

Date of Hearing: July 16, 2025

ASSEMBLY COMMITTEE ON EDUCATION
Al Muratsuchi, Chair
AJR 19 (Muratsuchi) – As Introduced July 2, 2025

SUBJECT: United States Department of Education: proposed closure

SUMMARY: Calls on the President of the United States to preserve, protect, and strengthen the United States Department of Education (USDOE) and its mission to serve all students, and urges California's Members of Congress to reject any proposal to dismantle the USDOE or strip it of its core functions. Specifically, **this bill:**

- 1) States that the USDOE plays a vital role in advancing educational equity and excellence for students across the nation.
- 2) States that the USDOE provides critical oversight and funding for programs that support public schools, special education, student financial aid, and civil rights enforcement, and that support underserved and disadvantaged communities.
- 3) States that California is home to more than 6 million public school students and over 280 institutions of higher education, many of which depend on federal resources, guidance, and enforcement to operate effectively and equitably.
- 4) States that Title I grants, Pell Grants, Individuals with Disabilities Education Act (IDEA) funding, and other federal initiatives administered by the USDOE support students from low-income families, students with disabilities, English learners (ELs), and others who have been historically underserved.
- 5) States that eliminating the USDOE would disrupt critical funding streams, undermine accountability, and jeopardize the educational rights of millions of students.
- 6) States that on March 20, 2025, President Trump signed Executive Order No. 14242, directing the USDOE to take all necessary steps to facilitate the closure of the USDOE, as part of a broader effort to dismantle federal oversight of public education.
- 7) States that the proposed closure would create chaos and confusion across the country's education systems, threaten the quality and accessibility of education, and reverse decades of progress in civil rights and educational equity.
- 8) States that education is a cornerstone of democracy and economic opportunity, and federal leadership is essential to ensuring that every student, regardless of income, race, ZIP Code, or ability, has access to a quality education.
- 9) Resolves by the Assembly and the Senate of the State of California, jointly, that the Legislature urges California's Members of Congress to reject any proposal to dismantle the USDOE or strip it of its core functions.
- 10) Resolves, that the Legislature calls on the President of the United States to preserve, protect, and strengthen the USDOE and its mission to serve all students.

- 11) Resolves, that the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, and to each Senator and Representative from California in the Congress of the United States.

EXISTING LAW:

- 1) Establishes the USDOE, as of May 4, 1980, and states that its mission is to:
 - a) Strengthen the Federal commitment to assuring access to equal educational opportunity for every individual;
 - b) Supplement and complement the efforts of states, the local school systems and other instrumentalities of the states, the private sector, public and private nonprofit educational research institutions, community-based organizations, parents, and students to improve the quality of education;
 - c) Encourage the increased involvement of the public, parents, and students in Federal education programs;
 - d) Promote improvements in the quality and usefulness of education through Federally supported research, evaluation, and sharing of information;
 - e) Improve the coordination of Federal education programs;
 - f) Improve the management of Federal education activities; and
 - g) Increase the accountability of Federal education programs to the President, the Congress, and the public. (Public Law 96-88 of October 1979)
- 2) In Federal law, requires every state to measure performance in reading, math and science; to develop a concise and easily understandable "State Report Card" that is accessible online and provides parents important information on test performance in reading, math, and science; and to use a set of indicators as a means to identify the lowest-performing schools for support and improvement. Authorizes appropriations for programs to improve the academic achievement of the disadvantaged, education of migratory children, children and youth who are neglected, delinquent, or at-risk. (Every Student Succeeds Act (ESSA), 20 U.S.C. 1001 et seq. (2015)).
- 3) Requires that, in accordance with federal law, a free appropriate public education (FAPE) be available to individuals with exceptional needs. (20 U.S.C. 1400 et seq)
- 4) Requires that every individual with exceptional needs who is eligible to receive special education instruction and related services receive that instruction and those services at no cost to his or her parents or, as appropriate, to him or her. (20 U.S.C. 1400 et seq)
- 5) Requires that, in accordance with federal law, each public agency ensure the following to address the least restrictive environment (LRE) for individuals with exceptional needs such that:

- a) To the maximum extent appropriate, individuals with exceptional needs, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and
 - b) Special classes, separate schooling, or other removal of individuals with exceptional needs from the regular educational environment occurs only if the nature or severity of the disability is such that education in the regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. (20 U.S.C. 1400 et seq)
- 6) Provides, under the federal IDEA, grants to states to partially fund the excess costs associated with educating students with disabilities, using a formula based on the national average per pupil expenditure (APPE). (20 U.S.C. 1400 et seq)
- 7) Provides federal Pell Grants, awarded only to undergraduate students who display exceptional financial need and have not earned a bachelor's, graduate, or professional degree. (P.L. 89-329)

FISCAL EFFECT: This resolution has been keyed non-fiscal by the Office of Legislative Counsel.

COMMENTS:

Need for the resolution. According to the author, “The United States Department of Education plays a vital role for students across California by providing oversight and funding for programs that support public education, special education, student financial aid, and civil rights enforcement. The California Department of Education estimates that the Trump administration has already blocked \$1 billion to California, which is typically distributed as grants for afterschool programs, migrant student education, and more. This resolution urges California’s Members of Congress and the President to preserve and protect the Department of Education and affirms the state’s commitment to ensuring that every student can access a quality education.”

Recent federal actions to close USDOE, reduce staffing. On March 12, 2025, the Trump Administration announced a 50% “reduction in force” at the USDOE, which brought staff from 4,133 to roughly 2,183. On March 20, 2025, President Trump signed an executive order directing the Secretary of Education, “to the maximum extent appropriate and permitted by law, take all necessary steps to facilitate the closure of the Department of Education.” According to the USDOE’s website, “While USDOE’s programs and responsibilities have grown substantially over the years, the USDOE itself has not. In fact, the USDOE has the smallest staff of the 15 Cabinet agencies, even though its discretionary budget alone is the third largest, behind only the Department of Defense and the Department of Health and Human Services. In addition, the USDOE provides over \$150 billion in new and consolidated loans annually.”

According to the National Conference of State Legislatures (NCSL), the staff reductions cut roughly half of the staff of the Office of Civil Rights (OCR) and the Institute for Education Sciences, along with over \$1 billion in grant funding. Many research grants were also terminated. The Office of English Language Acquisition was reduced to a single staff member. Some of these reductions were subsequently challenged and restored, and litigation is ongoing.

In May, a federal judge ordered the USDOE to reinstate hundreds of its employees it had terminated as a part of the administration’s effort to downsize the federal agency. In the same

order, the judge also stopped enforcement of the president's March 20th executive order which sought to abolish the USDOE altogether. The USDOE filed an appeal shortly after this decision was issued, and this month, the Supreme Court granted that appeal. The justices wrote that they had concluded that "the government is likely to succeed on its argument" that President Trump's March 20th executive order announcing plans to downsize the government was legal. The justices added that they not expressed a view on the legality of specific layoffs or reorganizations by the Trump administration.

On July 14th the Supreme Court lifted the May injunction, thereby allowing the Trump Administration and the USDOE to fire more than a thousand employees and functionally eliminate the agency.

Plans to move IDEA funding to U.S. Department of Health and Human Services raises concerns about increased segregation, loss of expertise, and the revival of a 'medical model' of disability. On March 31, 2025, President Trump announced plans to move IDEA funding to the U.S. Department of Health and Human Services (HHS).

For fifty years, the IDEA has entitled students with disabilities to an education in the least restrictive environment, to ensure that students with disabilities are not segregated from their peers but instead viewed as rightful members of the school community. IDEA was enacted in response to a long history of excluding children with disabilities from school altogether, and later segregating them from their peers at school.

The plans to separate IDEA from other education programs have raised concerns that students with disabilities might be further segregated from their peers. Placing it within a healthcare agency also reinforces a "medical model" of disability, which emphasizes intervention and treatment as the approach to disability, rather than improving the systems and structures that can inhibit the potential of people with disabilities.

The Arc, a national organization advocating for and with people with intellectual and developmental disabilities, notes that "Moving IDEA to HHS risks turning back the clock on inclusion and sends a harmful message that children with disabilities are 'patients' to be managed rather than students with potential to be fulfilled."

A letter sent on April 2, 2025 to the U.S. Secretary of Education from 23 U.S. Senators expressed deep concern over the loss of enforcement capacity and expertise:

The Department of Education has the statutory authority to implement and enforce IDEA. Without an act of Congress giving authority to HHS, this administration's attempts to shift IDEA responsibility to HHS will merely prevent the law from being enforced at all. The Department of Education is the only agency with an existing institutional infrastructure and a staff of subject matter experts dedicated to ensuring equal educational opportunity for children and students with disabilities.

More than this, disabled students deserve to be seen as and treated as the learners and scholars they are. Students with disabilities belong in classrooms alongside their nondisabled peers, and they deserve the accommodations and supports that enable them to thrive. Because of the Department of Education's specific expertise, it is best positioned to do the job well and efficiently. Transferring these authorities to HHS will not only overburden an agency

already confronting massive workforce cuts orchestrated by this administration, but it will also stretch HHS beyond its expertise as medical, rather than educational, professionals.

We are alarmed by the potential consequences your proposed reassignment will have on the larger framework of education for students with disabilities. Prior to the passage of IDEA, only one in five children with disabilities were educated in schools, and more than 1.8 million children were systemically excluded from public school in the United States. Disabilities were seen as medical conditions to be treated and as a result, many children with disabilities were institutionalized rather than educated. We cannot risk regression to an outdated and dehumanizing perspective on disability, which prevented millions of children from accessing the inclusive public education they deserve.

Recent federal delays in issuing funds to states. The USDOE recently announced a decision to delay issuing grant award notifications (GANs) for several ESEA and Adult Education Family Literacy Act (AEFLA) programs. Funds for education programs are “forward funded,” meaning that although the federal fiscal year begins on October 1st each year, education funds do not become available to States until months later – traditionally beginning on July 1st. This process allows States and school districts time to budget for the upcoming school year before it begins. While GANs were recently distributed for some major formula programs, including ESEA Title I-A, the IDEA Part B, and Perkins career and technical education programs, USDOE recently notified states that it is reviewing funds under ESEA Titles I-C, II-A, III-A, IV-A, and IV-B, as well as other federal programs, and that final decisions on those awards have not yet been made. The amended filing highlights USDOE’s failure to issue the funding on July 1st, which totals \$6.8 billion, and states that “[e]ach program is statutorily mandated, with [S]tates’ eligibility for funds and allocations calculated under pre-set, statutory formulas that leave the Department with no discretion as to whether to award the grants or in what amounts.”

Emails to states through the federal grant portal noted that the USDOE is conducting reviews of these programs and will not issue GANs until the review is complete.

History of the USDOE. According to the USDOE:

The original Department of Education was created in 1867 to collect information on schools and teaching that would help the States establish effective school systems. While the agency's name and location within the Executive Branch have changed over the past 130 years, this early emphasis on getting information on what works in education to teachers and education policymakers continues down to the present day.

The passage of the Second Morrill Act in 1890 gave the then-named Office of Education responsibility for administering support for the original system of land-grant colleges and universities. Vocational education became the next major area of Federal aid to schools, with the 1917 Smith-Hughes Act and the 1946 George-Barden Act focusing on agricultural, industrial, and home economics training for high school students.

World War II led to a significant expansion of Federal support for education. The Lanham Act in 1941 and the Impact Aid laws of 1950 eased the burden on communities affected by the presence of military and other Federal installations by making payments to school districts. And in 1944, the GI Bill authorized postsecondary education assistance that would ultimately send nearly 8 million World War II veterans to college.

The Cold War stimulated the first example of comprehensive Federal education legislation, when in 1958 Congress passed the National Defense Education Act (NDEA) in response to the Soviet launch of Sputnik. To help ensure that highly trained individuals would be available to help America compete with the Soviet Union in scientific and technical fields, the NDEA included support for loans to college students, the improvement of science, mathematics, and foreign language instruction in elementary and secondary schools, graduate fellowships, foreign language and area studies, and vocational-technical training.

The anti-poverty and civil rights laws of the 1960s and 1970s brought about a dramatic emergence of the Department's equal access mission. The passage of laws such as Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973 which prohibited discrimination based on race, sex, and disability, respectively made civil rights enforcement a fundamental and long-lasting focus of the Department of Education. In 1965, the Elementary and Secondary Education Act launched a comprehensive set of programs, including the Title I program of Federal aid to disadvantaged children to address the problems of poor urban and rural areas. And in that same year, the Higher Education Act authorized assistance for postsecondary education, including financial aid programs for needy college students.

In 1980, Congress established the USDOE as a Cabinet level agency. Today, USDOE operates programs that touch on every area and level of education. The USDOE's elementary and secondary programs annually serve nearly 18,200 school districts and over 50 million students attending roughly 98,000 public schools and 32,000 private schools. USDOE programs also provide grant, loan, and work-study assistance to more than 12 million postsecondary students.

Programs administered by the USDOE. The USDOE administers a number of programs and initiatives, many of which support students from low-income families, students with disabilities, ELs, and others who have been historically underserved.

- *The Every Student Succeeds Act (ESSA).* The ESSA was signed by President Obama in 2015, and reauthorized the 50-year-old Elementary and Secondary Education Act (ESEA), with a commitment to equal opportunity for all students. The previous version of the law, the No Child Left Behind (NCLB) Act, was enacted in 2002. The federal law is organized by Titles.
 - Title I, Part A: Support basic programs operated by local educational agencies (LEAs);
 - Title I, Part C: Education of migratory children;
 - Title I, Part D: Neglected and delinquent children and youth;
 - Title II, Part A: Supporting effective instruction;
 - Title III, Part A: ELs and immigrant education;
 - Title IV, Part A: Student support and academic enrichment;
 - Title IV, Part B: 21st Century Community Learning Centers;

- Title V, Part B: Rural Education Initiative;
 - Title VI, Part A: Indian, Native Hawaiian, and Alaska Native Education; and
 - Title VII, Part B: McKinney-Vento, education for homeless children and youth.
- *Individuals with Disabilities Education Act (IDEA)*. The IDEA is a law that makes available a FAPE to eligible children with disabilities throughout the nation and ensures special education and related services to those children. The IDEA governs how states and public agencies provide early intervention, special education, and related services to more than 8 million (as of 2022-23) eligible infants, toddlers, children, and youth with disabilities. Infants and toddlers, birth through age 2, with disabilities and their families receive early intervention services under IDEA Part C. Children and youth ages 3 through 21 receive special education and related services under IDEA Part B. Additionally, the IDEA authorizes:
 - Formula grants to states to support special education and related services and early intervention services.
 - Discretionary grants to state educational agencies, institutions of higher education, and other nonprofit organizations to support research, demonstrations, technical assistance and dissemination, technology development, personnel preparation and development, and parent-training and -information centers.

Congress reauthorized the IDEA in 2004 and most recently amended the IDEA through Public Law 114-95, the ESSA, in December 2015.

- *Pell Grants*. The Federal Pell Grant program, authorized by Title IV-A-1 of the Higher Education Act of 1965 (P.L. 89-329), as amended, is the single largest source of federal grant aid supporting postsecondary education students. The program provided approximately \$31 billion in aid to approximately 6.5 million undergraduate students in federal fiscal year 2023. Pell Grants are need-based aid that is intended to be the foundation for all federal need-based student aid awarded to undergraduates. In award year 2019-20, approximately 40% of undergraduates received Pell Grants. Unlike loans, students are not required to repay Pell Grants.

Related legislation. AJR 7 (Addis) of the 2025-26 Session calls on the President of the United States and Congress to ensure that services and funding for students with disabilities are uninterrupted, including the allocation, monitoring, and management of IDEA formula funding and discretionary grant-funded programs.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

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