

119TH CONGRESS
1ST SESSION

S. _____

To prohibit the use of appropriated funds to eliminate, consolidate, or otherwise restructure any office within the Department of Education that administers or enforces programs serving individuals with disabilities.

IN THE SENATE OF THE UNITED STATES

Ms. ALSOBROOKS (for herself and Mr. VAN HOLLEN) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To prohibit the use of appropriated funds to eliminate, consolidate, or otherwise restructure any office within the Department of Education that administers or enforces programs serving individuals with disabilities.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protecting Students
5 with Disabilities Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Section 603 of the Individuals with Disabil-
2 ities Education Act (20 U.S.C. 1402) explicitly
3 states that the Office of Special Education Pro-
4 grams shall be housed within the Department of
5 Education and tasked with administering and car-
6 rying out programs and activities concerning the
7 education of children with disabilities.

8 (2) Section 3 of the Rehabilitation Act of 1973
9 (29 U.S.C. 702) explicitly states that the Rehabilita-
10 tion Services Administration shall be housed within
11 the Department of Education and tasked with ad-
12 ministering and carrying out programs and activities
13 concerning workforce investment activities of individ-
14 uals with disabilities.

15 (3) The executive branch does not have the uni-
16 lateral authority to alter this statutory framework.
17 This Act reaffirms Congress's intent and ensures
18 compliance with existing statutes.

19 **SEC. 3. PROHIBITION.**

20 None of the funds made available by Acts making ap-
21 propriations may be used to—

22 (1) eliminate, consolidate, or otherwise restruc-
23 ture any office within the Department of Education
24 that administers or enforces programs serving indi-
25 viduals with disabilities, including such programs

1 under the Individuals with Disabilities Education
2 Act (20 U.S.C. 1400 et seq.), the Rehabilitation Act
3 of 1973 (29 U.S.C. 701 et seq.), or any other appli-
4 cable Federal laws;

5 (2) terminate, reassign, or alter the responsibil-
6 ities of any personnel of any such office, such that
7 statutory obligations under the Individuals with Dis-
8 abilities Education Act (20 U.S.C. 1400 et seq.), the
9 Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.),
10 or any other applicable Federal laws are not met; or

11 (3) contract with, or delegate to, any entity out-
12 side of the Department of Education to administer
13 or enforce such programs.