

Information for MAF Staff, Advocates, and Families

developed by The Arc MI Education Committee, last updated March 13, 2025

Introduction

There is much concern about protecting the rights of individuals with disabilities who are protected under the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973, given the current administration's priorities and actions that are being taken across the country impacting students with disabilities.

The Arc Michigan Education Committee developed this document to provide talking points when you receive questions from families. As you are comfortable, feel free to share the information below.

INFORMATION IN THIS DOCUMENT IS SUBJECT TO CHANGE.

If you have any questions about information in this document, please contact: Michelle Driscoll, Policy Coordinator, Michigan Alliance for Families at michelle@michiganallianceforfamilies.org

Do not share this document or Michelle's contact information with families.

General Information

The Individuals with Disabilities Education Act (IDEA) is the federal law that guarantees all eligible students with disabilities a free appropriate public education (FAPE) in the least restrictive environment (LRE). The IDEA protects the rights of students who receive special education and related services and their parents.

Some key roles of the U.S. Department of Education (ED) as it relates to IDEA are to provide funding for students with disabilities eligible for special education services, issue regulations and guidance so states understand how to follow IDEA provisions, provide oversight to ensure IDEA is implemented with consistency, protect the rights of students and parents and investigate civil rights complaints, and provide specialized technical assistance to schools, as needed, to ensure compliance with IDEA requirements.

Michigan Administrative Rules for Special Education (MARSE) outlines how IDEA is implemented in Michigan. States can do more than federal law requirements, but not less. In some cases, Michigan goes beyond what is federally required.

The proposal to eliminate the U.S. Department of Education (ED)

The IDEA existed before the U.S. Department of Education was established. Eliminating the ED means:

- The IDEA remains in place as federal law
- Loss of federal oversight that ensures states uphold educational rights
- Loss of federal funding
- Dismantling accountability systems that ensure schools provide a free appropriate public education (FAPE) to eligible students with disabilities

The proposal to move the IDEA to the U.S. Department of Health and Human Services (HHS) if ED is eliminated means:

- Reframing education as a social service rather than a right
- Converting IDEA to block grants that go to individual states which each have their own funding priorities and possibly eliminating crucial protections such as:
 - The right to an Individualized Education Program (IEP)
 - Parental consent requirements
 - Due process protections when services are denied
 - The right to education in the least restrictive environment

Section 504 is also at risk!

Section 504 of the Rehabilitation Act of 1973 is a federal law that prohibits discrimination against individuals with disabilities. In education, Section 504 requires schools that receive federal financial assistance to provide reasonable accommodations, ensure equal access to educational opportunities, and provide a free appropriate public education (FAPE) for qualified students with disabilities. Section 504 protects the rights of students to be educated with students without disabilities instead of being segregated in institutions or separate classrooms.

Currently, the Texas v. Becerra lawsuit filed against the US government by 17 states seeks to invalidate Section 504 and do away with Section 504 regulations in areas like healthcare, education, employment, housing, and transportation.

Civil Rights Complaints

Civil rights complaints can still be filed with ED Office for Civil Rights even as changes to the office are going on. A civil rights complaint can also be filed with the Michigan Department of Civil Rights for enforcement of state laws prohibiting discrimination.

What can you do?

- **Utilize and share resources** (See below)
- **Find and contact your members in the U.S. Congress**
- **For Families:** Share your family's educational story with your legislators and media. Reach out to the Regional Parent Mentor in your area if you would like assistance with how to develop and share your story
- **Michigan Alliance for Families staff and advocates:** Share your own family educational stories with legislators and media, share how your work and advocacy has positively impacted families you support. *These efforts should be done as an individual, not as an Arc employee.*

Take Action!

1. **Contact your Congressional representatives today** demanding they oppose the elimination of the Department of Education.
2. **Join local advocacy efforts** with education and disability rights groups such as the Michigan Parent, Advocate and Attorney Coalition (MiPAAC)
3. **Share your family's education story** with legislators and media.
4. **Make Your Voice Heard** 5 Calls is an easy and effective way for you to make a political impact. Call your congressperson and get updates on the latest issues.

What more can you do to stay updated?

MAF Newsletter signup

Arc Michigan Newsletter Signup

Sign up for Arc US Email Updates

Sign up for Michigan Department of Education Email Communications (at bottom of page)

Sign up for Disability Rights Michigan Exchange Newsletter

