

## **STATE BOARD OF EDUCATION**

March 16, 2004

**SUBJECT:** Rule 6A-6.03314, FAC, Procedural Safeguards for Students with Disabilities Enrolled in Private Schools by Their Parents

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### **PROPOSED BOARD ACTION**

For Approval

### **AUTHORITY FOR STATE BOARD ACTION**

Sections 1001.02(1)(2)(n), 1003.01(3)(a)(b), and 1003.57(5), Florida Statutes

### **BACKGROUND INFORMATION**

Rule 6A-6.03314, FAC, Procedural Safeguards for Students with Disabilities Enrolled in Private Schools by Their Parents, was developed to identify the procedural safeguards currently afforded to students enrolled in private schools by their parents. The rule addresses parents' rights to mediation, state complaint procedures and due process hearings for identification and evaluation of students. With some exceptions, a child with a disability who has enrolled in a private school by his or her parent does not have an individual right to receive some or all of the specially designed instruction and related services that the child would receive if enrolled in a public school.

This rule was developed in July 2001. The rule was the subject of statewide rule development workshops held in October/November 2001 and October 2003 to solicit public comment. The rule was properly noticed in the Florida Administrative Weekly on February 13, 2004.

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#### **Supporting Documentation Included:**

Rule 6A-6.03314, FAC, Procedural Safeguards for Students with Disabilities Enrolled in Private Schools by Their Parents

#### **Facilitators/Presenters:**