

Rule 6A-6.03032 is amended to read:

6A-6.03032 Procedural Safeguards for Children with Disabilities  
Ages Birth through Two Years ~~with Disabilities~~. Providing  
parents with information regarding their rights under this rule  
is critical to ensuring that their specific concerns and the  
priorities of the family related to enhancing their child's  
development are addressed. The establishment and maintenance of  
policies and procedures to ensure that children with  
disabilities, ages birth through two years, and their parents are  
provided with procedural safeguards is required in order for  
school boards to receive state funds for the provision of these  
services. The school board's policy and procedures for procedural  
safeguards shall be set forth in the district's Policies and  
Procedures for the Provision of Specially Designed Instruction  
and Related Services for ~~Special Programs and Procedures for~~  
Exceptional Students document and shall include adequate  
provisions for the following:

(1) Prior notice. Parents shall be provided prior written  
notice a reasonable time before a school district proposes, or  
refuses, to initiate or change the identification, evaluation, or  
placement of the child, or the provision of appropriate early  
intervention services to the child and the child's family. ~~The  
procedures described in Rule 6A-6.03311(1), FAC., shall be  
followed.~~

(2) Content of notice. ~~The procedures described in Rule 6A-6.03311(2)(a)-(b), FAC., shall be followed.~~ The content of the notice must be in sufficient detail to inform the parents about ~~shall include:~~

(a) The A full explanation of all the procedural safeguards available to the parents as provided in this rule ~~Rules 6A-6.0333 and 6A-6.03032, FAC.,~~ and Section 1003.57(5), Florida Statutes.

(b) The A description of the action proposed or refused by the district and the reasons for taking the action.

(c) The state complaint procedures, including how to file a complaint with the Department of Health, Children's Medical Services, the lead agency for this program, and the timelines under those procedures.

(3) Native language.

(a) The notice described in subsection (2) of this rule must be:

1. Written in language understandable to the general public.

2. Provided in the native language of the parents, unless it is clearly not feasible to do so.

(b) If the native language or other mode of communication of the parents is not a written language, the school district shall take steps to ensure that:

1. The notice is translated orally or by other means to the

parents in the parents' native language or other mode of communication;

2. The parents understand the notice, and;

3. There is written evidence that the requirements of subsection (3) of this rule have been met.

(c) If a parent is deaf or blind, or has no written language, the mode of communication must be that normally used by the parent, (such as sign language, Braille, or oral communication).

~~(4)(3) Parent consent. The procedures described in Rule 6A-6.03311(3)(a)-(e), FAC., shall be followed except that the procedures described in Rule 6A-6.03311(3)(c)1.-2., FAC., may be initiated by the school district only if the parent has refused to consent to the initial evaluation.~~

(a) Written parental consent must be obtained before:

1. Conducting the initial evaluation and assessment of a child; and

2. Initiating the provision of early intervention services.

(b) If consent is not given, the school district shall make reasonable efforts to ensure that the parent:

1. Is fully aware of the nature of the evaluation and assessment or the services that would be available; and

2. Understands that the child will not be able to receive the evaluation and assessment or services unless consent is

given.

(5) Examination of records. The procedures described in paragraphs (4)(a)-(c) of Rule 6A-6.03311, FAC., shall be followed.

(6) Mediation. Parents shall be provided the opportunity to resolve disputes involving their child through mediation in accordance with procedures established by the Department of Health, Children's Medical Services, the lead agency for this program.

(7)(4) Due process hearings. The procedures described in subsection (11) of Rule 6A-6.03311(5), FAC., shall be followed with the exception that the school district may not initiate a hearing to challenge the parents' decision regarding the placement or the provision of early intervention services for their child.

~~(5) Examination of records. The procedures described in Rule 6A-6.03311(7), FAC., shall be followed.~~

Specific Authority 1001.02(1)(2)(n), 1003.01(3)(a)(b), 1003.21(1)(e), 1003.57(5) ~~120.53(1)(b), 228.041(18)(19), 230.23(4)(m), 232.01(1)(e)~~ FS. Law Implemented 1001.42(4)(l), 1003.01(3)(a)(b), 1003.57(5), 1003.21(1)(e), 1001.03(8), 1011.62(1)(c) ~~120.53(1)(b), 228.041(18)(19), 230.23(4)(m), 232.01(1)(e)~~ FS., P.L. 105-17, 20 USC 1439. History - New 1-4-94, Amended