



Know Your Secondary Transition Legislation 2021-2024

This training was developed by the Project 10: Transition Education Network, a discretionary project funded by the Florida Department of Education (FDOE), division of public schools, Bureau of Exceptional Education and Student Services (BEESS), through federal assistance under the Individuals with Disabilities Education Act (IDEA), Part B.

Objectives

The past several years have yielded new Florida legislation that significantly impact secondary transition. This training will lead participants through legislative updates from 2021 through 2024. After this training, participants will be able to:

- ☐ Describe the changes that impact the educational rights that transfer from parents to students at age 18.
- ☐ Recognize the array of decision-making options for students with disabilities.
- ☐ Identify the changes to graduation requirements for the various standard diploma options.
- ☐ Identify the eligibility process for deferment of receipt of the standard high school diploma.
- ☐ Be aware of 2025 Legislative Bills that may impact transition.

Introduction

- ❑ An overview of the history of education for students with disabilities shows that changes in governing laws are aimed at raising the bar for student outcomes. Over the past several years, Florida legislators have made changes to Florida law that require:
 - Preparation for college, career and life after high school will begin at age 12 or during the 7th grade, whichever occurs first.
 - The student's need for self-determination and self-advocacy instruction will be documented in the individual education plan (IEP).
 - Deferment eligibility and requirements will follow specific guidelines in Florida Statute.
 - Information about the upcoming transfer of rights at age 18 will be discussed with students by their 17th birthday.
 - And much more.

Key Secondary Transition Legislation Overview

Secondary Individual Education Plan

House Bill 173 (2021) Amended

Section 1003.5716, Florida Statutes

HB 173 (2021) Amended Section 1003.5716, F.S.	Age 12 or During 7th Grade, Whichever Occurs First	Age 14 or in Place and Operational on the Student's First Day of High School, Whichever Occurs First (continues until the student exits high school)
Notice	1. Parents must be notified that the purpose of the IEP meeting will include identifying the student's need for secondary transition services.	The purpose of the IEP meeting will include identifying the student's need for secondary transition services and considering measurable postsecondary goals.
Notice	2. Families and students will receive detailed information about secondary transition programs and agencies that offer transition-related assistance.	Continues until the student exits high school.
Invitation	3. The student must be invited to the IEP meeting.	Continues until the student exits high school.

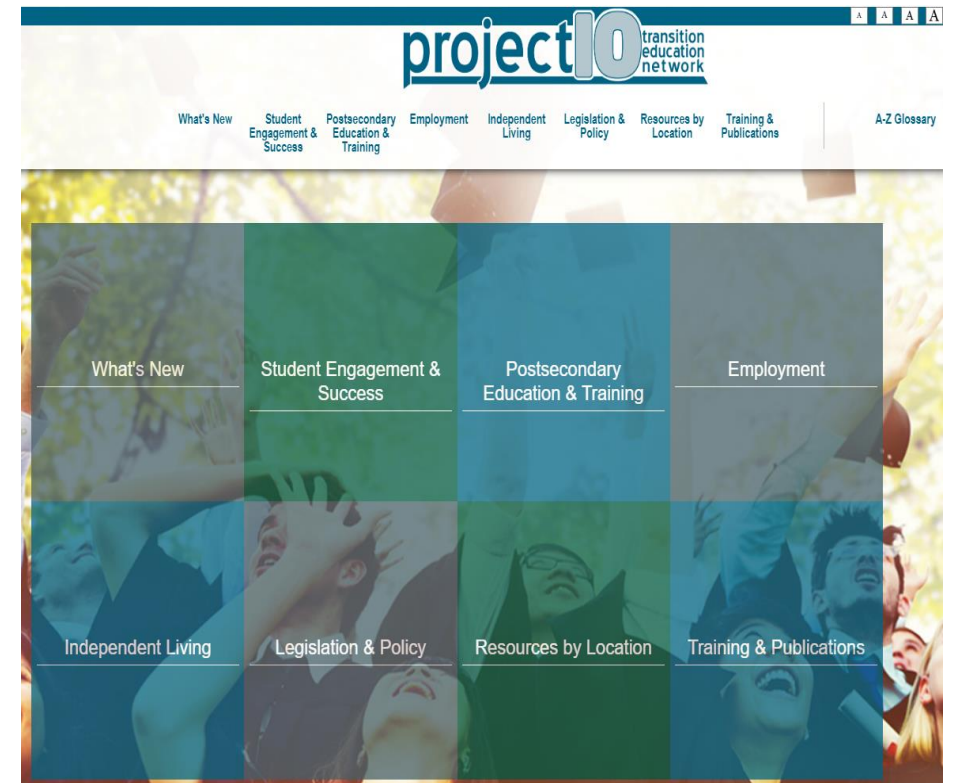
HB 173 (2021) <u>Amended S. 1003.5716, F.S.</u>	Age 12 or During 7th Grade, Whichever Occurs First	Age 14 or in Place and Operational on the Student's First Day of High School, Whichever Occurs First (continues until the student exits high school)
Transition Assessment	4. Transition assessments indicating the student's strengths, preferences, and interests and needs are documented and aid in identifying transition services and developing post-school goals.	Continues until the student exits high school.
Self-Determination	5. Based on transition assessments, document the need for self-determination and self-advocacy instruction in the IEP.	Continues until the student exits high school.
Secondary Transition Services	6. Begin identifying secondary transition services needs of students in the IEP.	7. Identify and provide secondary transition services.

HB 173 (2021) <u>Amended S.</u> <u>1003.5716, F.S.</u>	Age 12 or During 7th Grade, Whichever Occurs First	Age 14 or in Place and Operational on the Student's First Day of High School, Whichever Occurs First (continues until the student exits high school)
Post-School Goals	8. Discuss measurable postsecondary goals based on age-appropriate transition assessment in the areas of education, training, employment, including career goals and independent living (where appropriate). Document the discussion.	9. Develop and document measurable postsecondary education goals based upon age-appropriate transition assessments related to the following: training/education, employment, career independent living skills (if appropriate), secondary transition services, including pre-employment transition services, and courses of study needed to assist students to reach their postsecondary goals.
Graduation Pathways	10. Discuss the graduation pathways and diploma designations (Scholar or Industry Scholar) in the IEP meeting.	11. Document the graduation pathway decision, the student's course of study and whether the student will work toward a diploma designation.

HB 173 (2021) <u>Amended S.</u> <u>1003.5716, F.S.</u>	Age 12 or During 7th Grade, Whichever Occurs First	Age 14 or in Place and Operational on the Student's First Day of High School, Whichever Occurs First (continues until the student exits high school)
Deferment		12. Document the discussion of the process for a student with a disability who meets the requirements for a standard high school diploma to defer the receipt of such diploma pursuant to <u>s. 1003.4282 (10)(c), F.S.</u>
Deferment		*13. Prior to the beginning of the year the student is expected to graduate, include a signed statement by the parent, guardian, or the student, if the student has reached the age of majority and rights have transferred to the student, that he or she understands the process for deferment and identifying if the student will defer the receipt of his or her standard high school diploma.

Project 10 Resources: Transition IEP (TIEP)

- ❑ The Future Starts Now: Preparing for Secondary Transition in Middle School (Training)
 - <http://project10.info/DPage.php?ID=319>
- ❑ Transition Requirements Checklist
 - <http://project10.info/DPage.php?ID=77#NS138>
- ❑ Using Transition Assessment Data to Write Measurable Postsecondary Goals (Training)
 - <http://project10.info/DPage.php?ID=319>
- ❑ Writing Effective Transition Individual Education Plans (Training)
 - <http://project10.info/DPage.php?ID=319>



Key Secondary Transition Legislation

Graduation and Career Planning Requirements


Summary of Changes to Graduation Requirements

Requirement/Item

Notes/Citations

 1 credit in an online course for all 24-credit standard diploma options has been deleted


HB 1 (2023) amends s. 1003.4282, F.S.; Impacts all cohorts of students

 0.5 credit in personal financial literacy and money management for all standard diploma options has been added


SB 1054 (2022) “Dorothy L. Hukill Financial Literacy Act” amends s. 1003.4282, F.S.; Impacts all 9th grade cohorts beginning 2023-24

 Reduction in Elective Credit Requirements for all standard diploma options by 0.5 credits

As a result of SB 1054 (2022), elective credits have been reduced by 0.5; Impacts 9th grade cohorts beginning 2023-24

 CTE allowance to fulfill one credit of Performing Arts/Speech and Debate/Eligible Practical Arts category

SB 240 (2023) amends s. 1003.4282, F.S.; Impacts all cohorts of students

 Merit Designation has been renamed to Industry Scholar Designation

SB 240 (2023) amends s. 1003.4285, F.S.; Impacts all cohorts of students

 (Resources) Two versions of Florida Department of Education (FDOE) Academic Advisement Flyers and P10 Graduation Options Charts

Created in response to HB 1 (2023), SB 1054 (2023) and SB 240 (2023)

FDOE Academic Advisement Flyers- What Parents Need to Know

Academic Advisement Flyers were revised September 2023 and are available on FDOE's Student Support Services/Graduation Requirements site.

<https://www.fldoe.org/schools/k-12-public-schools/sss/graduation-requirements/>

- Students Entering Grade 9 in 2023-2024 and Thereafter
- Students Entering Grade 9 Prior to 2023-2024

The image shows two overlapping FDOE Academic Advisement flyers. The top flyer is titled "Academic Advisement Students Entering Grade 9 in 2023-2024 and Thereafter" and features the FDOE logo. It includes sections for "What Students and Parents Need to Know", "24-Credit Standard Diploma Requirements", and "What are the state assessment requirements?". The bottom flyer is titled "Academic Advisement Students Entering Grade 9 in 2023-2024 and Thereafter" and features the FDOE logo. It includes sections for "What Students and Parents Need to Know", "24-Credit Standard Diploma Requirements", and "What are the state assessment requirements?".

Academic Advisement
Students Entering Grade 9 in 2023-2024 and Thereafter

What Students and Parents Need to Know

What options lead to a standard diploma?
Successful completion of one of the following options:

- 24 credits
- Advanced International Certificate of Education (AICE) curriculum
- International Baccalaureate (IB) curriculum
- 18-credit Academically Challenging Curriculum to Enhance Learning (ACCEL)
- Career and Technical Education (CTE) Pathway (See section [s.] 1003.4282, Florida Statutes [F.S.]

What are the state assessment requirements?
Students must pass the following statewide assessments:

- Grade 10 English Language Arts (ELA) or a concordant score
- Algebra 1 end-of-course (EOC) or a comparative score

A waiver of assessment results is granted by the Individual Educational Plan (IEP) team for students with disabilities. Additionally, students who have been enrolled in an English for Speakers of Other Languages (ESOL) program for less than two years may meet the requirement for grade 10 ELA by satisfactorily demonstrating grade level expectations of formative assessments.

Refer to [Graduation Requirements for Florida's Statewide Assessments](#) for concordant and comparative scores.

Students enrolled in the following courses must participate in the corresponding EOC assessment, which constitutes 30 percent of the final course grade:

- Algebra 1
- Geometry
- Biology
- U.S. History

*Special note: Thirty percent not applicable if not enrolled in the course but passed the EOC (Credit Acceleration Program [CAP]). (See s. 1008.22, F.S.)

What is the difference between the 18-credit ACCEL option and the 24-credit option?

- 2.5 elective credits instead of 7.5
- Physical Education is not required

What is the difference between the CTE Pathway option and the 24-credit option?

- At least 18 credits are required
- 3.5 elective credits instead of 7.5
- 3 credits in CTE courses, must result in a program completion and industry certification
- 1.5 credits in work-based learning programs; Physical Education is not required
- Fine and Performing Arts, Speech and Debate, CTE or Practical Arts is not required

24-Credit Standard Diploma Requirements
Available To All Students, Including Students With Disabilities

4 Credits ELA

- ELA 1, 2, 3, 4
- ELA honors, Advanced Placement (AP), AICE, IB and dual enrollment may satisfy this requirement

4 Credits Mathematics*

- One of which must be Algebra 1 and one of which must be Geometry
- Industry Certifications that lead to college credit may substitute for up to two mathematics credits (except for Algebra 1 and Geometry) **
- An identified computer science*** credit may substitute for up to one mathematics credit (except for Algebra 1 and Geometry)

3 Credits Science*

- One of which must be Biology, two of which must be equally rigorous science courses
- Two of the three required course credits must have a laboratory component
- Industry Certifications that lead to college credit may substitute for up to one science credit (except for Biology)**
- An identified computer science*** credit may substitute for up to one science credit (except for Biology)

3 Credits Social Studies

- 1 credit in World History
- 1 credit in U.S. History
- 0.5 credit in U.S. Government
- 0.5 credit in Economics

0.5 Credit in Personal Financial Literacy****

1 Credit Fine and Performing Arts, Speech and Debate, Career and Technical Education, or Practical Arts*

1 Credit Physical Education*

- To include the integration of health

7.5 Elective Credits

Students must earn a 2.0 unweighted grade-point average (GPA) on a 4.0 scale for all cohort years and pass statewide, standardized assessments.

*Eligible courses are specified in the [Florida Course Code Directory](#).
**Industry certifications for which there is a statewide college credit articulation agreement approved by the State Board of Education may substitute for mathematics and science credit.
***A computer science credit may not be used to substitute for both a mathematics and science credit.
****This requirement was added for students entering grade nine 2019, 2024, and thereafter

Academic Advisement
Students Entering Grade 9 in 2023-2024 and Thereafter

State University System

Admission into Florida's [State University System](#) (SUS) institutions is competitive. Prospective students should complete a rigorous course of study in high school and apply to more than one university to increase their chance for acceptance. To qualify to enter one of Florida's public universities, a first-time-in-college student must meet the following minimum requirements (credit earned by industry certification does not count for SUS admission):

- High school graduation with a standard diploma, a minimum of a 2.5 GPA and admission test scores meeting minimum college-ready test scores per Board of Governors (BOG) Regulation 6.008
- 16 credits of approved college preparatory academic courses per BOG Regulation 6.002
- 4 English (3 with substantial writing)
- 4 Mathematics (Algebra 1 level and higher)
- 3 Natural Science (2 with substantial lab)
- 3 Social Science
- 2 World Language (sequential, in the same language or other equivalents)
- 2 approved electives

Florida College System

The 28 colleges of the [Florida College System](#) serve more than 650,000 students. Colleges offer affordable and stackable workforce credentials including certificate programs, associate in science degrees and associate in arts degrees, which transfer to a bachelor's degree program. All colleges also offer workforce bachelor's degree programs in areas of high demand. All Florida College System institutions have open-door admissions for students who earned a standard high school diploma or an equivalent diploma, or earned college credit.

Career and Technical Colleges and Centers

Florida also offers students 49 accredited career and technical colleges or centers throughout the state, which provide the education and certification necessary to work in a particular career or technical field. Programs are flexible for students and provide industry-specific education and training for a wide variety of occupations.

[Career, Adult and Technical Education District Postsecondary Institutions](#)

Where is information on financial aid located?

The Florida Department of Education's Office of Student Financial Assistance administers a variety of postsecondary educational state-funded grants and scholarships.

[Office of Student Financial Assistance](#)

For more detailed information on Graduation Requirements visit the Florida Department of Education's webpage at <https://www.fldoe.org/schools/k-12-public-schools/sss/graduation-requirements/>.

Career Planning and Graduation Activity Mandates

- ❑ District high schools must host an annual Career Fair (SB 240 (2023) amends s.1001.43, F.S.).
- ❑ All students in grades 9-12 shall have access to at least one work-based learning opportunity, which may include diversified education, pre-apprenticeships and apprenticeships (SB 240 (2023) amends s. 446.0915, F.S.).



Career Planning and Graduation Activity Mandates

- Districts must provide students and parents with guidance on accessing and utilizing the state's online career planning and work-based learning coordinating system and the contact information of a certified school counselor who can advise students on these options (SB 240 (2023) amends s. 1003.02, F.S.).
- Xello is Florida's official online career planning system (<https://xello.world/en/florida-college-career-ready/>)
- FDOE website for College and Career Planning: (<https://www.fldoe.org/academics/college-career-planning/>)

Career Planning and Graduation Activity Mandates

- ❑ The middle school course in career and education plan must utilize, when available, the state's online career planning and work-based learning coordinating system (SB 240 (2023) amends s. 1003.4156, F.S.).
 - Course must teach each student how to access and update the plan at least once before the student's progression to high school, and at least annually as the student progresses through high school.
 - Facilitates continuity of Career and Technical Education (CTE) from middle school to high school.



Project 10 and FDOE Graduation and Career Planning Resources

❑ Graduation Options Charts

- <http://project10.info/DPage.php?ID=77>

❑ Graduation Requirements Training

- <http://project10.info/DPage.php?ID=319>

❑ Secondary Transition Roadmap

- <http://project10.info/DPage.php?ID=77>

❑ July 2023 P10 Topical Brief: Legislative Review

- [#NSI10](http://project10.info/DPage.php?ID=235)

❑ FDOE, Career and Technical Education: Comprehensive CTE information including CTE relevant frameworks, teacher resources, graduation options, program resources, and CAPE links.

- <https://www.fldoe.org/academics/career-adult-edu/career-tech-edu/>

❑ FDOE College and Career Planning

- <https://www.fldoe.org/academics/college-career-planning/>

Key Secondary Transition Legislation - Deferment

Deferment of Receipt of the Standard Diploma

Deferment and Florida Law

Legislative Underpinning	Considerations/Implications
<p><u>Section 1003.4282(9)(c), Florida Statutes (F.S.):</u></p> <p>A student with a disability who meets the standard high school diploma requirements in this section may defer the receipt of a standard high school diploma if the student:</p> <ol style="list-style-type: none">1. Has an individual education plan that prescribes special education, secondary transition planning, transition services, or related services through age 21; and2. <i>Is enrolled</i> in accelerated college credit instruction pursuant to <u>s. 1007.27, F.S.</u> industry certification courses that lead to college credit, an early college program, courses necessary to satisfy the Scholar designation requirements, or a structured work-study, internship, or pre-apprenticeship program.	<p>Deferment is additional time to implement experiences and skill readiness to support successful postsecondary outcomes.</p> <p>Deferment services and programs should be specific and intentional to support students' needs and to ensure progress toward their postsecondary goals.</p> <p>Continue to consider Least Restrictive Environment (LRE).</p>

Definition of "Is Enrolled"

- ❑ "Is enrolled" for the purposes of deferment eligibility could be interpreted as either:
 - A student is **expected** to successfully meet all entrance criteria for an eligible deferment program, including required program application deadlines, by the conclusion of the academic semester/year in which they meet graduation requirements, or
 - A student **actively** enrolled in a deferment eligible program prior to the conclusion of the academic semester/year in which they meet graduation requirements and remain eligible to continue enrollment in that program at the start of the following semester/year.
- ❑ The IEP for a student who will defer may require amendments prior to the start of the program.

The Deferral Timeline and Florida Legislation

By age 14 or prior to beginning high school (whichever occurs first)
s.1003.5716, F.S.

- A statement documenting discussion of deferment process

Prior to the year the student is expected to meet graduation requirements

s.1003.5716, F.S. & Rule 6A-109963, Florida Administrative Code (F.A.C.)

- A signed statement by parent or adult student indicating the deferral process is understood and the choice to defer or not to defer

By May 15 of the year the student meets graduation requirements

Rule 6A-1.09963, F.A.C.

- School districts inform parent/student that:
 - FAPE obligations end if diploma is not deferred
 - Deadline for diploma deferral or acceptance is May 15
 - Failure to attend graduation ceremony does not constitute a deferral

Deferment Frequently Asked Questions



The Bureau of Exceptional Education and Student Services (BEESS) and Project I0: Transition Education Network (P10) developed a brief Frequently Asked Question (FAQ) document in 2023 in response to stakeholders request for clarification and understanding of salient deferment-related topics.

http://projectI0.info/Documents/FINAL_Deferment_FAQs_for_P10_Training_3.30.2023.pdf

Deferment Resources

□ Legislation Resources

- Section 1003.5716, F.S.:

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=1000-1099/1003/Sections/1003.5716.html

- Rule 6A-1.09963, F.A.C., High School Graduation Requirements for Students with Disabilities:

<https://www.flrules.org/gateway/ruleno.asp?id=6A-1.09963>

Key Secondary Transition Legislation

Transfer of Rights and Decision-Making

Preparation for the Transfer of Rights

Section 1003.5716, Florida Statutes

At least one 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.

Suggestions for Success

The statute's timeline for the provision of information and instruction is at least one year before the student turns 18 (the student's 17th birthday). Consider meeting this timeline at the transition individual education plan (TIEP) meeting scheduled before the student's 17th birthday.

Transfer of Educational Rights at Age of Majority

Section 1003.5716, Florida Statutes

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, F.S.
2. Powers of attorney as provided in chapter 709, F.S.
3. Guardian advocacy as provided in s. 393.12, F.S.
4. Guardianship as provided in chapter 744, F.S.
5. Supported Decision Making (2024) as provided in chapter 744, F.S.

Suggestions for Success

1. The phrase, “may provide informed consent”, shows the importance that the student receives self-determination information/instruction to handle this responsibility with confidence.
2. The right to access confidential records applies to students and parents.
3. Keep in mind that s. 393.12, F.S. begins with the following: A person with a developmental disability may not be presumed incapacitated solely by reason of his or her acceptance in nonresidential services or admission to residential care and may not be denied the full exercise of all legal rights guaranteed to citizens of this state and of the United States.

Providing Persons with Disabilities to Participate in Decision-Making to the Fullest Extent Possible



“We all get help from friends or family members when we need to make decisions. We may ask our brother, the accountant, for financial advice or our sister, the doctor, to help us understand medical jargon. So, if we can do it, shouldn’t we give people with disabilities a chance to do it, too?”

<https://supportmydecision.org/assets/tools/Supported-Decision-Making-Teams-Setting-the-Wheels-in-Motion.pdf>

Decision-Making Alternatives: Choosing the Best Option with My Child

Florida legislation provides a system that permits persons with disabilities to participate in decision-making to the fullest extent possible.

Least Restrictive Choice

Mid-Range Choices

Supported Decision-Making

Supported decision-making (SDM) is making one's own decisions with the option to get support from a group of trusted family members, friends and/or professionals. With this model, an individual can choose to make the decisions he/she wishes to make and choose to access assistance where needed. Francisco and Martinis explain, "[Supported decision-making] is just a fancy way of describing how we all make choices. We all need help making decisions, every single day." <https://supportmydecision.org/assets/tools/Supported-Decision-Making-Teams-Setting-the-Wheels-in-Motion.pdf> SDM pilot projects are being conducted in multiple states, including Florida.

Banking Services

A power of attorney that specifies the agent has the authority to conduct **banking transactions** on behalf of the person includes the following: establish, continue, modify, or terminate a banking account; contract for services available from a financial institution; withdraw money or property of the principal deposited with or left in the custody of a financial institution. (Section 709.2208, F.S.)



Page 2

Power of Attorney

A **Power of Attorney** is a legal document through which a person gives someone (agent) the authority to act on his/her behalf, and the individual maintains the right to act on behalf of himself/herself. A **Durable Power of Attorney** is when the authority to act on the person's behalf does not end if the person suffers mental incapacity at some point in the future. (Section 709.2102, F.S.)

Advance Directives

Advance Directives are witnessed, written documents or oral statements that express a person's desires concerning health care. A **Living Will** is an advanced directive that expresses a person's instructions regarding life-prolonging procedures. A **Health Care Surrogate** is an advanced directive in which a person designates someone to make health care decisions and apply for health care benefits. (Section 744.3115, F.S.)

Trusts

A legal document called a **Trust** can be used to give someone the authority to manage the property of a person who needs or wants assistance. A **Special Needs Trust** assists a person with a disability to maintain needs-based benefits, such as Medicaid health insurance by excluding certain assets and income. See Florida.Medicaid.com for more information.



State Secondary Transition
Interagency Committee, Florida
Department of Education, Bureau
of Exceptional Student Education

When selecting a decision-making alternative with your child, it is suggested that the best option is the one that will give the child who is becoming an adult the maximum amount of decision-making ability while also safeguarding his/her health and general welfare. Some of the options listed below can be combined in a way that matches the level of assistance that your young adult needs. Finding the right balance between assistance and autonomy is the key to ensuring your child has the opportunity to lead the most self-determined life possible.

Mid-Range Choices

More Restrictive Choices

Medical Proxy

A **Medical Proxy** is used when a person is or has become unable to make health care decisions and an advance directive has not been established. The patient's legal guardian could be assigned as the medical proxy by a judge or others could serve as the medical proxy, such as the patient's spouse, adult child, parent or adult sibling. (Section 765.401, F.S.)

Representative Payee

A **Representative Payee** is an entity selected by the Social Security Administration (SSA) (preferably family or friends, but could be an organization) to manage an individual's SSA benefits. This means the beneficiary's benefits will go to the Representative Payee for appropriate use. The Social Security Administration (SSA) benefits must be used to provide food, clothing, shelter, medical care and personal comfort items for the SSA beneficiary. All remaining funds must be saved in an interest-bearing account or savings bonds to be used for the SSA beneficiary's future needs. (Section 402.33, F.S.)

Guardian Advocacy

Guardian Advocacy is available for persons with a developmental disability (DD). Individuals cannot be determined as in need of a guardian based only on the fact that they have a DD. However, if a person with a DD lacks the capacity to make some (not all) decisions related to care for person or property, a Guardian Advocate may be appointed by a circuit court to assist with decision-making in the areas of the person's needs. (Section 393.12, F.S.)

Guardianship

Full Guardianship is used when a person has been found to lack all capacities to care for self and property. The court (circuit court) will appoint a guardian to exercise all of a person's rights and powers that can be legally delegated. **Limited Guardianship** is used when a person has been found to lack capacities to exercise some, but not all, of their rights. The court will appoint a guardian to exercise rights that can legally be delegated. (Section 744.2102, F.S.)

http://project10.info/Documents/Considering_Age_of_Majority_Pages_One-Four_8.5_x11_9.11.23.pdf

Restrictive Decision-Making Options

- ❑ Full Guardianship is used when a person has been found to lack all capacities to care for self and property. The court (circuit court) will appoint a guardian to exercise all of a person's rights and powers that can be legally delegated.
- ❑ Limited Guardianship is used when a person has been found to lack capacities to exercise some, but not all, of their rights. The court will appoint a guardian to exercise rights that can legally be delegated. (s. 744.2102, F.S.)



Restrictive Decision-Making Options

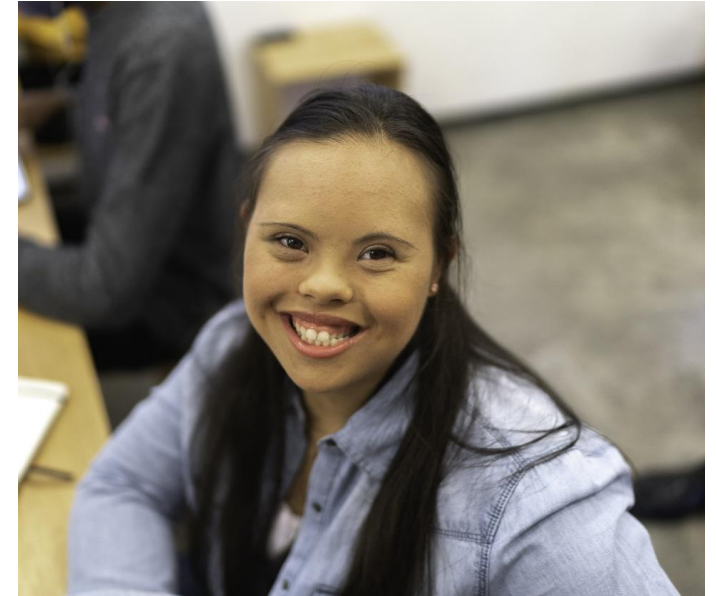
- ❑ Guardian Advocacy is available for persons with a developmental disability (DD).

Individuals cannot be determined as in need of a guardian based only on the fact that they have a DD. However, if a person with a DD lacks the capacity to make some (not all) decisions related to care for person or property, a Guardian Advocate may be appointed by a circuit court to assist with decision-making in the areas of the person's needs. (s. 393.12, F.S.)



Mid-Range Decision-Making Options that Fulfill Specific Areas of Need

- ❑ Mid-Range Choices, such as Banking Services, Powers of Attorney, Advance Directives, Trusts, Medical Proxies and Representative Payees can be combined with less restrictive options to ensure that students get the support they need. Students who are ready to push forward with full independence could access some of these mid-range supports as needed.
- ❑ For example, a family and their daughter may settle on Supported Decision making in combination with a medical proxy to assist the young adult with health care decisions.



Least Restrictive Decision-Making Options



- ❑ Supported decision-making (SDM) is making one's own decisions with the option to get support from a group of trusted family members, friends and/or professionals.
- ❑ With this model, an individual can choose to make the decisions he/she wishes to make and choose to access assistance where needed.

Key Secondary Transition Legislation from 2024 session

Supported Decision Making and Career Fairs

2024 Legislation Connected to Secondary Transition

HB 73 (2024) amended s.1003.5716, F.S.. A defining point in the legislation states,

“In determining whether to appoint a guardian advocate, the court shall consider the person’s unique needs and abilities, including, but not limited to, the person’s ability to independently exercise his or her rights with appropriate assistance, and may only delegate decision making tasks that the person lacks the decision making ability to exercise.”

The bill adds a Supported Decision Making agreement to the list of alternative methods for parental involvement in the educational decision making under s. 1003.5716, F.S., adds what information an IEP team must share with a parent during the transition development process for a student with a disability.

2024 Legislation Connected to Secondary Transition

- ❑ House Bill 917 (2024) authorizes district school boards, **as an alternative to the required annual career fair**, to consult with local workforce development boards, advisory committees, and business groups to determine free or cost-effective methods to provide other career and industry networking opportunities, during the school day, for secondary students and exposure for elementary and secondary students to a representative variety of industries, businesses, and careers.



Current Bills that may impact Transition

- ❑ SB 102/HB 127 - The bill creates s. 1003.5717, F.S., establishing a workforce credential program for students with autism spectrum disorder (ASD) or who are on a modified curriculum.
- ❑ SB 166/No twin HB - The bill modifies ss. 1003.4282 and 1003.433 F.S., to provide that, effective upon becoming law, students are not required to pass the statewide, standardized grade 10 ELA assessment and pass the statewide, standardized Algebra I EOC assessment to earn a standard high school diploma. The bill provides that, effective upon becoming law, a student's performance on the statewide, standardized grade 10 ELA assessment constitutes 30 percent of the student's final course grade.

Resources

- ❑ Florida Developmental Disabilities Council (FDDC) - Developing Abilities and Restoring Rights - A Guide for Persons with Disabilities: This guide provides educational materials in the area of legal rights. There is also an accompanying workbook. <https://fddc.org/wp-content/uploads/2020/08/Developing-Abilities-Restoring-Rights-Guide.pdf>
- ❑ Florida Developmental Disabilities Council (FDDC) - Lighting the Way to Guardianship and Other Decision-Making Alternatives - A Manual for Individuals and Families: This resource provides information in English and Spanish. Additional FDDC Lighting the Way resources are available, including fact sheets, an online training and a booklet on making life decisions designed for individuals with disabilities. <https://www.fddc.org/publications/>
- ❑ Disability Rights Florida – Types of Guardianship - It is important to know about the different types of guardianships under Florida law. Guardianships must be specific to the abilities and needs of the individual and should not be any more restrictive than necessary. https://disabilityrightsflorida.org/disability-topics/disability_topic_info/types_of_guardianship

Questions and Thank You!

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Thank you for your
attendance and participation!



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