

## The Arc Michigan Position Statement on Evaluation and Eligibility for Special Education Services

The Arc Michigan believes that every child has the right to a comprehensive and timely evaluation when concerns arise regarding a child's educational needs. Evaluating a child to determine eligibility for special education is a critical step in ensuring access to appropriate services and supports in the least restrictive environment. The Arc Michigan advocates for a process that is child-centered; grounded in collaboration between families, educators, and professionals; and considers educational performance, social, emotional, and developmental factors.

The **Individuals with Disabilities Education Act (IDEA)** is the federal law that entitles eligible students to receive a Free Appropriate Public Education (FAPE) in the Least Restrictive Environment. **Michigan Administrative Rules for Special Education (MARSE)** further clarify how the federal requirements of the IDEA are implemented in Michigan. The IDEA and MARSE ensure that evaluations used to determine eligibility for special education services follow procedures and are timely and comprehensive for all children and students from birth to age 26. This position statement discusses evaluation and eligibility for special education services for all children and students from 3 to 26.

### Initiating the Evaluation

A request for evaluation can be made at any time by a parent or school personnel, verbally or in writing. When a parent makes a verbal request for an evaluation, the school *must* assist families in documenting these requests in writing. The Arc Michigan encourages families to follow up, in writing, on evaluation requests and to keep documentation of all correspondence related to the evaluation process. The school must respond to the request for evaluation **in writing** within 10 school days, notifying the parent whether they will or will not conduct the evaluation.

Before any evaluation begins, informed parental consent must be obtained. Consent is not merely a formality—it is a foundational right that ensures parents are active participants in the decision-making process. Parents must be provided with clear, understandable information about the proposed evaluation in the parent's native language, including its purpose, scope, and the types of assessments that will be used. A parent can revoke consent at any time.

Although a Review of Existing Educational Data (REED) is not required for an initial evaluation, it is considered best practice to review all necessary data and/or identify additional needed information to determine eligibility for special education services.

### Comprehensive and Timely Evaluation Process

The evaluation process must follow the [timeline established by the Michigan Department of Education \(MDE\)](#), which outlines clear steps and deadlines to ensure accountability and transparency. This timeline is not optional; it is a legal safeguard designed to protect the rights of children and families. Schools must respect this decision and proceed within the mandated timeframe unless an extension is explicitly agreed upon, in writing, by the parent. This protects students from unnecessary delays and reinforces the importance of timely access to services.

The Arc Michigan strongly opposes the “wait and see” approach often used by schools to delay evaluations. Using Response to Intervention (RTI) to delay an evaluation for eligibility for special education services when a child has a suspected disability can result in missed opportunities for early intervention and support. Once a concern is raised, the school **must** act without unnecessary delay. Using RTI without conducting a formal evaluation is not sufficient and may violate the child's rights under the Individuals with Disabilities Education Act (IDEA).

A **Multidisciplinary Evaluation Team (MET)** has a central role in this process and is comprised of professionals from various disciplines with diverse perspectives. MET includes at least 1 special education teacher or other specialist who has knowledge of the suspected disability and is responsible for evaluating the student. Other members may include teachers, school psychologists, speech-language pathologists, and other specialists. The

[MET](#) is responsible for conducting a comprehensive evaluation that considers the whole child. The team brings expertise to ensure that decisions are data-driven and tailored to the student's unique needs.

### **Evaluating All Areas of Suspected Disability**

An evaluation of eligibility for special education services is not limited to academic performance. Evaluations must address all areas of suspected disability, including educational performance (academic achievement and functional performance, communication, social-emotional, behavioral), functional skills, transition skills, physical, and developmental aspects. This includes consideration of the child's ability to participate in nonacademic and extracurricular activities. A comprehensive evaluation ensures that the child's full range of needs is identified and can be addressed through appropriate services and supports.

The MET will develop a summary of their data, which can include RTI data, and provide recommendations for eligibility or ineligibility for special education services based on the [13 eligibility categories in MARSE](#). This report is presented to the Individualized Education Program (IEP) team. While the recommendations of the MET form the basis for IEP, the IEP team is not bound by the MET recommendations and can make a decision that is different from the MET recommendation, based on the data. (example: if a student is determined eligible under two categories by the MET, the IEP team can determine which is the primary eligibility).

### **Eligibility**

If a child is found eligible for special education and related services, an appropriately developed Individualized Education Program (IEP) is developed for the unique needs of the individual child. The IEP will address **all** needs of the child, even those not commonly linked to the category of eligibility determined by the IEP team.

If a child is determined ineligible for special education services under the IDEA, the child may be able to receive accommodations, supports, and services under [Section 504 of the Rehabilitation Act of 1973](#).

### **Parent's Rights**

Families must receive **prior written notice** whenever the school proposes or refuses to initiate and/or change the identification, evaluation, or educational placement of the child. This notice must include a description of the action, an explanation of why the action is being taken, and a summary of the data used to make the decision.

Parents may request an **Independent Educational Evaluation (IEE)** at public expense if they disagree with the school district's evaluation. An IEE is an evaluation conducted by a qualified examiner not employed by the school district responsible for the student's education. The results of the IEE **must be considered** by the school when making decisions about eligibility and services.

Parents have dispute resolution options available if they disagree with the evaluations completed or eligibility decision. For more information about rights and protections under the IDEA and how to further resolve disputes, see [Michigan Alliance for Families – Procedural Safeguards](#).

### **Resources:**

[Michigan Alliance for Families - Evaluation](#)

[Dispute Resolution](#)

[Michigan Alliance for Families - Child Find](#)

[The Arc MI Position Statement on Child Find](#)