

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Education

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BILL: SB 1618

INTRODUCER: Senator Hukill

SUBJECT: Education

DATE: January 19, 2018

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bouck</u>	<u>Graf</u>	<u>ED</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>RC</u>	_____

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**I. Summary:**

SB 1618 deletes an obsolete July 1, 2007, deadline for the Florida Department of Education to develop and operate an electronic individual education plan (IEP) for statewide use.

The bill takes effect July 1, 2018.

**II. Present Situation:**

Federal law requires states to make a free appropriate public education<sup>1</sup> available to all children with disabilities residing in the state between the ages of 3 and 21, including children with disabilities who have been suspended or expelled from school.<sup>2</sup> As the state educational agency, the Florida Department of Education (DOE) must exercise general supervision over all educational programs for children with disabilities in the state, including all programs administered by other state or local agencies, and ensure that the programs meet the educational standards of the state educational agency.<sup>3</sup>

States receiving Individuals with Disabilities Education Act funds must comply with detailed procedural requirements, including identifying, evaluating, and making placements for students with disabilities and for developing an individualized education program for each student.<sup>4</sup>

For each eligible child with a disability served by a school district, or other state agency that provides special education and related services directly, by contract, or through other

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<sup>1</sup> “Free appropriate public education” means services that are provided at public expense, under public supervision and direction, and without charge; meet the standards of the state education agency; include an appropriate preschool, elementary school, or secondary school education in the state; and are provided in conformity with an individualized education program. 20 U.S.C. s. 1401(9).

<sup>2</sup> 20 U.S.C. s. 1412(a).

<sup>3</sup> 34 C.F.R. s. 300.149.

<sup>4</sup> 20 U.S.C. s. 1412(a).

arrangements, an individual education plan (IEP) must be developed,<sup>5</sup> reviewed, and revised.<sup>6</sup> The IEP provides a clear statement of expected outcomes and the special education services and supports to be provided to the student.<sup>7</sup>

In 2006,<sup>8</sup> the Legislature enacted legislation to require the DOE to develop and have an operating electronic IEP in place for potential statewide use by July 1, 2007.<sup>9</sup> The law required the statewide system to be developed collaboratively with school districts and include input from school districts at that time developing or operating electronic IEP systems.<sup>10</sup>

### III. Effect of Proposed Changes:

SB 1618 deletes an obsolete July 1, 2007, deadline for the Florida Department of Education (DOE) to develop and operate an electronic individual education plan (IEP) system for statewide use. The DOE has developed the required IEP system.<sup>11</sup>

The bill takes effect July 1, 2018.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

### V. Fiscal Impact Statement:

#### A. Tax/Fee Issues:

None.

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<sup>5</sup> An IEP must be developed within 30 calendar days following the determination of a student's eligibility for special education and related services and be in effect prior to the provision of these services. Rule 6A-6-03028(3)(f), F.A.C.

<sup>6</sup> Rule 6A-6.03028(3), F.A.C.

<sup>7</sup> Florida Department of Education, Bureau of Exceptional Education and Student Services, *Developing Quality Individual Educational Plans* (2015), available at <http://www.fldoe.org/core/fileparse.php/7690/urlt/0070122-qualityieps.pdf>, at 1.

<sup>8</sup> Section 31, ch. 2006-74, L.O.F.

<sup>9</sup> Section 1003.576, F.S.

<sup>10</sup> *Id.*

<sup>11</sup> Email, Florida Department of Education (Jan. 17, 2018). The electronic IEP system developed by the DOE is within the Portal to Exceptional Education Resources (PEER). *Id.*

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 1003.576 of the Florida Statutes.

**IX. Additional Information:**

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.