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A Summary of Federal Education Laws Administered by the U.S. Department of Education

Federal Support for Education

In the United States, primary responsibility for establishing policy and providing funding for elementary and secondary education rests with the states and instrumentalities therein. Federal financial support typically supplements state and local funding. Postsecondary education is financed primarily through a mix of state appropriations, endowment revenue, and payments of tuition and fees from students and their families. Federal assistance supports students and families who are responsible for making those payments.

The U.S. Department of Education (ED), established in 1979 through the Department of Education Organization Act (P.L. 96-88, as amended), is the federal agency with the primary responsibility for administering federal elementary, secondary, and postsecondary education programs. It supports the general welfare of the United States by working to ensure equal access to educational opportunity; and it supplements the efforts of state, local, and private entities in improving the quality of education. ED's mission is "to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access."

The majority of the federal programs, activities, and benefits supportive of education at the elementary, secondary, and postsecondary levels are authorized by only a few major education laws. While federal education programs, activities, and benefits have varied foci and address many different aims, broadly speaking, they collectively provide for the following:

Research and statistics on the progress and condition of education and on the efficacy of programs and practices;

Supplemental grants supporting core services and programs in elementary and secondary schools serving concentrations of disadvantaged students;

Targeted grants supporting the creation, improvement, and/or operation of programs targeting particular educational aims at all levels of education; and

Financial aid for postsecondary students, such as grants, loans, work-study assistance, and tax benefits to encourage college access, persistence, and attainment.

Looked at more expansively, programs supportive of early childhood care and education, child nutrition, school health clinics, workforce development, and several other types of initiatives also may be considered federal education programs. From this perspective, numerous other federal agencies administer federal education programs, activities, and benefits as well.

Education Laws Administered by ED

The major laws authorizing the education programs that ED administers are described below. Periodically, Congress considers modifying or reauthorizing these laws. It also annually considers the appropriation of funds for ED programs through the Departments of Labor, Health and Human Services, and Education, and Related Agencies (L-HHS-ED) appropriations act. In addition, in response to specific situations such as the COVID-19 pandemic, Congress may enact laws that authorize new education programs or flexibilities to be administered by ED.

Education Sciences Reform Act of 2002 (ESRA)

Efforts to gather statistics on the condition and progress of education date back to 1867 (P.L. 39-73), and a coordinated national educational research and development effort began to take shape with the creation of the National Institute of Education in 1974 (P.L. 93-380). The ESRA was enacted in 2002 (P.L. 107-279), and substantially revised federal research and statistics programs. It established the Institute of Education Sciences (IES) as an independent research arm of ED, consisting of four research centers.

P.L. 107-279 also enacted two other laws. The Educational Technical Assistance Act (ETAA, Title II of P.L. 107-279) authorizes the Secretary of Education to make grants to states for statewide longitudinal data systems. The National Assessment of Educational Progress Authorization Act (NAEPAA, Title III of P.L. 107-279) authorizes national, state, and long-term assessments in reading and mathematics, which are collectively referred to as the National Assessment of Educational Progress (NAEP).

Authorizations of appropriations for ESRA, ETAA, and NAEPAA programs and activities have expired; however, discretionary funding for them continues to be provided through annual appropriations acts.

Elementary and Secondary Education Act (ESEA)

The ESEA (P.L. 89-10, as amended) was enacted in 1965 and was last reauthorized in 2015 by the Every Student Succeeds Act (ESSA; P.L. 114-95). Title I-A, the largest ESEA program, provides compensatory grants to local educational agencies (LEAs) to fund educational and related services for low-achieving and other students who attend elementary and secondary schools with relatively high concentrations of students from low-income families. Receipt of Title I-A funds is conditioned upon acceptance of certain educational accountability requirements (e.g., standards and assessments), affecting broad aspects of public elementary and secondary education for all students.

Other ESEA programs, for example, provide grants to support rural schools, teacher recruitment, instruction for English language learners, afterschool activities, the

expansion of charter and magnet schools, and education services for Indian, Native Hawaiian, and Alaska Native students. Authorizations of appropriations for ESEA programs have expired. Annual appropriations acts have continued to provide discretionary funding for them.

Adult Education and Family Literacy Act (AEFLA)

The AEFLA was enacted in 1998 as Title II of the Workforce Investment Act (WIA, P.L. 105-220) and was reauthorized in 2014 through the Workforce Innovation and Opportunity Act (WIOA; P.L. 113-128). It is the primary federal law supporting basic education for out-of-school adults—commonly referred to as adult education. AEFLA programs mainly support educational services at the secondary level and below and English language instruction. Authorizations of appropriations for the AEFLA program have expired. Annual appropriations acts have continued to provide discretionary funding.

Individuals with Disabilities Education Act (IDEA)

The federal government has provided support for the education of children with disabilities since the 1960s (P.L. 89-750). In 1975, Congress enacted P.L. 94-142 (now known as the IDEA), which authorizes grant programs that support early intervention and special education services for children with disabilities from birth to age 21. The IDEA was last reauthorized in 2004 (P.L. 108-446). As a condition of receiving funds, states must provide certain substantive and procedural protections for students with disabilities. For example, states and LEAs must convene a team to develop an individual education program (IEP) that states the specific special education and related services to be provided to ensure a child served under the IDEA receives a “free appropriate public education” (FAPE).

Over 90% of IDEA funds are appropriated for Part B, which authorizes grants to states for special education services for school-aged children. The authorization of appropriations for Part B is permanent. The authorization of appropriations for Part C, which authorizes state grants for infants and toddlers with disabilities, and Part D, which authorizes national activities, has expired. Annual appropriations acts have continued to provide discretionary funding.

Rehabilitation Act of 1973 (RA)

Under the RA (P.L. 93-112, as amended), funds are provided to support vocational rehabilitation (VR) services primarily through the VR State Grants program, which supports services to help individuals with disabilities prepare for and engage in employment. The RA was amended and the VR State Grants program reauthorized by Title IV of the WIOA. Authorizations for mandatory funding for the VR State Grants program have expired; however, funding for the program continues to be provided through annual appropriations acts.

Perkins Career and Technical Education Act

Federal support for career and technical education (CTE; once referred to as vocational education) dates to the Smith-Hughes Vocational Education Act (P.L. 64-347), enacted in 1917. Currently, the Carl D. Perkins Career and Technical Education Act of 2006 (Perkins Act; P.L. 88-210, as amended) is the primary federal law supporting CTE. It authorizes a state grant program to support CTE activities at

the secondary and postsecondary education levels. The Perkins Act was reauthorized by the Strengthening Career and Technical Education for the 21st Century Act (P.L. 115-224). Discretionary appropriations are authorized for FY2019 through FY2024.

Higher Education Act of 1965 (HEA)

The HEA (P.L. 89-329, as amended) was enacted in 1965. It was last comprehensively reauthorized by the Higher Education Opportunity Act of 2008 (HEOA; P.L. 110-315) and has since been amended by other laws. Title IV of the HEA authorizes an array of federal student aid programs that assist students and their families in financing postsecondary education expenses. The Federal Pell Grant program provides need-based grant aid to low-income undergraduate students and is the largest single source of federal grant aid for postsecondary education. The William D. Ford Federal Direct Loan program makes federally funded loans available to students and their families. The Federal Work-Study (FWS) program subsidizes part-time employment for students with financial need. The HEA also authorizes programs providing federal support directly to institutions of higher education (IHEs). Title III and Title V of the HEA authorize programs that provide grants to IHEs that serve relatively high proportions of minority and financially needy students to strengthen the IHEs’ academic, financial, and administrative capabilities.

HEA programs are funded through a combination of discretionary and mandatory appropriations with most funding provided for the Title IV federal student aid programs. Mandatory funding for the Direct Loan program is permanently authorized, and mandatory funding for the Federal Pell Grant program is permanently appropriated. While the authorizations of appropriations for most HEA programs have expired, funding continues to be provided for most HEA programs through annual appropriations acts.

Statutes that Protect Student and Parental Rights

ED is also charged with enforcing various civil rights laws that prohibit discrimination in all programs or activities that receive federal financial assistance (unless otherwise noted). These include Title VI of the Civil Rights Act of 1964 (P.L. 88-352, as amended; prohibits discrimination based on race, color, or national origin), Title IX of the Education Amendments of 1972 (P.L. 92-318, as amended; prohibits discrimination based on sex), Section 504 of the Rehabilitation Act of 1973 (P.L. 93-112, as amended; prohibits discrimination based on disability), the Age Discrimination Act of 1975 (P.L. 94-135, as amended; prohibits discrimination based on age), and Title II of the Americans with Disabilities Act of 1990 (P.L. 101-336, as amended; prohibits discrimination based on disability by public entities).

ED also enforces two laws that protect student privacy rights: (1) the Family Educational Rights and Privacy Act (FERPA), which guarantees parental access to student education records while limiting the disclosure of those records to third parties; and (2) the Protection of Pupil Rights Amendment (PPRA), which gives parents certain rights regarding the collection of student data.

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