

6A-6.03311 Procedural Safeguards and Due Process Procedures for Parents and Students with Disabilities.

Each public agency, including a school district, must establish, maintain and implement procedural safeguards that meet the requirements of this rule. A public agency means local educational agencies (LEAs), educational services agencies (ESAs), nonprofit public charter schools that are not otherwise included as LEAs or ESAs and are not a school of an LEA or ESA, and any other political subdivisions of the State that are responsible for providing education to children with disabilities.

(1) through (7) No change.

(8) Transfer of Parental Rights at the Age of Majority.

(a) through (b) No change.

(c) The public agency, including a school district, must ~~shall~~ notify the student and the parent of the transfer of rights, when the student attains the age of eighteen (18).

(d) At least one (1) year before the student reaches age eighteen (18), the public agency must provide information and instruction to the student and his or her parent on self-determination and the legal rights and responsibilities regarding the educational decisions that transfer to the student upon attaining the age of eighteen (18). The information and instruction must include a written notice that the rights afforded to parents under Part B of the Individuals with Disabilities Education Act transfer to the student at age eighteen (18) except in specified circumstances referenced in paragraph (8)(a) of this rule, a description of the rights that transfer to the student, and the ways in which the parent may continue to participate in educational decisions, including:

1. Informed consent to grant permission to access confidential records protected under the Family Educational Rights and Privacy Act (FERPA) as provided in Section 1002.22, F.S.

2. Powers of attorney as provided in Chapter 709, F.S.

3. Guardian advocacy as provided in Section 393.12, F.S.

4. Guardianship as provided in Chapter 744, F.S.

(e) ~~(d)~~ For a student with a disability who has attained age eighteen (18) and is incarcerated in a juvenile justice facility or local correctional facility, all rights accorded to parents under this rule transfer to the student, including the right to notice as described in this rule. For students incarcerated in state correctional facilities, all rights accorded to parents under this rule transfer to the student, including notice, regardless of the age of the student.

(f) ~~(e)~~ If a student with a disability has reached the age of majority and does not have the ability to provide

informed consent with respect to his or her educational program, procedures established by statute may be used by the parent to:

1. through 3. No change.

(9) No change.

Rulemaking Authority 1001.02(1), (2)(n), 1003.01(3), 1003.57, 1003.571, 1003.5715, 1003.5716, 1008.212 FS. Law Implemented 1003.01(3), 1003.57, 1003.571, 1003.5715, 1003.5716, 1008.212 FS. History—New 7-13-83, Amended 12-20-83, 4-26-84, Formerly 6A-6.3311, Amended 7-17-90, 9-20-04, 12-22-08, 3-25-14, 7-14-21, 6-14-22, 8-22-23.