

## CHAPTER 2023-96

### Committee Substitute for Committee Substitute for House Bill No. 19

An act relating to individual education plans; amending s. 1003.5716, F.S.; requiring individual education plans for certain students to contain information and instruction on certain legal rights and responsibilities that transfer to students at the age of 18; requiring such information to include ways in which a student may provide informed consent to allow his or her parent to continue to participate in his or her educational decisions; requiring the State Board of Education to adopt rules; providing an effective date.

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

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

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

(1) To ensure quality planning for a successful transition of a student with a disability to postsecondary education and career opportunities, during the student’s seventh grade year or when the student attains the age of 12, whichever occurs first, an IEP team shall begin the process of, and develop an IEP for, identifying the need for transition services before the student with a disability enters high school or attains the age of 14 years, whichever occurs first, in order for his or her postsecondary goals and career goals to be identified. The plan must be operational and in place to begin implementation on the first day of the student’s first year in high school. This process must include, but is not limited to:

(a) Consideration of the student’s need for instruction in the area of self-determination and self-advocacy to assist the student’s active and effective participation in an IEP meeting;

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

(c) Provision of the information to the student and his or her parent of the school district’s high school-level transition services, career and technical education, and collegiate programs available to students with disabilities and how to access such programs. Information shall also be provided on school-based transition programs and programs and services available through Florida’s Center for Students with Unique Abilities, the

Florida Centers for Independent Living, the Division of Vocational Rehabilitation, the Agency for Persons with Disabilities, and the Division of Blind Services. Referral forms, links, and technical support contacts for these services must be provided to students and parents at IEP meetings; and

(d) At least 1 year before the student reaches the age of majority, provision of information and instruction to the student and his or her parent on self-determination and the legal rights and responsibilities regarding the educational decisions that transfer to the student upon attaining the age of 18. The information must include the ways in which the student may provide informed consent to allow his or her parent to continue to participate in educational decisions, including:

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

2. Powers of attorney as provided in chapter 709.

3. Guardian advocacy as provided in s. 393.12.

4. Guardianship as provided in chapter 744.

The State Board of Education shall adopt rules to administer this paragraph.

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

Approved by the Governor May 17, 2023.

Filed in Office Secretary of State May 17, 2023.