in every school and district, controlled by teachers, paraprofessionals and parents rather than by the union apparatus and its political backers.

The destruction of special education, the gutting of civil rights enforcement, the Medicaid cuts and the wave of school closures are not separate crises. They are components of a single assault carried out by a ruling class that has decided the most vulnerable children are expendable. The defense of public education is inseparable from the struggle against capitalism itself.



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