

## BACKGROUNDER

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# The Shrinking Federal Footprint: Education Returns to the States

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### KEY TAKEAWAYS

Research has demonstrated that federal rules and regulations have drained manhours from K-12 schools and diverted attention away from classroom instruction.

A smaller Education Department means fewer administrative and regulatory burdens for state and local officials—giving them more time to expend on student learning.

State and local policymakers should make proactive decisions to prepare parents, students, and school officials for a smaller federal footprint in education.

**I**n 2025, federal officials began to downsize the U.S. Department of Education, reducing staff and moving administrative responsibilities to other federal agencies.<sup>1</sup> What does a smaller federal footprint in education mean for those outside Washington, DC—those state and local policymakers developing policies and procedures for local schools, the educators teaching children each day, along with the families and students in school communities?

The Education Department does not open or close schools, nor does the agency employ teachers. Still, complying with federal policies is a large part of state departments of education and school districts' employee responsibilities. State and local education employees help schools to carry out the Individuals with Disabilities Education Act (IDEA), for example, or to oversee the distribution of money for children in low-income areas under Title I of federal education law.

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This paper, in its entirety, can be found at <https://report.heritage.org/bg3944>

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It is common to find local education agencies (LEAs) and school-level administrators that employ staff solely for the purpose of implementing federal requirements. As a result, some administrators' roles will evolve to implement state-level goals and priorities, or their federal responsibilities will be eliminated with the downsizing or closure of the Education Department.

Crucially, however, even a smaller Education Department will result in state and local officials with fewer administrative burdens and less regulatory compliance responsibilities—thus giving these officials more resources in the form of time and manpower to expend on students in their states and localities. Teachers and principals will have more autonomy to make decisions affecting school operations. Local educators will spend less time completing federal reports.

Among the four most significant policy areas for which state and local policymakers will need to make decisions under their new authority as a result of a smaller federal education agency are (1) Title I of the Elementary and Secondary Education Act (ESEA, reauthorized in 2015 as the Every Student Succeeds Act (ESSA)),<sup>2</sup> (2) IDEA, (3) civil rights, and (4) transparency and student assessment. Research from Heritage Foundation analysts has recommended that policymakers consider converting Title I spending to a block grant program, which would give state lawmakers more authority over how to use this spending, or to allow families to access their child's portion of Title I spending and IDEA spending for use at education providers of their choice, even if a child remains at an assigned public school. (Title I and IDEA spending would be converted into “micro-grants” or “micro-education savings accounts” (micro-ESAs) for use at tutoring services, education therapists such as speech therapists, and more).<sup>3</sup> This *Backgrounder* provides additional policy recommendations for the changing roles of state and local policymakers in Title I and IDEA as well as the areas of civil rights and academic transparency.

Notably, the White House’s fiscal year 2026 budget request delivered to Congress on May 2, 2025, included a federal spending request for Title I and IDEA, which should allay fears that services for children from low-income families and students with disabilities will suddenly end as the Education Department downsizes.<sup>4</sup> In the meantime, state education policymakers should consider the Education Department’s Educational Flexibility (Ed-Flex) waivers, which allow state officials to seek waivers from federal education law and give parents and local school personnel more autonomy.<sup>5</sup> School district officials should also prepare to change their goals and operations and empower parents and local educators with more decision-making authority as the federal education agency winds down.

## Federal Regulatory Burdens on States and Schools

Research has demonstrated that federal rules and regulations have drained manhours from K-12 schools and diverted attention away from classroom instruction:

- Research from 1998 on state officials' administrative burdens caused by the Cabinet-level agency found that federal laws and regulations require some 48.6 million hours' worth of paperwork per year, "the equivalent of 25,000 employees working full-time."<sup>6</sup> The report "counted more than 20,000 pages of applications states must fill out to receive federal education funds each year."<sup>7</sup>
- In 2011, the U.S. House of Representatives Committee on Education and the Workforce found that state and local education officials "work 7.8 million hours each year collecting and disseminating information required under Title I of federal education law" at a cost of "more than \$235 million" to taxpayers—all just for administrative work.<sup>8</sup>

With this evidence of federal burdens on local schools, paired with persistently low student achievement on academic assessments, state policymakers should welcome efforts to close the federal Education Department. As the agency winds down, state officials should consider updates and reforms to key provisions in state law.

### Policy Reforms: Title I

Title I is the first chapter, or title, in federal education law (ESSA) and contains provisions that direct federal education spending meant for children living in low-income areas and who reside in low-income families.<sup>9</sup> The U.S. Department of Education supplements state taxpayer spending on school districts that serve high proportions of these students according to poverty data gathered by the U.S. Census Bureau.<sup>10</sup> According to the Education Department, 63 percent of traditional public schools and 62 percent of public charter schools were eligible to receive Title I taxpayer spending.<sup>11</sup> In 2021, federal taxpayers spent more than \$16 billion on Title I services.<sup>12</sup>

Depending on a district's poverty level, which alters the amount of Title I spending provided to a district, the \$16 billion total provided to states amounts to between \$1,000 and \$1,300 per student.<sup>13</sup> This sum is a small fraction of the total spending per child in K-12 public schools.

In total, Title I and other federal taxpayer spending for K-12 students account for an estimated 8 percent to 11 percent of each child's per student amount, on average.<sup>14</sup> The remaining 90 percent comes from state and local taxpayers.<sup>15</sup>

Research has documented that Title I was initially created to help individual students, but the law has evolved over time to fund school-wide reforms.<sup>16</sup> These Title I programs affect entire schools, even if the programs are not necessary or effective for students not eligible for Title I spending. State lawmakers should be prepared to:

- **Set** state-specific goals for Title I spending, apart from the school-wide objectives specified in federal law and regulations;
- **Consider** student-specific reforms for Title I block grants, such as micro-grants for individual students so parents could pay for additional tutoring, for example; and
- **Prepare** for the federal taxpayer spending on Title I to be phased out over time.

State lawmakers could use the flexibility from block grants to students' advantage by focusing goal-setting and agenda-setting on state needs. In lieu of block grants, state officials could apply for Ed-Flex waivers that would give lawmakers flexibility under Title I, Parts A, C, and D.<sup>17</sup>

For example, reading scores among traditional school students have fallen to near historic lows.<sup>18</sup> State lawmakers can set goals for reading achievement and use Title I spending to pay for phonics-based "science of reading" instruction programs that have proven more effective than look-say and cueing methods (verbal, visual, or physical prompts).<sup>19</sup> Similarly, math scores on the Nation's Report Card have been sinking, especially since 2020, and particularly for lower-performing students.<sup>20</sup> By converting taxpayer spending programs, such as Title I, into block grants, federal policymakers can allow state lawmakers to create education choice options similar to the state-level public and private school choice opportunities, such as charter schools, ESAs, and K-12 scholarships for private school tuition.<sup>21</sup> These options will support parents in finding specific learning services to help their children in math or other subjects.

State officials could use Title I spending to offer students micro-grants, or small ESAs that parents can use to buy education products and services for their children. Many state education choice programs already provide

eligibility for students living in low-income households. Using Title I to offer micro-ESAs will complement the state educational choices for families already in place.

Even in the absence of block-granting, states should use this period of Education Department downsizing to consider ways to use current Title I flexibility to meet their state-specific goals using Ed-Flex or other flexibilities already in federal law. The Trump Administration sent a letter to all states in March 2025 reminding them that a state can reserve 3 percent of its Title I, Part A funds for “direct student services” like tutoring, enrollment in advanced courses not offered at a particular school, or career and technical education.<sup>22</sup>

With the additional taxpayer spending of Title I and IDEA for use via block grants and for school choice options, state lawmakers should then fulfill the legislative intent of “universal” school choice opportunities as federal lawmakers phase out Title I spending. That is, some state ESA laws, for example, allow every child to apply for an account but cap participation at certain enrollment figures or total spending amounts.<sup>23</sup> State lawmakers could make private school choice opportunities part of state education funding systems so that a child can use his or her portion of the state education formula at an education provider of their choice. With the flexibility of using Title I and IDEA via block grants for other state priorities, this should give lawmakers the ability to use the state education budget to make education choice opportunities available to all students and truly “universal.”

## Individuals with Disabilities Education Act (IDEA)

IDEA requires that public education officials—including local school districts—provide eligible students with disabilities, ages three to 21, with a “free and appropriate public education.”<sup>24</sup> Nearly all (95 percent) of students receiving services under IDEA are enrolled in public school.<sup>25</sup>

Whether families consider public education services to be “appropriate” for eligible students has been a topic of much debate, research, and litigation for decades.<sup>26</sup> With federal officials downsizing the Education Department, state and local policymakers should closely review IDEA spending and services and look for ways to improve education and life outcomes for participating children.

The number of students with qualifying disabilities is growing, making this student group a larger share of public school enrollment. Between the 2012–2013 and 2022–2023 school years, the number of students served under IDEA rose from 6.4 million to 7.5 million students.<sup>27</sup> While public

school enrollment dropped between 2019 to 2022, the percentage of public schools served under the law increased from the 2019–2020 to the 2022–2023 school year.<sup>28</sup>

State leaders need to be prepared to:

- **Prioritize** the needs of this growing student demographic through education choice policies.
- **Consider** reforms that allow parents to have greater control over state or federal funds intended to provide their students with a free and appropriate education. Like Title I funds, IDEA could be converted into block grants that allow more flexible, personalized use, including private school or private education providers such as education therapists.

While some education leaders worry that changes to federal control may mean that states will abandon or weaken their commitment to IDEA or its purposes, it seems unlikely, given that states already demonstrate a sensitivity and priority for students with disabilities.<sup>29</sup> Like education choice opportunities for children eligible for Title I services, lawmakers in many states with education choice programs created such options specifically for students with disabilities or first made eligible students with special needs.<sup>30</sup> Similar to the proposal described above for Title I spending, policymakers should convert IDEA spending to micro-ESAs that allow parents to use their child’s portion of the IDEA formula to purchase education products and services for their child’s unique needs.

State education officials should also consider performing audits of how much federal spending for children with disabilities is being used in their state, along with the changes in the population of children with disabilities. Policymakers should measure the education outcomes for students with special needs, adjusted according to a child’s disability. Regardless of federal changes to IDEA, shifts in demographics warrant such research.

## Civil Rights

The Office for Civil Rights in the U.S. Department of Education is tasked with enforcing federal civil rights and investigating claims of discrimination based on race, color, and national origin and sex discrimination under Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972 (particularly to protect women), and Section 504 of the Rehabilitation Act of 1973, for those with a disability.<sup>31</sup>

Federal lawmakers and Cabinet-level agencies, such as the U.S. Department of Justice, had responsibilities for enforcing civil rights laws well before the creation of the Education Department and will have such responsibilities once lawmakers close the education agency. However, the ways in which the federal government works with state agencies or relevant state coordinators tasked with overseeing civil rights law in individual states may look different with a smaller footprint.

States should prepare for a greater role in this area of policy and legal work by:

- **Updating** current state-level civil rights or antidiscrimination laws to align with the U.S. Supreme Court Decision in *Students for Fair Admissions v. Harvard*, prohibiting racial preferences in college admissions and K-12 programming, including the awarding of attorney fees to parents and students when they successfully challenge diversity, equity, and inclusion (DEI) programs and other civil rights violations in schools;
- **Prohibiting** boys and men from accessing women's and girls' private spaces or participating in female athletics, consistent with the White House executive order opposing such activity, and prohibiting the teaching of "gender" as opposed to biological differences based on sex for students in K-12 schools; and
- **Prohibiting** taxpayer spending on DEI offices at K-12 and postsecondary institutions.

State lawmakers should consider legislative proposals that require colleges and universities, as well as K-12 schools, to make their enrollment, hiring, and contracting policies consistent with the *Students for Fair Admissions* opinion that ruled the use of racial preferences in these specific areas unconstitutional.<sup>32</sup> Such racial preferences also violate Title VI of the Civil Rights Act. Educators and school administrators should be prohibited from segregating students for mandatory affinity groups, hiring staff according to racial preferences, or enrolling students based on racial or ethnic characteristics. State lawmakers in Ohio, Texas, and Florida, to name a few, have already adopted such policies.<sup>33</sup>

State policymakers and local educators, including school board members, should adopt proposals and resolutions that prohibit men from accessing girls' bathrooms and locker rooms or participating on all-girls sports teams.

State and local officials should also prohibit school administrators from establishing policies that require educators to address a student with a pronoun that is inconsistent with the child’s sex or other policies that socially transition students from their sex to a selected “gender.” The Heritage Foundation has published a model school board resolution for board members, along with model state legislation that defines sex across state law and model legislation prohibiting the social affirmation of minor children.<sup>34</sup> The White House issued an executive order titled “Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government” that supports such policies. The order declares: “Efforts to eradicate the biological reality of sex fundamentally attack women by depriving them of their dignity, safety, and well-being.”<sup>35</sup>

Finally, DEI offices and programs violate civil rights laws by promoting student enrollment policies that consider race, sex, or sexual preferences as part of school admissions processes, along with hiring practices that adhere to racial quotas for employment.<sup>36</sup> State lawmakers should consider policies that prohibit the use of taxpayer spending on DEI and related activities. State officials on the boards of governors for the University of North Carolina and the University of Georgia, along with lawmakers in Iowa and Wisconsin, have adopted such provisions (the aforementioned policies in Ohio, Florida, and Texas also eliminated DEI offices in schools).<sup>37</sup>

State lawmakers should also ask their state attorney general to advise educators and policymakers on compliance with civil rights statutes if policymakers are not doing so already. Again, the most litigated area of civil rights-related complaints for K-12 schools concerns children with disabilities, so lawmakers should coordinate the resolution of these complaints with their state attorney general and the U.S. Department of Justice instead of the U.S. Department of Education.

## Transparency and Student Assessment

With empowered state officials at the helm, failed accountability measures can be redesigned as transparency efforts over accountability systems. Ultimately, transparency should be geared toward giving clear signals of quality to consumers of education—parents and students—rather than the government.

State policymakers, including legislators and the state board of education, can facilitate more education transparency by:

- **Capturing** additional data on student success (including collecting and disaggregating student achievement data by family composition)

and levels of parent satisfaction with assigned public schools, even as academic proficiency remains a priority;

- **Giving** educators more flexibility over state assessment choices; and
- **Updating** career and technical education (CTE) standards.

First, state and federal achievement tests such as the Nation's Report Card already gather information on student achievement. States should continue to collect such information through state assessments. (Just because the Education Department closes does not mean that the laws requiring states to administer state assessments should be removed.)<sup>38</sup> State policymakers should also gather information on parent satisfaction with K-12 learning options, as well as information on family characteristics and formation. Research consistently finds that a child's parents' marital status is correlated with academic achievement, so state officials should consider policies that teach students the value of education, work, and marriage.<sup>39</sup> The Heritage Foundation has published a model school board resolution describing how to include instruction on the success sequence in K-12 schools.<sup>40</sup> This sequence explains the strong evidence demonstrating that individuals are less likely to live in poverty if they finish high school, find a job or begin a terminal degree, and get married before having children.<sup>41</sup>

Second, state policymakers should consider proposals that give LEAs and schools a menu of options for academic testing instead of requiring a single state test. State officials should allow schools to choose from a list of nationally "norm-referenced" tests, which, as the term indicates, are comparable across schools using scores set on a nationally normed scale. Such a policy will give educators more authority over instruction and curriculum.<sup>42</sup> Under President Donald Trump's first Administration, the U.S. Department of Education gave state policymakers limited flexibility to experiment with student testing options.<sup>43</sup>

Finally, CTE teachers and administrators have recommended that new state transparency and accountability systems include states "develop[ing] clear, measurable goals" for students related to CTE.<sup>44</sup> Quality CTE options are essential for students today because a traditional, four-year college degree is not the best option for every high school graduate. For students to find effective job training, CTE providers must be prepared to work with state education officials to create goals and achievement metrics apart from the federal education agency and such metrics should still hold students to high academic standards.

## Interagency Agreements

State education commissioners should be aware that the U.S. Department of Education is creating interagency agreements, as such agreements may change the contacts and offices responsible for federal programs. For example, the Department of Education and the Department of Labor (DOL), Interior, State, and Health and Human Services have already entered into a “workforce development partnership” via an interagency agreement.<sup>45</sup> Under the new agreement with Labor, the “DOL will take on a greater role in administering the adult education and family literacy programs funded under Title II of the Workforce Innovation and Opportunity Act (WIOA) and career and technical education (CTE) programs,” while the other agreements create larger roles for the State Department, Interior Department, and other agencies to implement federal education programs.<sup>46</sup>

The DOL will assume the primary role in implementing adult education programs once operated by the Education Department. The press release announcing the interagency agreement noted that the “partnership marks a major step in shifting management of select ED [Education Department] programs to partner agencies,” which means that if this and other partnerships are successful, the arrangement could serve as a model for IDEA and other initiatives.<sup>47</sup>

State officials should contact the Education Department to determine how to reach the new departments overseeing programs that have shifted to other agencies.

## State-Led Consortia

In 2024, state officials from around the country sent letters to President Joe Biden and his Administration opposing the Administration’s attempt to change “sex” to “sexual orientation and gender identity” in Title IX of civil rights law.<sup>48</sup> This rule change to the law would have allowed boys who said they were born in the wrong body to access girls’ private spaces and compete on female sports teams.

States attorneys general across 26 states banded together and filed eight different lawsuits to stop the rule change.<sup>49</sup> Ultimately a court suspended the rule change, and after President Trump’s second inauguration, the new Department of Education has not challenged the ruling—which means the rule change is not in force.<sup>50</sup>

State officials should apply the same consortium approach in attempting to rescind rules and regulations that create burdens for state education agencies

and local schools. State attorneys general can coordinate as needed with state education officials and co-sign letters to the Education Secretary listing the rules and regulations that the agency can change or rescind without legislative action.

The collective voices from states around the country will demonstrate both support for closing the agency as well as specific policies that state officials recognize as impediments to teachers and parents in providing a quality education to K-12 and postsecondary students.

## Policy Recommendations for State and Federal Policymakers

As the executive branch and Members of Congress eliminate staff positions at the U.S. Department of Education and adopt policies that lead to the ultimate closure of this federal agency, state policymakers should:

- **Create a state working group to study and prepare for new state responsibilities.** State education leaders should proactively study these and other policy issues that may become relevant as this Administration continues to make changes in education policy. As the federal role is reduced, the state responsibilities will expand. Rather than waiting for federal directives, state officials can prepare for changes by conducting preliminary audits and studies of state education governance models or academic outcomes and making recommendations for how they should improve.
- **Initiate audits to understand how federal funds are being used and review the student outcomes produced.** Audits of state and federal spending can inform policymakers and stakeholders about how educators are using taxpayer money.
- **Adopt state goals and objectives for federal education spending programs.** State lawmakers should create goals for local education agencies and their state's department of education for the use of federal spending programs that are converted to block grants and may be phased out over time. For example, state officials should determine state-specific academic goals for Title I spending under ESSA to replace federal objectives. State policymakers should determine how LEAs are to use this taxpayer spending for children in low-income areas. These state objectives would replace the federal goals set and overseen by the U.S. Department of Education.

- **Request Ed-Flex waivers.** State lawmakers should request waivers from “certain requirements that may impede local efforts to reform and improve education.”<sup>51</sup> State policymakers can request waivers from provisions in Title I, Part A (federal spending for children in low-income areas), Part C (Education of Migratory Children), and Part D (Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk); Title II, Part A (Supporting Effective Instruction); Title IV, Part A (Student Support and Academic Enrichment Grants); and the Carl D. Perkins Vocational and Technical Education Act.<sup>52</sup>
- **Create more transparency for parents.** State policymakers should require that school officials make school curricula and student assignments available for parents to view online, just as educators did during the COVID-19 pandemic. Parents should be able to view worksheets, reading assignments, and other classroom material.
- **Adopt parental bills of rights that state that a parent is a child’s primary guarantor of physical and moral well-being** and that public actors may not interfere with this relationship unless required by a compelling interest and is done in the least restrictive means possible. These bills of rights should also prohibit the use of taxpayer spending on DEI programs in K-12 schools and prohibit teachers or students from being compelled to affirm any ideas of collective racial guilt or gender ideology, but especially those ideas that violate state and federal civil rights laws.<sup>53</sup>
- **Consider adopting the Given Name Act**, which prohibits educators from addressing a child by anything other than the name and corresponding pronouns that are listed on the child’s birth certificate unless receiving written permission from parents.<sup>54</sup> Furthermore, state and local officials should prohibit school administrators from adopting policies that require educators to address a student with a pronoun that is inconsistent with the child’s biology.

Federal lawmakers should:

- **Solicit feedback from state superintendents to design block grants.** Members of Congress should phase out Title I spending. As state officials adjust their budgets, federal lawmakers should consult with state

education leaders about the details of the provisions in the law concerning the block grants. Federal lawmakers should draft the provisions so that state education officials can design state-specific policies for how the spending is used to promote student academic achievement.

- **Continue to publish relevant data on outcomes.** Federal lawmakers should commit to publishing state-based data on student proficiency (including collecting and disaggregating student achievement data by family structure) so that state leaders can analyze trends and make informed policy decisions.

## Conclusion

President Trump’s Administration has started to fulfill a campaign promise and downsize the U.S. Department of Education. The President has instructed Education Secretary Linda McMahon to “the maximum extent appropriate and permitted by law, take all necessary steps to facilitate the closure of the Department of Education and return authority over education to the States and local communities.”<sup>55</sup> As federal officials comply with this order, state and local education policymakers should make proactive decisions to prepare parents, students, and school officials for a significantly smaller federal footprint in education.

In its 45-year history, the Education Department has not made state and local education offices more efficient, nor has the agency implemented policies that led to improved student achievement. Decisions about a child’s education should be made by the adults who are closest to that child—parents and teachers—certainly not bureaucrats in Washington. With a smaller federal footprint in education, state lawmakers should develop policies to promote parent decision-making and reduce administrative burdens on schools. Closing the U.S. Department of Education does not signal the end of education, but a new beginning for parents, states, and local educators.

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