

Procedural Safeguards

What are procedural safeguards?

On the surface, it might seem like a dry topic, with long explanations and complicated terms. Procedural safeguards inform parents about the rights and protections available under Individuals with Disabilities Education Act 2004 (IDEA). Procedural safeguards are the RIGHTS that persons have that protect them in their interactions with federal, state, and local governments.

So why is this important? How does it help my child?

When you know your rights, you're able to be an [equal participant](#) in the Individualized Family Service Plan/Individualized Education Program (IFSP/IEP) process, and you know how to disagree when something isn't working.



Knowing and advocating for your rights is an important part of helping your child grow and learn!

What are these special education rights?

These are the procedural safeguards most relevant to the most parents.

1. At least one time a year, parents of a child with a disability must receive from the school system a complete explanation of all the procedural safeguards available to them under IDEA. This explanation is called the "[Procedural Safeguards Notice](#)."
2. [Confidentiality and the right inspect](#) and review the educational records of their child
3. The right of parents to [participate in meetings](#) related to the identification, evaluation, and placement of their child, and the provision of FAPE (a free appropriate public education) to their child
4. The right of parents to obtain an [independent educational evaluation](#) (IEE) of their child
5. The right of parents to receive [prior written notice](#)
6. The right of parents to give or deny their [consent](#) before the school may take certain action
7. The right of parents to [disagree](#) with decisions made by the school system on those issues
8. The right of parents and schools to [use IDEA's mechanisms for resolving disputes](#), including the right to appeal determinations

Is this the law?

[Procedural safeguards](#) are part of the federal law that mandates special education and early intervention services, the [Individuals with Disabilities Education Act](#) (IDEA). Services for children under 3 years old are listed under [Part C of IDEA](#). Services for children over age 3 are listed under [Part B of IDEA](#). Services in Michigan are covered by the [Michigan Administrative Rules for Special Education](#) (MARSE).

Where can I find a copy of my procedural safeguards?

- [MDE Procedural Safeguards Part B](#) (ages 3-26)
- [MDE Procedural Safeguards Part C](#) (birth to age 3)
- [Procedural Safeguards Notice in American Sign Language](#)

Where can I learn more about my rights?

- [Michigan Protection & Advocacy Service](#)
- [American Civil Liberties Union of Michigan](#)
- [Michigan Department of Civil Rights](#)
- [Office for Civil Rights – US Department of Education](#)

You might also be interested in these related webpages: [Complaints](#), [Due Process](#), [Law](#).