



Procedural Safeguards

The *Individuals with Disabilities Education Act* (IDEA) is a federal law for special education. The IDEA includes protections for parents and students. These protections are called the procedural safeguards. Schools must provide a document explaining all of the procedural safeguards to parents.

How do the Procedural Safeguards protect parents?

The school must keep parents informed.

Schools must provide prior written notice to parents before taking many different actions. [Some of these actions also require parent consent.](#)

Parents have options if they disagree with a school decision.

Parents may request mediation, file a state complaint, or request a due process hearing to resolve a disagreement. Parents may also request an independent educational evaluation (IEE) if they do not agree with the results of a school evaluation.

Personal information is kept confidential.

Only people who need your information and child's records have access to it, unless you provide consent to share the information with others. Public reporting on special education never includes personally identifiable information.

Procedural Safeguards Notice

If you have questions regarding the Procedural Safeguards, ask your IEP team for additional information.

Parents must receive the Procedural Safeguards Notice:

- At least once a year.
- Upon a parent written request for evaluation.
- When a parent files his or her first state complaint and first due process complaint in a school year.
- When a student has a change of placement due to a violation of a student code of conduct.
- When requested by a parent.



Key Information in the Procedural Safeguards Notice

Independent Educational Evaluation (IEE)

If you disagree with the school's evaluation, you can request an evaluation to be done by a non-school professional. The district may have to pay for the evaluation in some cases.

Prior Written Notice and Parental Consent

Schools must give you written notice before many different actions, such as changing your child's identification, conducting evaluations, and changing educational placement. The notice must include the reason the school is taking the action or refusing the action.

Some school actions, such as conducting an evaluation, require your consent. You are also able to withdraw consent by doing so in writing.

Access to Education Records

Only certain individuals have access to your child's educational records. You may review your child's records.

Resolving Disagreements With the School

You can file a state complaint (investigated by the Michigan Department of Education with involvement by the Intermediate School District) or a due process complaint (resolved by an administrative law judge) if you disagree with a school decision. You may bring civil action if you disagree with the result of a due process hearing. You may also request mediation at no cost to attempt to resolve disputes with the school.

Child's Educational Placement

Generally, your child's placement is determined by the individualized education program (IEP) team (of which you are a member).

A school may choose to move your child into an interim alternative setting for disciplinary or safety reasons. The decision to move the child is a school decision and must follow certain procedures. However, the alternative setting that is selected is an IEP team decision.

If your child's placement is the cause of a due process complaint, your child's placement will not change until after the proceedings (if at all) in most cases.

Private Schools

If your school district fails to provide your child with a free appropriate public education, you might be able to enroll your child in a private school at the school district's expense.

If you file a due process complaint, and the hearing officer agrees that the private school placement is appropriate, the district may be required to pay the private school tuition.

Resources

- [Center for Parent Information and Resources \(CPIR\): Parental Rights Under IDEA](#)
- [Michigan Department of Education Procedural Safeguards Notice](#)
- [Michigan Special Education Mediation Program \(MSEMP\) Mediation program for dispute resolution](#)


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