

Rule 6A-6.0334 is substantially rewritten to read (see Florida Administrative Code for present text).

6A-6.0334 Individual Educational Plans (IEPs) and Educational Plans (EPs) Temporary Assignment of for Transferring Exceptional Students.

(1) Individual Educational Plans (IEPs) and Educational Plans (EPs) for students who transfer school districts within Florida. If an exceptional education student who had an IEP or EP that was in effect in a previous Florida school district transfers to a new Florida school district and enrolls in a new school, the new Florida school district (in consultation with the parents) must provide free and appropriate public education (FAPE) to the student, which includes services comparable to those described in the child's IEP or EP from the previous Florida school district, until the new Florida school district either:

(a) Adopts the child's IEP or EP from the previous school district; or

(b) Develops, adopts, and implements a new IEP or EP that meets the applicable requirements of Rules 6A-6.03011 through 6A-6.0361, FAC.

(2) IEPs or EPs for students who transfer from outside Florida. If an exceptional education student who had an IEP or EP that was in effect in a previous school district in another State transfers to a Florida school district and enrolls in a new school within the same school year, the new Florida school district (in consultation with the parents) must provide the child with FAPE (including services comparable to those described in the child's IEP or EP from the previous school district), until the new Florida school district:

(a) Conducts an initial evaluation pursuant to Rule 6A-6.0331(4) and (5), FAC., (if determined to be necessary by the new Florida school district); and

(b) Develops, adopts, and implements a new IEP or EP, if appropriate, that meets the

applicable requirements of Rules 6A-6.03011 through 6A-6.0361, FAC.

(c) The new school district is not required to obtain parental consent for the initial provision of services for transferring exceptional students determined eligible for services in Florida under this rule.

(3) Transmittal of records. To facilitate the transition for a child described in subsections (1) and (2) above:

(a) The new school district in which the student enrolls must take reasonable steps to promptly obtain the student's records, including the IEP or EP and supporting documents and any other records relating to the provision of special education or related services to the child, from the previous school district in which the child was enrolled, pursuant to 34 CFR 99.31(a)(2); and

(b) The previous school district in which the child was enrolled must take reasonable steps to promptly respond to the request from the new school district.

Specific Authority 1001.02(1), 1003.01(3), 1003.57, 1006.09, F.S. Law Implemented

1001.03(8), 1001.42(4)(1), 1003.01(3), 1003.57, F.S. History - New 7-13-83, Formerly 6A-6.334.

Amended 3-19-92,