



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 (BEES), through federal assistance under the Individuals with Disabilities Education Act (IDEA), Part B.

1

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.

2

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.



3

Key Secondary Transition Legislation Overview

Secondary Individual Education Plan



4

House Bill 173 (2021) Amended Section 1003.5716, Florida Statutes		
HB 173 (2021) Amended Section 1003.5716, F.S.	Age 12 or During 7 th Grade, Whichever Occurs First	Age 14 or in Place and Operational on the Student's First Day of High School, Whichever Occurs First
Notice	1. 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.

5

HB 173 (2021) Amended S. 1003.5716, F.S.	Age 12 or During 7 th Grade, Whichever Occurs First	Age 14 or in Place and Operational on the Student's First Day of High School, Whichever Occurs First
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 reach their postsecondary goals.


6

HB 173 (2021) Amended S. 1003.5716, F.S.	Age 12 or During 7 th Grade, Whichever Occurs First	Age 14 or in Place and Operational on the Student's First Day of High School, Whichever Occurs First
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.
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 s. 1003.4282 (10)(c), F.S.
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 student will defer the receipt of his or her standard high school diploma.

7

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>



8

Key Secondary Transition Legislation

Graduation and Career Planning Requirements



9

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 9 th 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 9 th 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)


10

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



11

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.).



12

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 (<https://xello.world/en/florida-college-career-ready/>)
- FDOE website for College and Career Planning: (<https://www.fldoe.org/academics/college-career-planning/>)

13

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.



14

Discussion

- How might the changes to graduation requirements and career planning activity requirements positively impact students with disabilities?



15

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
 - [#NS110](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/>

16

Key Secondary Transition Legislation - Deferment

Deferment of Receipt of the Standard Diploma



17

Deferment and Florida Law

Legislative Underpinning	Considerations/Implications
<p>Section 1003.4282(9)(c), Florida Statutes (FS): 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; and 2. Is enrolled in accelerated college credit instruction pursuant to s. 1007.27, FS, 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>

18

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.

19

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-1.09963, 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

20

Discussion

- Thinking about your district's practices regarding deferment procedures and/or information dissemination, what changes (if any) might need to occur in your district to support consistent and accurate implementation of the deferment process to support students with disabilities and promote positive post-school outcomes?



21

Deferment Frequently Asked Questions

FAQs

Frequently Asked Questions



The Bureau of Exceptional Education and Student Services (BEES) 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

22

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>

23

Key Secondary Transition Legislation

Transfer of Rights and Decision-Making



24

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.



25

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

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.

26

Discussion

- How well do you remember being informed about the transfer of your own rights?
 - Not at All
 - Vaguely
 - Clearly
- Which of the following do you think legislation on the topic of age of majority and transfer of rights is designed to protect?
 - Students
 - Parents
 - Both
- Discuss the previous questions and explain why you selected your chosen answers.



27

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>



28

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	Mid-Range Choices	More Restrictive Choices
Supported Decision-Making A person of choice (not necessarily the person with a disability) is named as a decision-maker. The person with a disability retains all legal rights and powers. The decision-maker provides support and assistance to the person with a disability in making decisions.	Banking Services A power of attorney is granted to a trusted person to manage the person's financial affairs.	Power of Attorney A power of attorney is granted to a trusted person to manage the person's financial affairs.	Advance Directives A legal document that allows a person to make decisions about their medical care and mental health care in advance of a crisis.
Trusts A trust is established to hold and manage the person's assets. The trustee is responsible for managing the trust for the benefit of the person.	Medical Proxy A representative power of attorney is granted to a trusted person to make medical decisions on behalf of the person.	Representative Power A representative power of attorney is granted to a trusted person to make financial and legal decisions on behalf of the person.	Guardian A guardian is appointed to manage the person's financial and legal affairs.
Guardianship Full guardianship is granted to a trusted person to manage the person's financial and legal affairs.	When selecting a decision-making alternative with your child, it is suggested that the best option is the one that will give the child, while respecting you as the most important individual, the greatest amount of control over their life. The best option is the one that will give the child the most control over their life. The best option is the one that will give the child the most control over their life.		

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

29

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.)



30

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.)



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31

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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32

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.



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33

Key Secondary Transition Legislation in the Making

Supported Decision Making

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34

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 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.

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35

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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36

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://disabilityrightsfloida.org/disability-topics/disability_topic_info/types_of_guardianship

37

Questions and Thank You!

Tracy Dempsey	Leigh Ann Hale	Thank you for your attendance and participation! 
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38