United States Senate

WASHINGTON, DC 20510

September 17, 2026

The Honorable Linda McMahon
Secretary of Education
U.S. Department of Education
400 Maryland Avenue SW
Washington, D.C. 20202

Dear Secretary McMahon:

We write to express our concern at the abrupt resignation of Acting Assistant Secretary Kelly Rogers amid the disruptive transfer of Department of Education workers who serve students with disabilities. As the Acting Assistant Secretary of the Office of Special Education and Rehabilitation Services (OSERS) at the Department of Education (the Department), it was Ms. Rogers' role to oversee IDEA programs that provide essential services and supports to students, families, educators, and schools. In your Department, that meant she was tasked with executing the harmful and unnecessary transfer of these education programs to the Department of Health and Human Services (HHS). Ms. Rogers' resignation was announced the day before the dedicated staff was required to show up at HHS and effective the day after.[1] Since the Department is following through with the transfer of workers and critical programs without educational leadership, every OSERS employee will be forced to carry out this transition with little guidance and even less oversight.

Ms. Rogers resigned after four months of serving in this critical position. She was appointed in May 2026, just weeks before the transfer was announced, and expressed public enthusiasm over the opportunity to "modernize oversight" and "reduce barriers" with the move.[2] Now, she is gone. While the Department has made the choice to temporarily appoint the Assistant Secretary for Elementary and Secondary Education to replace Ms. Rogers, students with disabilities and the workers who serve them deserve undivided guidance and oversight. The students and families who depend on OSERS have no accountable leadership, and the dedicated staff face massive structural change and disruption with the threat of further staffing cuts as proposed in the FY27 budget.

The absence of meaningful OSERS leadership as students head back to school underscores the emptiness of this administration's public commitments to students with disabilities and longstanding federal law.[3] Students with disabilities need stability and unwavering

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[1] https://www.npr.org/2026/09/09/nx-s1-5962899/special-education-kelly-rogers-resigns
[2] Ibid.
[3] "[IDEA] promises that we're going to take care of these students, and they're going to be provided with assistance that they have in the schoolrooms, the technology that they need, the assistance."

implementation of special education law and civil rights protections. Without federal commitment or a dedicated leader, students with disabilities and their families will suffer the consequences.

Ms. Rogers' resignation and the temporary appointment of a replacement carrying other critical responsibilities only adds to the Trump administration's disruption to public education. We urge you to stop the chaotic transfer of OSERS to HHS and to ensure that there is dedicated, experienced leadership capable of providing students with disabilities the quality education they deserve.

Sincerely,

Chris Van Hollen
United States Senator

Bernard Sanders
United States Senator

Angela D. Alsobrooks
United States Senator

Andy Kim
United States Senator

Kirsten Gillibrand
United States Senator

Mazie K. Hirono
United States Senator

Lisa Blunt Rochester
United States Senator

Tim Kaine
United States Senator

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https://www.congress.gov/event/119th-congress/senate-event/LC75468/text; "The Department of Education has a solemn responsibility to protect all students from discrimination, especially our most vulnerable. We will ensure schools are fulfilling their commitment to provide all students with equal access to educational opportunities and not placing unnecessary burdens on families to fight for special education services for their children to which they are entitled under law." https://www.ed.gov/about/news/press-release/us-department-of-education-investigate-dc-public-schools-over-reported-disability-discrimination?utm_source=chatgpt.com; "IDEA is a generational achievement." https://www.ed.gov/about/news/speech/secretary-mcmahons-letter-parents-of-individuals-disabilities

Jeanne Shaheen
United States Senator

Cory A. Booker
United States Senator

Alex Padilla
United States Senator