

By Senator Ausley

3-01269B-22

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1 A bill to be entitled
2 An act relating to individual education plans;
3 amending s. 1003.5716, F.S.; requiring individual
4 education plans for certain students to contain
5 information and instruction on the legal rights and
6 responsibilities regarding educational decisions which
7 transfer to students at the age of 18; requiring such
8 information to include ways in which a student may
9 provide informed consent to allow his or her parent to
10 continue to participate in his or her educational
11 decisions; providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

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15 Section 1. Subsection (1) of section 1003.5716, Florida
16 Statutes, is amended to read:

17 1003.5716 Transition to postsecondary education and career
18 opportunities.—All students with disabilities who are 3 years of
19 age to 21 years of age have the right to a free, appropriate
20 public education. As used in this section, the term "IEP" means
21 individual education plan.

22 (1) To ensure quality planning for a successful transition
23 of a student with a disability to postsecondary education and
24 career opportunities, during the student's seventh grade year or
25 when the student attains the age of 12, whichever occurs first,
26 an IEP team shall begin the process of, and develop an IEP for,
27 identifying the need for transition services before the student
28 with a disability enters high school or attains the age of 14
29 years, whichever occurs first, in order for his or her

3-01269B-22

20221674__

30 postsecondary goals and career goals to be identified. The plan
31 must be operational and in place to begin implementation on the
32 first day of the student's first year in high school. This
33 process must include, but is not limited to, all of the
34 following:

35 (a) Consideration of the student's need for instruction in
36 the area of self-determination and self-advocacy to assist the
37 student's active and effective participation in an IEP meeting. ~~+~~

38 (b) Preparation for the student to graduate from high
39 school with a standard high school diploma pursuant to s.
40 1003.4282 with a Scholar designation unless the parent chooses a
41 Merit designation. ~~+~~ ~~and~~

42 (c) Provision of the information to the student and his or
43 her parent of the school district's high school-level transition
44 services, career and technical education, and collegiate
45 programs available to students with disabilities and how to
46 access such programs. Information shall also be provided on
47 school-based transition programs and programs and services
48 available through Florida's Center for Students with Unique
49 Abilities, the Florida Centers for Independent Living, the
50 Division of Vocational Rehabilitation, the Agency for Persons
51 with Disabilities, and the Division of Blind Services. Referral
52 forms, links, and technical support contacts for these services
53 must be provided to students and parents at IEP meetings.

54 At least 1 year before the student reaches the age of
55 majority, provision of information and instruction to the
56 student and his or her parent on self-determination and the
57 legal rights and responsibilities regarding the educational
58 decisions which transfer to the student upon attaining the age

3-01269B-22

20221674__

59 of 18. The information must include the ways in which the
60 student may provide informed consent to allow his or her parent
61 to continue to participate in his or her educational decisions,
62 including:

63 1. Informed consent to grant permission to access
64 confidential records protected under the Family Educational
65 Rights and Privacy Act (FERPA) as provided in s. 1002.22.

66 2. Powers of attorney as provided in chapter 709.

67 3. Guardian advocacy as provided in s. 393.12.

68 4. Guardianship as provided in chapter 744.

69 Section 2. This act shall take effect July 1, 2022.