

FLORIDA HOUSE OF REPRESENTATIVES

BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: [CS/HB 615](#)

TITLE: Individual Education Plans

SPONSOR(S): Tendrich

COMPANION BILL: [SB 72](#) (Harrell)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Student Academic Success](#)

14 Y, 0 N, As CS

[Education Administration](#)

[Education & Employment](#)

SUMMARY

Effect of the Bill:

For the determination of exceptional student education (ESE), the bill specifies timelines, in accordance with State Board of Education rules, for the initial evaluation to determine whether a student is eligible for an individual education plan (IEP) and for subsequent IEP meetings once eligibility is determined. The bill requires school districts to notify parents in writing and provide a written plan for make-up services when related services identified in a student's IEP are not provided. The bill also requires each school district to develop a standardized service log to be used by school staff and service providers and gives parents the right to access such logs within 15 days of services being provided.

The bill further requires each school district to provide an individualized orientation to parents of students newly identified as eligible for ESE services. Districts must obtain a signed acknowledgment of parent participation, offer annual refresher orientations, and retain the acknowledgment in the student's education records.

Fiscal or Economic Impact:

None

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ANALYSIS

EFFECT OF THE BILL:

For purposes of [exceptional student education \(ESE\)](#), the bill requires a school district, in accordance with State Board of Education rules, to complete an initial evaluation to determine whether a [student is eligible for an individual education plan \(IEP\)](#) within [60 calendar days after receiving parental consent](#) to perform the evaluation and to convene an IEP team meeting within [30 calendar days after eligibility](#) is determined. The bill requires the notification and written plan be retained in the student's educational record.

If a related service identified in a student's IEP is not provided as scheduled, the bill requires the school administrator or staffing specialist to notify the parent in writing within 5 school days, explain the reason the service was not provided, and provide a written plan for make-up services.

The bill requires each school district to develop a standardized service log, which includes progress notes, for the provision of related services as identified in the student's IEP, that must be used by school staff and service providers. The bill also provides that a parent has the right to access, upon request, all service provider logs within 15 school days after such service is provided, and requires the IEP team to inform parents of this right at each IEP meeting. (Sections [1](#) and [2](#)).

The bill requires each school district to provide an individualized orientation to the parent of a student newly identified as eligible for ESE services. The school district must obtain a signed acknowledgment from the parent confirming that the orientation was in a format the parent understands. Additionally, the bill requires each school district to notify parents when refresher orientations are available each year. The bill specifies that the acknowledgment form must be retained in the student's education records.

STORAGE NAME: h0615a.SAS

DATE: 1/30/2026

The orientation must include all of the following:

- An overview of [procedural safeguards](#).
- Parental rights and responsibilities.
- Instructions on accessing and reviewing service logs.
- Instructions on [filing complaints](#) with the school district and the Department of Education (DOE). (Section 1).

The effective date of the bill is July 1, 2026. (Section 3).

RELEVANT INFORMATION

SUBJECT OVERVIEW:

[Exceptional Student Education \(ESE\)](#)

Exceptional Student Education (ESE) consists of specially designed instruction and related services provided to students with disabilities.¹ Under the federal Individuals with Disabilities Education Act (IDEA), school districts must provide a free appropriate public education (FAPE) to students ages 3 through 21, which includes special education and related services delivered according to the student's individualized education plan (IEP).² During the 2024-2025 school year, Florida public schools served 448,482 students with disabilities.³

[Individuals with Disabilities Education Act \(IDEA\)](#)

The IDEA⁴ is the federal law governing how states and public agencies provide early intervention, education, and related services to eligible children with disabilities.⁵ States that receive IDEA funds must comply with procedural requirements, including identifying and evaluating students, determining eligibility, and developing and implementing an IEP for each eligible student.⁶

[Florida Law Governing Exceptional Student Education](#)

As the state educational agency, the Florida DOE exercises general supervision over all educational programs for children with disabilities in the state, including all programs administered by other state or local agencies.⁷ DOE's Bureau of Exceptional Education and Student Services (BEESS) ensures compliance with federal and state requirements by reviewing ESE procedures, records, and programs, providing technical assistance to districts, and supporting effective operations.⁸

¹ Section [1003.57\(1\)\(b\), F.S.](#) and r. 6A-6.03411(1)(m) and (n), Disabilities that qualify a student as an exceptional student include an intellectual disability; an autism spectrum disorder; a speech impairment; a language impairment; an orthopedic impairment; another health impairment; traumatic brain injury; a visual impairment; an emotional or behavioral disability; a specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia; deafness, hard of hearing, or dual sensory impairment; or developmental delays from birth through five years old or if the student is hospitalized or homebound. Section [1003.01\(3\)\(a\), F.S.](#) Students who are identified as gifted are also eligible to receive specially designed instruction and related services. R. 6A-6.03019(1), F.A.C. *See also*, Florida Department of Education, *ESE Eligibility*, available at <https://www.fl DOE.org/academics/exceptional-student-edu/ese-eligibility/> (last visited Jan. 16, 2026).

² 20 U.S.C. §1400(d)(1)(A); 34 C.F.R. s. 300.101; 34 C.F.R. §300.17; r. 6A-6.03028(1) and 6A-6.03411(1)(p), F.A.C. For students that are gifted, FAPE is provided from kindergarten through grade twelve. *See also*, rr. 6A-6.0331, 6A-6.03026, and 6A-6.03411(1)(i), F.A.C. A school district, at its discretion, may provide services to eligible infants and toddlers with disabilities below three years of age. In Florida statute, IEP refers to an "individual education plan." Section [1003.5716, F.S.](#)

³ Florida Department of Education, Education Information and Accountability Services Data Report, *Membership in Programs for Exceptional Students, Survey 2, 2024-25*, <https://www.fl DOE.org/accountability/data-sys/edu-info-accountability-services/pk-12-public-school-data-pubs-reports/students.stml> (last visited Jan. 16, 2026).

⁴ 20 U.S.C. § 412(a)(1); [s. 1003.5716, F.S.](#)

⁵ *See* 20 U.S.C. §1412(a)(1).

⁶ 20 U.S.C. §1415.

⁷ 20 U.S.C. §1412(a)(11); 34 C.F.R. §300.149.

⁸ 34 C.F.R. §300.149(a)(1) and (2) and Section [1008.32, F.S.](#); *see also*, Florida Department of Education, Bureau of Exceptional Student Education and Student Services, *Exceptional Student Education Compliance Protocols 2020-2021*, at 1, available at <http://www.fl DOE.org/core/fileparse.php/7673/ur1t/MonitoringIntroduction.pdf>.

Florida law requires each district school board to provide an appropriate program of special instruction, facilities, and related services for exceptional students in accordance with standards prescribed by the State Board of Education (SBE). Districts must deliver necessary evaluations and services directly, in collaboration with other districts, or through approved private or community providers.⁹

Identification and Determination of Eligibility for ESE Services

The first step in providing FAPE to children with disabilities is the identification of students who may be in need of ESE services. Students from age three through kindergarten entry age, as well as students in kindergarten through grade 12, may be referred for an evaluation for ESE services by a parent or by school district personnel to determine whether the student has a disability.¹⁰ A student may not be provided special instruction or services as an exceptional student until they have been properly evaluated and found eligible.¹¹

For children ages three through kindergarten entry age, eligibility for an ESE evaluation may be based on developmental screening results, parental request with supporting documentation, eligibility as a prekindergarten child with a disability,¹² or developmental delay¹³.

For students in kindergarten through grade 12, districts must first implement evidence-based general education interventions using a problem-solving or response to intervention (PS/RtI) process before referring a student for an individual evaluation. If interventions are not effective, the district may conduct an individual evaluation with parental consent using a variety of assessment tools to determine eligibility.¹⁴

A student may not be evaluated for ESE eligibility without prior informed consent from the parent.¹⁵

Time Frame for Completing Initial Evaluations

Once a student has been referred for evaluation and parental consent has been obtained, federal and state law specify timelines for ensuring the completion of an initial evaluation.

Under the IDEA, a school district must complete an initial evaluation within [60 days after receiving parental consent](#), unless a different timeline is established by the state.¹⁶ In Florida, the school district must ensure that the initial evaluations of students in kindergarten through grade 12 and preschool age children age three through kindergarten entry age suspected of having a disability are completed within 60 calendar days after the school district's receipt of parent consent for evaluation.¹⁷

The 60-calendar-day evaluation timeline excludes certain periods, including school holidays and district-adopted breaks, the summer vacation period, extended student absences, and school closures due to inclement weather or natural disasters under specified conditions. The evaluation timeline may also be extended or suspended in limited circumstances, such as by mutual written agreement between the parent and school district, when a parent

⁹ Section [1003.57\(1\)\(b\), F.S.](#)

¹⁰ Rule 6A-6.0331(3), F.A.C.; see also 20 U.S.C. §. 1414(a), IDEA §. 614(a).

¹¹ Section [1003.57\(1\)\(c\), F.S.](#)

¹² Rule 6A-6.0331(3)(a) F.A.C.

¹³ Rule 6A-6.03027, F.A.C.

¹⁴ Rule 6A-6.0331(1) and (3)(a), F.A.C. *See also*, Florida Department of Education, The Response to Intervention (RTI) Model (2006) available at [https://www.fl DOE.org/core/fileparse.php/7590/ur1t/0107233-y2006-8.pdf#:~:text=Each%20intervention%20tier%20\(1T\)%20of%20the%20RtI](https://www.fl DOE.org/core/fileparse.php/7590/ur1t/0107233-y2006-8.pdf#:~:text=Each%20intervention%20tier%20(1T)%20of%20the%20RtI) and Florida Department of Education and the

University of South Florida, *Fact Sheet: Multi-Tiered System of Supports*, available at

http://www.floridarti.usf.edu/resources/factsheets/MTSS_Fact_Sheet.pdf and Florida Problem Solving/Response to

Intervention (PS/RtI) Project, <https://floridarti.usf.edu/> (last visited Jan. 18, 2026).

¹⁵ Rule 6A-6.0331(4), F.A.C.

¹⁶ 20 U.S.C. § 1414(a)(1), IDEA §614(a)(1).

¹⁷ Rule 6A-6.0331(3)(g), F.A.C.

repeatedly fails or refuses to produce the student for evaluation, or when a student transfers to a different school district during the evaluation period.¹⁸

School districts are required to report certain evaluation data to the state, including students for whom the evaluation was not completed within the 60-day timeline, the reason for any delay, the number of days the timeline was exceeded, the date parental consent was received, and the date the initial evaluation was completed.¹⁹ This reporting is part of the district's Program Accountability Assessment and Data Systems, as outlined by the DOE.²⁰

Development and Time Frame for the Individual Education Plan (IEP)

Once a student is determined eligible for ESE or related services, FAPE is implemented through an IEP, which outlines how the local educational agency (LEA) will provide special education and related services to meet the student's unique needs.²¹ The IEP team must meet within [30 calendar days to develop a plan](#) once eligibility is established.²²

The multidisciplinary IEP team includes school and district staff, other experts as needed, and the student's parents.²³ The plan may not be implemented until parents provide consent for the student's initial placement in the ESE program.²⁴

Each IEP must include:²⁵

- A description of the student's current academic and/or functional levels of performance;
- Goals and objectives or benchmarks, as appropriate; and
- Specially designed instruction and related services, including supplemental aids and services.

The IEP must also specify how progress toward annual goals will be measured and when reports will be provided to parents, such as quarterly or with report cards.²⁶ The IEP team must meet at least annually to review and revise the plan.²⁷ Students must be reevaluated at least every three years unless the parent and school district agree it is unnecessary. Parents or teachers may also request an IEP meeting or reevaluation at any time.²⁸

IEP Transitional Requirements

For students with disabilities, the IEP must address transition services in middle school to prepare for high school, postsecondary goals and career readiness.

During the student's seventh grade year or when the student attains the age of 12, whichever occurs first, an IEP team must begin the process of developing transition services. Before age 14, needed transition services must be included in the IEP so postsecondary and career goals are in place by the first day of high school.²⁹ The process includes instruction in self-determination and self-advocacy, preparation for a standard high school diploma and Scholar or Industry Scholar designation, and information on district and state programs supporting career,

¹⁸ Rule 6A-6.0331(3)(g)-(h), F.A.C.

¹⁹ Rule 6A-6.0331(3)(j), F.A.C.

²⁰ See Florida Department of Education, Program Accountability, Assessments & Data Systems, <https://www.fl DOE.org/academics/exceptional-student-edu/data/> (last visited Jan. 18, 2026).

²¹ Rule 6A-6.0331(60(c), F.A.C.; see also, Library of Congress, The Individuals with Disabilities Education Act (IDEA), Part B: Key Statutory and Regulatory Provisions, <https://www.congress.gov/crs-product/R41833> (last visited Jan. 16, 2026).

²² Rule 6A-6.03028(3)(f)2., F.A.C.

²³ Rule 6A-6.03028(3)(c), F.A.C.

²⁴ Rule 6A-6.0331(9), F.A.C.; see also [s. 1003.5715, F.S.](#) Parents are members of the IEP team and have the right to provide or withhold consent for the initial placement and services recommended in the IEP; if consent is withheld, the district may not proceed without a due process hearing under 34 C.F.R. §§ 300.507–300.508.

²⁵ Rule 6A-6.03028(3)(h), F.A.C.

²⁶ Rule 6A-6.03028(3)(h)7., F.A.C.

²⁷ Rule 6A-6.03028(3)(f)1. and (j), F.A.C.

²⁸ Rule 6A-6.0331(7)(a), F.A.C. See also, r. 6A-6.03028, F.A.C.

²⁹ Section [1003.5716\(1\), F.S.](#)

technical, and postsecondary opportunities. One year before reaching the age of majority, the IEP must guide legal rights and options to maintain parental involvement, including consent, guardianship, and supported decision-making.³⁰

Beginning no later than the first IEP to be in effect when the student enters high school, attains the age of 14, or when determined appropriate by the parent and IEP team, whichever occurs first, the IEP must include the following specific statements that are to be updated annually:³¹

- A statement of intent to pursue a standard high school diploma and a Scholar or Industry Scholar designation, as determined by the parent.
- A statement of intent to receive a standard high school diploma before the student attains the age of 22 and a description of how the student will fully meet the requirements of obtaining a standard high school diploma. The IEP must also specify the outcomes and additional benefits expected by the parent and the IEP team at the time of the student's graduation.
- A statement of appropriate, measurable long-term postsecondary education and career goals based upon age-appropriate transition assessments related to training, education, employment, and if appropriate, independent living skills and the transition services including preemployment transition services and courses of study needed to assist the student in reaching those goals.

Procedural Safeguards

Procedural safeguards protect the rights of parents and children with disabilities regarding the provision of a free appropriate public education (FAPE). Under IDEA and federal law, school districts must provide parents with notice explaining the procedural safeguards available under IDEA and U.S. Department of Education regulations.³²

Parents must be provided with a copy of their procedural safeguards,³³ which provides a full explanation of the provisions relating to:

- Prior written notice;³⁴
- Parental consent;³⁵
- Access to education records;³⁶
- The availability of mediation;³⁷
- The opportunity to present and resolve complaints through state complaint procedures;³⁸
- Independent education evaluations;³⁹
- Procedures for students who are subject to placement in an interim alternative educational setting;⁴⁰
- Requirements for placement of students with disabilities in private school by their parents at public expense;⁴¹

³⁰ Section [1003.5716\(1\)\(a\)-\(d\), F.S.](#)

³¹ Section [1003.5716\(2\), F.S.](#) "Preemployment transition services" are defined as the services of job exploration counseling, work-based learning experiences, counseling on comprehensive transition or postsecondary education programs, workplace readiness training, and instruction in self-advocacy as required by the Workforce Innovation and Opportunity Act of 2014, which may be provided to students with disabilities who are eligible or potentially eligible for vocational rehabilitation services. Section [413.20\(20\), F.S.](#)

³² See Florida Department of Education, *Part B, Procedural Safeguards Notice: Florida*, available at <https://www.fl DOE.org/core/fileparse.php/7690/ur1/0070135-procedural.pdf>.

³³ Rule 6A-6.03311(2)(a), F.A.C.

³⁴ Rule 6A-6.03311(2)(a)1., F.A.C. and 34 C.F.R. § 300.503.

³⁵ Rule 6A-6.03311(2)(a)2., F.A.C., 34 C.F.R. §300.9, and 34 CFR §300.300.

³⁶ Rule 6A-6.03311(2)(a)3. F.A.C. and 34 C.F.R. §§300.613-615.

³⁷ Rule 6A-6.03311(2)(a)4. F.A.C. and 34 C.F.R. §300.506.

³⁸ Rule 6A-6.03311(2)(a)5. F.A.C. and 34 C.F.R. §§300.510-513.

³⁹ Rule 6A-6.03311(2)(a)6. F.A.C. and 34 C.F.R. §300.502.

⁴⁰ Rule 6A-6.03311(2)(a)7. F.A.C. and 34 C.F.R. §300.530.

⁴¹ Rule 6A-6.03311(2)(a)8. F.A.C. and 34 C.F.R. §300.148.

- Due process hearings, including the student's placement during the pendency of any due process hearing request and requirements for disclosure of evaluation results and recommendations;⁴²
- Civil actions, including the time period in which to file those actions;⁴³ and
- Attorney fees.⁴⁴

A copy of the procedural safeguards must be provided at least once per school year, and additionally:⁴⁵

- Upon initial referral or parent request for evaluation;
- In accordance with the discipline procedures when a change in placement occurs;
- Upon receipt of the first State complaint and upon receipt of the first request for a due process hearing in a school year;
- Upon request by a parent; and
- In accordance with the provisions of section [1008.212, F.S.](#), upon the public agency, including a school district, superintendent's recommendation to the Commissioner of Education that an extraordinary exemption for a given state assessment be granted or denied.

School districts may also post a current copy of procedural safeguards on their website. Parents may elect to receive these notices via email if the district provides that option.⁴⁶ All procedural safeguards must be provided in language that is understandable to the parent, including translation or alternative communication methods as needed.⁴⁷

Filing Complaints with the Florida Department of Education (DOE)

Federal and state law provide parents and other interested parties with the right to file a complaint alleging that a school district or other public agency has violated requirements related to the education of students with disabilities.⁴⁸ The DOE, through BEESS, is responsible for administering and resolving state complaints concerning ESE.⁴⁹

An organization or individual, including a parent, may file a signed written complaint with the DOE alleging that a public agency has violated a requirement of IDEA, its implementing regulations, or applicable state statutes or rules governing ESE.⁵⁰ The complainant must forward a copy of the complaint to the school district or public agency serving the student at the same time the complaint is filed with the DOE.⁵¹

A state complaint must include:⁵²

- A statement that a public agency has violated a federal or state requirement related to the education of students with disabilities;
- The facts on which the statement is based;
- The signature and contact information of the complainant; and

⁴² Rule 6A-6.03311(2)(a)9. F.A.C. and 34 C.F.R. §§300.530 - 300.536.

⁴³ Rule 6A-6.03311(2)(a)10. F.A.C. and 34 C.F.R. §300.516.

⁴⁴ Rule 6A-6.03311(2)(a)11. F.A.C. and 34 C.F.R. §300.517.

⁴⁵ Rule 6A-6.03311(2)(b), F.A.C.

⁴⁶ Rule 6A-6.03311(2)(c)-(d), F.A.C.

⁴⁷ Rule 6A-6.03311(2)(e), F.A.C. and 34 C.F.R. §300.505.

⁴⁸ See 34 C.F.R. §300.505, 20 U.S.C. 1415(b), r. 6A-6.03311(5), F.A.C.; see also Florida Department of Education, *ESE - Dispute Resolution Systems*, <https://www.fl doe.org/academics/exceptional-student-edu/dispute-resolution/> (last visited Jan. 19, 2026).

⁴⁹ *Id.* See also, Florida Department of Education, Bureau of Exceptional Education and Student Services, *State Complaint General Information*, available at <https://www.fl doe.org/core/fileparse.php/7675/urlt/StateCompInfo2021.pdf>.

⁵⁰ Rule 6A-6.03311(5), F.A.C.

⁵¹ Rule 6A-6.03311(5)(d), F.A.C.

⁵² Rule 6A-6.03311(5)(d)1.-4., F.A.C. See also, Florida Department of Education, Bureau of Exceptional Education and Student Services, *State Complaint General Information*, available at

<https://www.fl doe.org/core/fileparse.php/7675/urlt/StateCompInfo2021.pdf>.

- If the complaint concerns a specific student, identifying information for the student, a description of the nature of the problem, and a proposed resolution to the extent known.

Upon receipt of a properly filed complaint, the DOE must investigate the allegations and issue a written decision within 60 calendar days, unless an extension is permitted due to exceptional circumstances or the parties agree to engage in mediation.⁵³ The DOE's decision must address each allegation in the complaint and include findings of fact and conclusions.⁵⁴ Where violations are identified, the DOE may require corrective action to achieve compliance, including remedies designed to address the educational needs of the student.⁵⁵

The DOE must disseminate information regarding the state complaint procedures, including access to complaint forms and guidance, to parents and other interested individuals, and maintains this information on its website.⁵⁶ Use of a model form is not required, provided the complaint otherwise meets the content requirements established in rule.⁵⁷

RECENT LEGISLATION:

YEAR	BILL #/SUBJECT	HOUSE/SENATE SPONSOR(S)	OTHER INFORMATION
2023	CS/CS/HB 19 - Individual Education Plans	Tant/ <i>Simon, Perry</i>	Became Law on July 1, 2023

⁵³ Rule 6A-6.03311(5)(a), F.A.C.

⁵⁴ Rule 6A-6.03311(5)(a)5., F.A.C.

⁵⁵ Rule 6A-6.03311(5)(b), F.A.C.

⁵⁶ Rule 6A-6.03311(5), F.A.C.

⁵⁷ Rule 6A-6.03311(5)(e), F.A.C.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<u>Student Academic Success Subcommittee</u>	14 Y, 0 N, As CS	1/29/2026	Sanchez	Dixon
THE CHANGES ADOPTED BY THE COMMITTEE:		<ul style="list-style-type: none"> • Specifies that IEP evaluations and meetings be completed within timelines established in rules of the SBE and that the eligibility notification and written plans be retained in the student's record. • Required the parental notification of missed IEP services to be provided by the school administrator or staffing specialist, rather than the school district. • Required school districts to notify parents when refresher orientations are available each year. • Required school districts to provide instruction on filing complaints with the school district, not just the DOE. • Required each school district to develop a standardized service log that must be used by school staff and service providers. • Relocated provision from the transition to postsecondary education and career opportunities to provision governing ESE. 		
<u>Education Administration Subcommittee</u>				
<u>Education & Employment Committee</u>				

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.
