

This training was developed by the Project 10 Transition Education Network, a discretionary project funded by the Florida Department on Education (FDOE), division of public schools, Bureau of Exceptional Education and Student Services (BEESS), through federal assistance und the Indeveloped text school and text and te

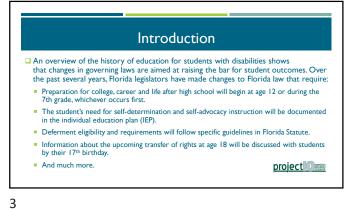
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# Objectives

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 2023 and will look ahead to potential new legislation for 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.

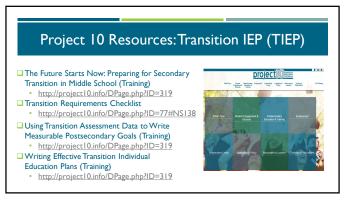




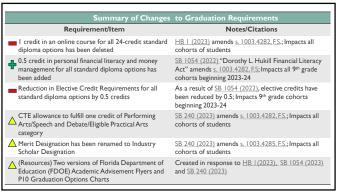
House Bill 173 (2021) Amended Section 1003.5716, Florida Statutes				
HB 173 (2021) Amended <u>Section</u> 1003.5716, F.S.	Age 12 or During 7 <sup>th</sup> Grade, Whichever Occurs First	Age 14 or in Place and Operational on the Student's First Day of High School, Whichever Occurs First		
Notice	I. Parents must be notified that the purpose of the IEP meeting will include identifying the student's need for secondary transition services.	Continues to age 18 and possibly to age 22. 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 to age 18 and possibly to age 22.		
Invitation	3. The student must be invited to the IEP meeting.	Continues to age 18 and possibly to age 22.		

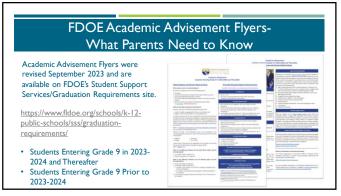
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Transition Assessment	4. Transition assessments indicating the student's strengths, preferences, interests and needs are documented and aid in identifying transition services and developing post-school goals.	Continues to age 18 and possibly to age 22.
Self-Determination	5. Document the need for self- determination and self-advocacy instruction in the IEP.	Continues to age 18 and possibly to age 22.
Secondary Transition Services	6. Begin identifying secondary transition services needs of students in the IEP.	7. Identify and provide secondary transition services.
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 each their postsecondary goals.

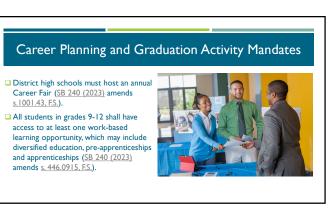
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Graduation Pathways	10. Discuss the graduation pathways and diploma designations (Scholar or Industry Scholar) in the IEP meeting.	<ol> <li>Document the graduation pathway decision, the student's course of study and whether the student will work toward a diploma designation.</li> </ol>
Deferment		<ol> <li>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</u> (10)(c), FS.</li> </ol>
Deferment		13.At 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.











## 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, FS).
  - Xello is Florida's official online career planning system (<u>https://xello.world/en/florida-college-career-ready/</u>)
  - FDOE website for College and Career Planning: (<u>https://www.fldoe.org/academics/collegecareer-planning/</u>)

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# Career Planning and Graduation Activity Mandates

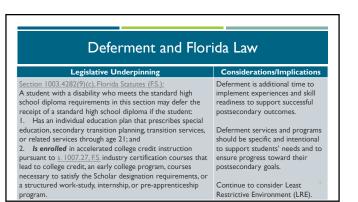
- The middle school course in career and education plan must utilize, when available, the state's online career planning and work-based learning coordinating system (SB 240 (2023) amends s. 1003.4156.FS.).
  - Course must teach each student how to access and update the plan at least once before the student's 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.



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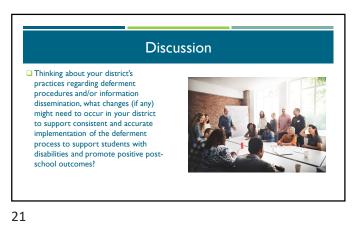
Key Secondary Transition Legislation -Deferment Deferment of Receipt of the Standard Diploma



# 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.

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# Deferment Frequently Asked Questions FAQS (?) (?) (?) (?)

The Deferral Timeline and Florida Legislation

Prior to the year the

meet graduation

requirements

By age 14 or prior to

s.1003.5716, F.S.

process

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beginning high school (whichever occurs first)

A statement documenting

discussion of deferment

student is expected to

s.1003.5716, F.S. & <u>Rule</u> 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

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

parent/student that: • FAPE obligations end if

Deadline for diploma

diploma is not deferred

deferral or acceptance is

graduation ceremony

does not constitute a

requirements

May 15

deferral

· Failure to attend

School districts inform

The Bureau of Exceptional Education and Student Services (BEESS) and Project 10: 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://project10.info/Documents/FINAL\_Deferment\_FAQs\_for\_P10\_Training\_3.30.2023.pdf

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# **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



# Preparation for the Transfer of Rights

#### Section 1003.5716, Florida Statutes

# Suggestions for Success

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 selfdetermination and the legal rights and responsibilities regarding the educational decisions that transfer to the student upon attaining the age of 18.

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.

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## 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:		Suggestions for Success		
		l.	The phrase," <u>may</u> provide informed consent", shows the importance that the student receives self- determination information/instruction to handle this responsibility with confidence.	
	1.	Informed consent to grant permission to access confidential records protected under the Family Educational Rights and Privacy Act (FERPA) as provided in <u>s. 1002.22, F.S.</u>	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
	2.	Powers of attorney as provided in <u>chapter 709</u> , <u>ES.</u>		following: A person with a developmental disability may not be presumed incapacitated solely by reason
	3.	Guardian advocacy as provided in s. 393.12, F.S.		of his or her acceptance in nonresidential services or admission to residential care and may not be

4. Guardianship as provided in chapter 744, FS.

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# 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/Sup ported-Decision-Making-Teams-Setting-the-, Wheels-in-Motion.pdf project 0

denied the full exercise of all legal rights guaranteed to citizens of this state and of the United States.

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# **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.)



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# **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, FS.)



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# 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.

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# New 2024 Legislation Connected to Secondary Transition

The Florida Legislature has voted in favor of HB 73 (2024) and Senate Bill 446 (2024). 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 <u>s</u>. 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.

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# New 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.



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# 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. <u>https://fddc.org/wpcontent/uploads/2020/08/Developing-Abilities-Restoring-Rights-Guide.pdf</u>
- 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

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