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CS/CS/HB 19

2023 Legislature

1
 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 certain legal rights
 6 and responsibilities that transfer to students at the
 7 age of 18; requiring such information to include ways
 8 in which a student may provide informed consent to
 9 allow his or her parent to continue to participate in
 10 his or her educational decisions; requiring the State
 11 Board of Education to adopt rules; providing an
 12 effective date.

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

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

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

23 (1) To ensure quality planning for a successful transition
 24 of a student with a disability to postsecondary education and
 25 career opportunities, during the student's seventh grade year or

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26 | when the student attains the age of 12, whichever occurs first,
 27 | an IEP team shall begin the process of, and develop an IEP for,
 28 | identifying the need for transition services before the student
 29 | with a disability enters high school or attains the age of 14
 30 | years, whichever occurs first, in order for his or her
 31 | postsecondary goals and career goals to be identified. The plan
 32 | must be operational and in place to begin implementation on the
 33 | first day of the student's first year in high school. This
 34 | process must include, but is not limited to:

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

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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; and

54 | (d) 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 that transfer to the student upon attaining the age of
 59 | 18. The information must include the ways in which the student
 60 | may provide informed consent to allow his or her parent to
 61 | continue to participate in educational decisions, including:

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

65 | 2. Powers of attorney as provided in chapter 709.

66 | 3. Guardian advocacy as provided in s. 393.12.

67 | 4. Guardianship as provided in chapter 744.

68 |
 69 | The State Board of Education shall adopt rules to administer
 70 | this paragraph.

71 | Section 2. This act shall take effect July 1, 2023.