

Explaining the Impact of the Educational Executive Order on People with Disabilities

What is Happening at the Department of Education?

On March 20, President Trump issued an Executive Order entitled “[Improving Education by Empowering Parents, States, and Communities](#)”. The Executive Order directs the Department of Education to “take all necessary steps to facilitate the closure of the Department of Education and return authority over education to the States and local communities while ensuring the effective and uninterrupted delivery of services, programs, and benefits on which Americans rely.”

Prior to today’s Executive Order, President Trump and Education Secretary Linda McMahon had taken action over the last few weeks to dismantle the Department, including [firing approximately 50% of the employees](#). To date, the biggest losses in staff are in the offices handling student financial aid and civil rights enforcement. The Department of Education is already the smallest cabinet-level department in terms of the number of employees. Read AAPD’s statement on the staff reductions [here](#).

The Executive Order **DOES NOT** eliminate disability civil rights laws such as Section 504 of the Rehabilitation Act of 1973 or the Individuals with Disabilities Education Act (IDEA), which protect the educational rights of students with disabilities. Nor does it impact students’ Individualized Education Programs (IEPs), 504 plans, or other accommodations at school. However, today’s Executive Order and the staff reductions will severely diminish the ability of the Department to enforce those rights.

What is an Executive Order?

An Executive Order is a written order from the President of the United States regarding government policy and management. The current President can amend or undo the Executive Orders of previous presidents. When a new president takes office, it is typical that they issue many Executive Orders to begin enacting their agenda. Executive Orders are each assigned a number and typically describe broad policy goals and values, then direct federal departments to take specific actions to implement those policies and values.

Executive Orders do not overrule or supersede laws ratified by Congress. This means that although an Executive Order is enacted without congressional approval, it cannot erase existing laws, force government agencies to take illegal action, or go against current regulations and statutes. Lawsuits can challenge Executive Orders.

President Trump cannot entirely eliminate the Department unless Congress passes legislation to do so.

What Does the Department of Education Do?

The Department of Education was established by Congress in 1979 and began operations in 1980. Under that law, the Department has four key functions:

- Establish policies on federal financial aid for education and distribution and monitor those funds.
- Collect data on America's schools and disseminate research.
- Focus national attention on key issues in education and make recommendations for education reform.
- Prohibit discrimination and ensure equal access to education.

The Department of Education helps make the promises of Section 504 and IDEA a reality through civil rights enforcement and special education funding. As part of following these laws, the Department of Education ensures disabled students have access to IEPs, speech therapy, vocational rehabilitation, accessible school materials, and more. These supports and services are necessary to ensure that disabled students can thrive at school, in their communities, and in their future careers.

In addition, the Department also plays a vital role in enforcing critical laws that protect the rights of all students, including students with disabilities. Laws such as Title IX prohibit sex- and gender-based discrimination and protect the rights of students who are victims of sexual assault on campus.

Finally, the Department provides federal financial aid for millions of students pursuing education after high school at a college or university or career and technical education to prepare them for a skilled career.

How Does Dismantling the Department of Education Impact People with Disabilities?

AAPD is gravely concerned about the Executive Order, severe staff cuts, and calls to reassign civil rights enforcement functions to other federal agencies that lack the personnel and expertise to take over the enforcement and oversight of vital education laws and programs.

Oversight and Enforcement:

The Department of Education has a key job in managing programs created by IDEA. This law helps about [7.5 million students with disabilities, about 15 percent of all students](#). The Trump administration cannot end IDEA or its funding without approval from Congress, but it could try to move the management of IDEA to a different agency. This change would drastically impact students with disabilities. No other federal agency has the knowledge needed to oversee special education and protect students' rights to free and appropriate public education. Students with disabilities rely on federal laws daily to receive support that helps them feel safe and succeed in their education.

The Office for Civil Rights (OCR), which enforces IDEA and Section 504, has [already lost nearly 50% of its staff](#). Shutting down or even reducing OCR's staff will harm disabled students disproportionately by limiting their access to complaint investigations and enforcement litigation. OCR is one of the main paths through which disabled students can get the learning environment they deserve, and it is already backlogged with disability discrimination cases.

Funding

Disrupting the Department of Education will adversely affect federal financial aid, student loan borrowers, programs that collect and monitor outcomes related to special education grants and programs, and much more.

Schools rely on federal funds daily to support disabled students, pay special education teachers and therapists, and buy the materials and equipment that students need. While the Executive Order itself does not reduce education funding, [other administration action](#) raises concerns about the future of education funding.

Dismantling the Department of Education and undermining civil rights enforcement in education goes against the expressed will of Congress when it created the Department in 1979. Every American must contact their members of Congress and tell them that dismantling the Department of Education will hurt everyday Americans.

What Can You Do?

- **Watch AAPD's webinar:** AAPD recently held a webinar highlighting the Department of Education's importance and critical role in enforcing the rights of students with disabilities. We also discussed what an Executive Order to dismantle the Department would look like and the potential harms of such an order. You can watch a recording of the webinar [here](#).
- **Contact your members of Congress:** Tell them that closing the Department of Education is a non-starter for the American people. Send a letter to your Representatives and Senators in just a few clicks using AAPD's tool at this [link](#).
- **Get civically engaged:** Go to your town halls, council meetings, school boards, etc., and share information and tell them to take action.
- **Share stories:** Tell your story/the story of those impacted on social media and all online platforms
- **Unite and educate the community:** Bring together students with disabilities, parents, teachers, and decision-makers - share the information you learn and motivate others to reject this EO and defend our civil rights.

If you have any questions, please feel free to contact Rachita Singh, AAPD's Policy Manager, at rsingh@aapd.com.