Making Decisions About Your Individualized Education Program (IEP) After You Turn 18: Questions and Answers for Students With Disabilities Who Are Their Own Guardian

One of the most exciting things about being an adult is making more decisions for yourself. In Minnesota, you become an adult on your 18th birthday and legally you can make some very important decisions. For example, you can vote, apply for a credit card, rent an apartment, sign contracts, and get married. You also start making more of your own decisions about your education and your IEP.

If you and your family decide you will be your own guardian when you turn 18, you may have some of the questions below. We hope the answers here will help you feel more comfortable with your new rights to make decisions about your IEP.

Question:

How do I make decisions about my IEP?

Answer:

At least once a year you'll be invited to an annual IEP team meeting to discuss your IEP. You have a big role at that meeting:

- You help your IEP team understand your goals for the future
- You share what you're struggling with because of your disability
- You tell your IEP team what is working and not working at school
- You can ask questions about anything in your IEP

Next, you and your IEP team make choices about the services and accommodations you need, what classes you should take, and what activities should be added to your new IEP. These things should help you succeed at school now, and also help you prepare for the future. After the meeting, your IEP case manager writes a new IEP for you and sends it to you with a Prior Written Notice.

Question:

What is a Prior Written Notice?

Answer:

A Prior Written Notice is a form school districts use to notify you of something in writing before they carry it out. Here are a few examples:

- After your annual IEP team meeting, the school district will send you a Prior Written Notice to propose a new IEP to you. This will describe what is new in your new IEP and explains the information used to write your new IEP.

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- The district could send you a Prior Written Notice to propose a reevaluation of your educational needs.
- A Prior Written Notice could propose a major change to the kinds of services on your IEP, how you receive your IEP services, or where you receive your IEP services.
- There may be times when you request changes to your IEP, but your IEP team does not agree. In this case, the school district has to send you a Prior Written Notice to explain why they are refusing your request.

These are a few examples of when the school district may send you a Prior Written Notice.

Question:

What am I supposed to do when the school district gives me a Prior Written Notice?

Answer:

The first thing to do is look for the date it was sent to you and circle that date on your calendar. Then count the next 14 days and circle that date. That is your deadline to respond to the Prior Written Notice and any documents that come with it. For example, after your annual IEP review meeting, you'll get a Prior Written Notice and a new IEP. You have 14 days to read the new IEP, decide if you agree to it or not, and let your IEP case manager know about your decision.

Question:

How will I know if I should agree to a new IEP or not?

Answer:

Everything in your IEP should help you make progress in school now and prepare you for your future. For example:

- If you plan to go to college and you have a learning disability, your IEP services should help you learn what accommodations will support your success in college, find a college degree program that's right for you, and understand how to apply for disability services at college.
- If you plan to start your own lawn mowing and snow removal company and you use a wheelchair for mobility, your IEP services should help you find jobs in your community that will teach you the skills you'll need for your business, learn how to develop a business model, and understand what adult services you might be eligible for that could support your business success.

If the new IEP doesn't include the services and activities you need, you have the right to disagree with it. That can be a hard decision, and you can always ask for help, such as from adults you trust that know you best. Ask your parents to read the IEP with you and help you decide if you should agree to it or not. If there are parts of the IEP you don't understand, ask your IEP case manager to explain them to you. You can also call a PACER Advocate for help at (952) 838-9000 or visit **pacer.org/ask-an-advocate**.

Question:

If I decide I agree to a new IEP, what do I do?

Answer:

Attached to the Prior Written Notice is a form where you can sign your name and check the box that says you consent. Consent means you agree. After you sign, give the form to your IEP case manager. It's important to know that if you don't do anything, the school district assumes that you agree. If you do not return your signed consent form to the IEP case manager in 14 calendar days, the new IEP may go into effect automatically.

Question:

If I decide I do not agree to a new IEP, what do I do?

Answer:

You can sign your name and check a box that says you object. Object means you do not agree. Remember, you have to give the form back to your IEP case manager before your 14-day deadline runs out. If you object, you can request a meeting with the school district to talk about why you disagree, and try to work out a solution.

Question:

If I object to a new IEP, will I have another IEP team meeting?

Answer:

The school district may offer you another IEP team meeting, or you could request one. You also have the right to request a different kind of meeting, such as a Conciliation Conference, or a meeting with only some people from your IEP team who can best hear your concerns. Other meetings you can request are a Facilitated Team Meeting or a Mediation. In Minnesota you have a few options, and all the options are supposed to help you and the school district find a way to agree on what should be in your IEP.

Question:

Where can I learn more about what options I have when I object to a new IEP?

Answer:

You can keep the conversation going about your new rights by talking to your IEP case manager. You can also ask your parents for advice—they have been making decisions for you for years! You can call the Minnesota Department of Education at (651) 582-8689 or email mde.compliance-assistance@state.mn.us. You can also call a PACER Advocate at (952) 838-9000 or visit pacer.org/ask-an-advocate.

Resources:

- Solving disagreements with your IEP team after you turn 18: Questions and answers for students with disabilities who are their own guardian
- IEP meeting checklist for students
- My owner's manual to the IEP for transition-age students
- A guide to the Individualized Education Program (IEP) for Minnesota parents

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