

FLORIDA DEPARTMENT OF EDUCATION

PARENTAL REQUEST FOR APPOINTMENT OF A SPECIAL MAGISTRATE

This form must be completed to request that the Commissioner of Education appoint a Special Magistrate to recommend resolution of certain disputes a parent or guardian has with the school district.

What is a Special Magistrate? A special magistrate is a member of the Florida Bar in good standing and who has at least 5 years of experience in administrative law. A hearing before the Special Magistrate provides a parent or guardian with the opportunity to demonstrate a violation of certain rights or procedures of the school district and where the school district is given the opportunity to support its action. After a hearing, the Special Magistrate will provide a written decision that operates as a recommendation for consideration by the State Board of Education.

A hearing before a Special Magistrate is an alternative to filing an action in court for relief.

Who can request the appointment of a Special Magistrate? The request can only be made by a parent or guardian of a student at the public school that is the subject of the dispute.

When can a request be made? A request can be made only after a parent or guardian has sought to resolve the dispute with the school and school district based upon the procedures adopted by the school district where the student is enrolled.

Each school district must adopt procedures for a parent or guardian to seek resolution of certain disputes with a school principal or his designee and then, if the dispute remains unresolved, an additional method to attempt to resolve the dispute at the district level. If the dispute is not resolved, a school district must provide a parent or guardian a statement of the reasons for not resolving the dispute. These school district procedures will vary from district to district; however, the procedures must be carefully followed before requesting the appointment of a Special Magistrate.

What types of disputes can be considered by a Special Magistrate? A Special Magistrate is available for some, but not all kinds of disputes. The types of disputes a Special Magistrate can consider are listed below on page 2 of this form under "Classify the Nature of Your Dispute."

- A Special Magistrate is not available to resolve disputes alleging a violation of the educational rights of a student with a disability under the Individuals with Disabilities Education Act (IDEA 2004) and corresponding state requirements. Please see Rule 6A-6.03311, Fla. Admin. Code, for the process to resolve these types of disputes.

A special magistrate will not be appointed for a number of other reasons, such as resolution of the dispute, a change in circumstances, the failure to complete school district procedures for resolution, or the inability to provide the relief sought.

How will notice be provided whether a special magistrate has been appointed? The Department will provide a parent or guardian and the school district written notice once a decision has been made.

Name of Parent or Guardian: _____ Name of Student: _____

Student ID Number: _____ Date of Incident: _____ Grade Level When Dispute Occurred: _____

School District: _____ School: _____

Parent or Guardian Contact Information: _____
(Email Address)

Mailing Address: _____
(Street)

(City, State, ZIP)

CLASSIFY THE NATURE OF YOUR DISPUTE

Check which of the following school district requirements your dispute concerns:

In accordance with the rights of parents enumerated in ss. 1002.20 and 1014.04, F.S., the school district must adopt **procedures for notifying a student's parent if there is a change in the student's services or monitoring related to the student's mental, emotional, or physical health or well-being and the school's ability to provide a safe and supportive learning environment for the student.** The procedures must reinforce the fundamental right of parents to make decisions regarding the upbringing and control of their children by requiring school district personnel to encourage a student to discuss issues relating to the student's well-being with his or her parent or to facilitate discussion of the issue with the parent. The procedures may not prohibit parents from accessing any of their student's educational and health records created, maintained, or used by the school district, as required by s. 1001.22(2), F.S.

A school district may not adopt procedures or student support forms that prohibit school district personnel from notifying a parent about his or her student's mental, emotional, or physical health or well-being, or a change in related services or monitoring, or that encourage or have the effect of encouraging a student to withhold from a parent such information. **School district personnel may not discourage or prohibit parental notification of and involvement in critical decisions affecting a student's mental, emotional, or physical health or well-being.** This requirement does not prohibit a school district from adopting procedures that permit school personnel to withhold information from a parent if a reasonably prudent person would believe that disclosure would result in abuse, abandonment, or neglect as defined in s. 39.01, F.S.

Classroom instruction by school personnel or third parties on sexual orientation or gender identity may not occur in prekindergarten through grade 8, except when required by ss. 1003.42(2)(n)3. and 1003.46, F.S.

Classroom instruction by school personnel or third parties on sexual orientation or gender identity in grades 9 through 12, must be age appropriate or developmentally appropriate for students in accordance with state standards.

Student support services **training** developed or provided by a school district to school district personnel **must adhere to student services guidelines, standards, and frameworks** established by the Department of Education.

At the beginning of the school year, the school district must notify parents of each **healthcare service offered at their student's school and the option to withhold consent or decline** any specific service. Parental consent to a health care service does not waive the parent's right to access his or her student's educational health records or to be notified about a change in his or her student's services or monitoring.

Before administering a **well-being questionnaire or health screening form** to a student in kindergarten through grade 3, the school district must provide the questionnaire or health screening form to the parent and obtain the permission of the parent.

DESCRIBE THE DISPUTE WITH THE SCHOOL DISTRICT

Briefly describe the dispute with the school district that you are requesting to be heard before a Special Magistrate:

RESOLUTION

Yes No As the parent or guardian, I have attempted to resolve the dispute with the school district by utilizing all of the procedures adopted by the district to resolve the dispute or concern. Please attach the responses received from the school and school district, and attach the district's Statement of Reasons for Not Resolving the Dispute or Concern.

_____ Date School Principal Responded to Dispute or Concern (Please attach response)

_____ Date School District Responded to Dispute or Concern (Please attach response)

_____ Date School District Provided a Statement of Reasons for not Resolving the Dispute or Concern
(Please attach response)

Describe the Resolution Requested from the School and School District:

Describe the Resolution You Would Like the Special Magistrate and the State Board of Education to Provide to Resolve the Dispute:

ACKNOWLEDGEMENT

I understand that the hearing before the Special Magistrate and the State Board of Education is open to the public and that records relevant to the dispute may be disclosed to the public.

Signature of Parent or Guardian

Date

HOW TO SUBMIT THIS FORM TO THE DEPARTMENT OF EDUCATION:

The completed form along with required documentation must be sent via email to the following address:

SpecialMagistrate@fldoe.org

or by U.S. mail to:

Florida Department of Education
325 West Gaines Street, Suite 224
Tallahassee, FL 32399