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No Education Department? No Problem, Trump's Education Secretary Says.

The shutdown means there is, essentially, no Education Department. The latest round of layoffs would leave few workers to enforce special education and civil rights laws.

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By Sarah Mervosh and Michael C. Bender

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What could it look like if President Trump succeeds in his promise to shut down the U.S. Department of Education?

The last three weeks offer something of a glimpse.

So far this month, the Education Department has stopped most of its work during the government shutdown, and the Trump administration has laid off more than 460 employees, cutting deeper into an agency that had already laid off half of its work force in March.

The new layoffs, if they survive a legal challenge, would functionally wipe out the offices that handle two of the agency's core functions: dispersing federal money to states and school districts, and enforcing federal special education and civil rights laws. In March, the layoffs eliminated the agency's research arm dedicated to tracking U.S. student achievement, which for many students is at three-decade lows.

Mr. Trump's education secretary, Linda McMahon, has argued that the latest developments only prove that the Education Department is unnecessary and should be shut down.

“Millions of American students are still going to school, teachers are getting paid, and schools are operating as normal,” Ms. McMahon posted on social media last week. “It confirms what the President has said: the federal Department of Education is unnecessary, and we should return education to the states.”

The federal government indeed plays a small role in the day-to-day operations of schools, which are locally run and paid for mostly with state and local dollars. But it is responsible for sending out billions of dollars a year in funding for schools, about 10 percent of all public school funding. And it plays a key role in enforcing federal law in schools and universities.

The latest layoffs would make it nearly impossible for the Department of Education to fulfill those obligations, current and former employees said, potentially bringing the Trump administration one step closer to its goal of shutting down the department.

Here is what has been cut and what might be restored.

Layoffs wiped out staff who enforced federal law for students with disabilities.

An exact picture of who remains at the Department of Education is unclear, complicated in part by the government shutdown. The Trump administration has declined to discuss the cuts in detail.

But interviews and internal government data suggest that the layoffs hit two key departments that oversee the rights of students with disabilities, who make up 15 percent of the public school population.

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Nearly everyone was laid off at the Office of Special Education and Rehabilitative Services, which oversees \$15 billion a year in funding for students with disabilities and enforces compliance with the Individuals With Disabilities Education Act.

Individual students and families can also file complaints through the Office for Civil Rights, which investigates discrimination. Historically, the majority of cases filed with the department involved students with disabilities.

At the beginning of the year, there were civil rights lawyers spread across 12 regional offices. After the firings this month, the office's enforcement staff appeared to be all but decimated in the remaining five regional offices, according to data compiled by the American Federation of Government Employees Local 252, a union that represents workers in the Education Department.

Though federal money for students with disabilities has already gone out for this school year, experts questioned what enforcement would look like if the cuts were to hold.

"It's a thwarting of federal law and the requirements that have been enacted by Congress over many decades," said Margaret Spellings, an education secretary under President George W. Bush.

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Ms. McMahon has spoken publicly about moving some of the department's responsibilities for students with disabilities to other departments, including Health and Human Services and the Department of Justice. Legal experts have said such changes that would require approval from Congress.

Sydney Rendel, a lawyer in Florida who works with families of students with disabilities, said she had already stopped recommending that families file cases with the Office for Civil Rights, after she stopped hearing from lawyers there in the last few months.

"Every month I email them on the same date: Any updates?" said Ms. Rendel, who said she had a pending case involving a student with diabetes who she said did not receive proper support at school.

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Ms. Rendel has worked on other cases that she said could have made good candidates for federal investigation, such as an 8-year-old with autism whose diapers were not being changed throughout the school day. "These are families who feel like they have no voice and no recourse," she said. "It's almost like the law exists, but there is nobody to really enforce it."

Employees who investigate racial bias and sex discrimination were also cut.

In addition to disability discrimination, the Education Department's Office for Civil Rights enforces federal laws that prohibit discrimination on the basis of race, sex, age and national origin in schools and universities.

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The office received a record 22,687 complaints last year, an increase of more than 200 percent from five years earlier.

“There are categorically not enough people to do the work that Congress charges the office to do,” said Catherine E. Lhamon, a former assistant secretary for civil rights under the Obama and Biden administrations. When she left in January, she said the office had about 600 employees, with an average caseload of about 50.

After the Trump administration slashed the office in March, investigators were left with an average caseload of 168 open investigations, “an unprecedented and unmanageable number,” according to a letter Senate Democrats sent to the Trump administration on Monday.

The latest layoffs would further weaken the office's capacity and the scope of cases it can handle. Already, the office has been criticized for narrowly focusing on a set of issues important to Mr. Trump's political agenda, including transgender bathroom policies that the administration says violate the rights of girls, and racial equity policies that it says are illegal.

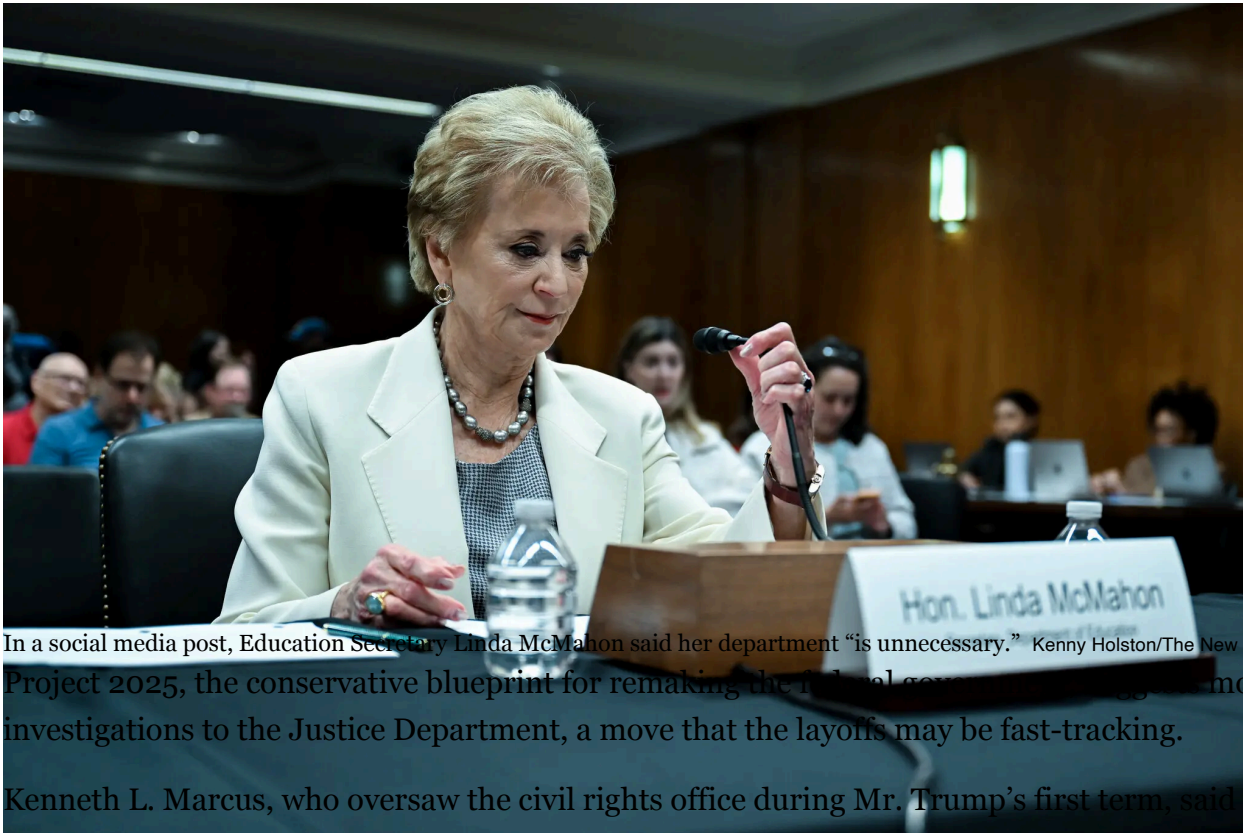
“I think what the Trump administration is communicating, as clearly as it is possible to communicate, is they do not care about civil rights and they have abandoned our longstanding guarantees of equal opportunity for all in schools,” Ms. Lhamon said.

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Education Department officials did not respond to a request for comment.

But in her social media post, Ms. McMahon argued that the department “has taken additional steps to better reach American students and families and root out the education bureaucracy that has burdened states and educators with unnecessary oversight.”

She added that education funding had not been affected, “including funding for special education.”



In a social media post, Education Secretary Linda McMahon said her department “is unnecessary.” Kenny Holston/The New York Times
 Project 2025, the conservative blueprint for remaking the federal government, suggests moving civil rights investigations to the Justice Department, a move that the layoffs may be fast-tracking.
 Kenneth L. Marcus, who oversaw the civil rights office during Mr. Trump’s first term, said that cutting so many civil rights investigators from the Education Department “really only makes sense if one is looking at a broader picture that involves increases in work done by other agencies.”

Money for financial aid and low-income schools is flowing, for now.

The office of Federal Student Aid, which handles loans for college students, was largely unaffected by the most recent round of layoffs.

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Most student loan money should continue to flow while the government is shut down, said Mark Kantrowitz, a federal student aid expert.

Other federal funding for school districts, including \$18 billion to support the education of low-income students, has already gone out for this school year.

But the office that handles that money and other federal funding for districts was also hit with widespread layoffs, raising questions about the government’s ability to send money for next school year. The next round of federal dollars will be due July 1.

A smaller number of school districts could be affected sooner. About 1,000 districts receive money more regularly through the Impact Aid Program, which since 1950 has reimbursed school districts for lost revenue in property taxes associated with federal land, such as Native American reservations and military bases.

“With no staff, we are really unsure how the department plans on releasing those funds,” said Cherise Imai, executive director of the National Association of Federally Impacted Schools.

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The layoffs are being challenged in court.
A federal judge has temporarily blocked the layoffs.

It's possible the Trump administration could bring back some laid-off employees after the government shutdown ends, an outcome some expect considering that teams dedicated to even programs that Mr. Trump supports, such as charter schools, were laid off.

But the Trump administration could also fight for the layoffs, as it successfully did earlier this year at the Supreme Court.

Mr. Trump has embraced the longstanding conservative idea that the Department of Education adds bureaucracy without lifting the outcomes of students. He has proposed cutting its budget by 15 percent for next year.

Tara Siegel Bernard contributed reporting.
Sarah Mervosh covers education for The Times, focusing on K-12 schools.
Michael C. Bender is a Times correspondent in Washington.
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