# M1: Procedural Safeguards

## Course

Special Education

## Location

Module 1

## Alignments

*Course Outcomes*

CLO I: Describe the professional practices of special education teachers.

### Module Outcomes

MLO 1.1: Identify the legal and ethical rights and responsibilities of various partners in special education services.

MLO 1.2: Apply ethical and legal principles to special education service scenarios.

MLO 1.3: Evaluate personal understanding and professional development needs related to special education.

### Specific InTASC Standards

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| --- | --- | --- |
| **InTASC**  | **Type** | **Specific Standard** |
| 9j | Knowledge | The teacher understands laws related to learners’ rights and teacher responsibilities (e.g., for educational equity, appropriate education for learners with disabilities, confidentiality, privacy, appropriate treatment of learners, reporting in situations related to possible child abuse). |
| 9o | Disposition | The teacher understands the expectations of the profession including codes of ethics, professional standards of practice, and relevant law and policy. |

## Activity Instructions

### Purpose

Procedural safeguards are in place to protect the rights of students with disabilities and their parents, as well as to provide ways to resolve any disputes. They apply from the moment a student is being referred for a special education evaluation (or the moment a parent requests an evaluation). Knowing what these procedural safeguards are and when they should be implemented is important, and not just for legal reasons. Following these requirements helps to establish good relationships between all the people involved in a student’s special education experience. Creating these explanations collaboratively allows you to practice collaborating with your peers; not only will this help ensure that everyone is on the same page when you talk about procedural safeguards during this class, but it helps you develop communication and collaboration skills you can use with colleagues as a professional educator.

### Task

#### Instructor Preparation for Activity

* Compile a list of procedural safeguards that students will explore and explain, along with a place for them to collaborate. Depending on your class’s modality and what tools you and your class are comfortable using, here are a few collaboration options.
	+ **Electronic**
		- Create a shared document (Word or Google document, slide deck, etc.) where you list each procedural safeguard on its own page or slide. Create a heading for their brief definition, when/where the procedural safeguard applies in the special education process, and how it protects students and their families/guardians. Place written instructions for the activity at the beginning of the document.
		- Set up a way for the rest of the class to offer comments on the page/slide for each procedural safeguard. For example, if your class uses Hypothes.is or another social annotation tool, ensure it is enabled correctly for the document. You might also consider using a “comment” function or creating a heading for feedback. Provide some specific prompts to ensure useful feedback (What did you learn that you didn’t already know about this procedural safeguard? What might make the explanation clearer? What questions did this explanation bring up for you?).
		- Share the link to the document with your students. Ensure before you start the activity that everyone can access the document.
	+ **Physical**
		- Create instructions for the students regarding how to successfully complete the activity. Plan to offer them verbally and in writing (for reference during the activity).
		- List procedural safeguards on note cards. Have each student pair draw a card out of a hat.
		- Place posters or large pieces of paper around the room, labeling each one with a different procedural safeguard. Ensure each one has a spot for the brief definition, when/where in the special education process the procedural safeguard applies, and how it protects students and their families/guardians.
		- Devise a way for other students to offer feedback. For example, you might distribute Post-It notes for them to stick to the poster, or you might designate an area on the poster to write feedback. Offer some specific prompts to help the feedback be useful (What did you learn that you didn’t already know about this procedural safeguard? What might make the explanation clearer? What questions did this explanation bring up for you?).
		- NOTE: while there may be benefits to a “low tech” approach like this, it is not fully accessible. Practice a Universal Design for Learning (UDL) approach by offering multiple means of engagement, representation, and expression. As part of this, be sure to proactively consider the needs of students who may use assistive technologies, have mobility challenges, have learning disabilities (such as dyslexia) that could make reading handwritten information with time limitations challenging, etc.
	+ **Verbal/Discussion**
		- Assign students to pairs and give each pair a procedural safeguard.
		- Set the expectation that each pair will verbally share their explanation and how they developed it with the class.
		- Ask the class to provide feedback, offering some specific prompts to help the feedback be useful (What did you learn that you didn’t already know about this procedural safeguard? What might make the explanation clearer? What questions did this explanation bring up for you?).
		- NOTE: while there may be benefits to a “low tech” approach like this, it is not fully accessible. Practice a Universal Design for Learning (UDL) approach by offering multiple means of engagement, representation, and expression. As part of this, be sure to proactively consider the needs of students who may use assistive technologies, have learning disabilities (such as ADHD) that could make processing verbal information with time limitations challenging, etc.
* Make decisions about what resources students can use to learn about their procedural safeguard.
	+ If you opt to provide a list, ensure it is located where every student can easily access it. Here are some resources to get you started:
		- [Parental Rights under the IDEA](https://www.parentcenterhub.org/parental-rights/), from the [Center for Parent Information & Resources](https://www.parentcenterhub.org/)
		- [Procedural Safeguards](https://education.mn.gov/MDE/dse/sped/proc/), from the [Minnesota Department of Education](https://education.mn.gov/MDE/)
		- [10 key procedural safeguards in IDEA](https://www.understood.org/en/articles/10-key-procedural-safeguards-in-idea), from [Understood](https://www.understood.org/en)
	+ If you opt to let them find information on their own, set expectations for ensuring the reliability of the information they use. For example, you might ask them not to use a generative AI tool to create their explanation, due to their inability to evaluate accuracy at this point in their learning on this topic.
* Provide instructions in writing and verbally for how to conduct this activity, including how long they will have to complete each step.
* Model what you are asking students to do (there is an [example below](#_Example) that you can use).
* Invite questions from the students to ensure they feel prepared to complete the activity.
* Ensure that the class has access to the refined definitions/explanations after the activity, and that you reference these collaboratively-developed resources whenever procedural safeguard come up later in the class.

#### Student Directions

For this activity, you and a partner will be assigned one procedural safeguard to define and explain. After you share your individual definitions and explanations, you will collaborate to create a version to share with the rest of the class. You will then review and offer feedback on other procedural safeguard definitions until the class has a collection of well-defined procedural safeguards.

1. Research your procedural safeguard using the sources indicated by your instructor.
2. Create an explanation of the procedural safeguard you have been assigned.
	1. Craft a brief definition, ideally no longer than a single sentence.
	2. Explain when/where in the special education process the procedural safeguard applies.
	3. Describe how this procedural safeguard protects students and their families/guardians.
3. Share and collaborate with your partner.
	1. Share your explanation with your partner and answer any questions they have about it.
	2. Listen to your partner’s explanation and ensure you understand it.
	3. Combine your definition, explanation, and description of protections.
4. Share your collaborative explanation with the rest of the class in the location indicated by your instructor.
5. Review the explanations other groups have created and offer feedback.

## Example

### Procedural Safeguard

Prior Written Notice

### Definition

Requirement that any proposed changes or additions to the IEP, or denials of a parent/guardian request, be sent in writing to the parent/guardian before a change occurs in an educational plan. Source: [Understood](https://www.understood.org/en/articles/prior-written-notice-your-right-to-hear-about-changes)

### Explanation

Changes to IEPs are often beneficial to students, because student needs and learning environments change over time. Every IEP team member should know about changes ahead of time and have a chance to provide information and opinions about them, including and especially families/guardians. A PWN gives families/guardians transparent information, the ability to approve or challenge proposed changes, and guidance on how to navigate conflicts.

### Protections

* Resources: Families/guardians know where to get information and help related to any IEP changes.
* Control: Changes can’t happen without families/guardians being notified. They also can’t happen at all if families/guardians object in writing and request either mediation or a due process hearing.
* Processes: Families/guardians can object to proposed changes or a failure to send a PWN in writing. They can ask for mediation or a due process hearing, which means no changes can occur until the requested process is resolved.