



Fact Sheet: Federal vs. State Role in Special Education

Overview

Federal and state laws and agencies work in tandem to support the education of infants, toddlers, children, and youth with disabilities. The Individuals with Disabilities Education Act (IDEA) is the federal law governing special education in the United States.

The Federal Role

IDEA sets the minimum standards for what all States must do to support the education of infants, toddlers, children, and youth with disabilities. It provides funding and technical assistance to meet these requirements. At the federal level, the role of the Department of Education is to:

- Protect the rights of all infants, toddlers, children, and youth with disabilities to a free and appropriate public education in the least restrictive environment possible by overseeing State implementation of IDEA.
- Provide federal funding to State and Local education agencies that comply with the law.
- Provide federal funding for research and special educator preparation.
- Provide policy guidance and technical assistance to assist states with IDEA compliance.

The State Role

State laws cannot contradict federal laws or provide fewer rights and services than federal law requires. However, states have room for interpretation of federal law and can set their own rules for how the law is implemented. The State's role in education is to:

- Maintain and operate schools.
- Set curricular and teacher certification standards.
- Develop or select curricula.
- Determine teacher salaries.
- Regulate teaching methods and instructional materials.
- Determine how federal and other education funding is allocated.

Myth vs. Fact

Myth: The Department of Education can be dismantled by executive action.

Fact: The Department of Education and the Office of Special Education Programs are established by federal law passed by Congress. Only an act of Congress can disband the Department.

Myth: The federal government controls what is taught in public schools.

Fact: State and local governments operate public schools and have complete control over what is taught, and the methods and materials used.

Myth: Federal oversight of State education isn't necessary to ensure the educational rights of infants, toddlers, children, and youth with disabilities.

Fact: Prior to IDEA becoming law, only 1 in 5 children with disabilities were educated in public schools, and schools were allowed to turn children with disabilities away without supporting families in finding other means of education.

Myth: The federal government unfairly holds States to account for the educational outcomes of infants, toddlers, children, and youth with disabilities.

Fact: The federal government has never withheld funding from a State. Rather, States that struggle to meet the needs of children with disabilities are matched to targeted, federally funded technical assistance programs to support improved outcomes.