

# Prepare your child for age of majority and transfer of rights in Minnesota

## **Preparing you and your youth for the transfer of educational rights at the age of majority**.....

Parents want their children to have the skills they need to succeed as adults. While this is important for every young person, youth with disabilities often face extra challenges. That's why they need to be actively involved in setting their high school goals and planning for their transition to adulthood well before they reach the age of majority. In Minnesota, transition goals must be addressed during ninth grade and then annually. Minnesota state law provides for the transfer of educational rights at age 18 for students with disabilities who have an Individualized Education Program (IEP) and who are not under legal guardianship.

### **Age of majority**

Age of majority is the legal age established under state law at which an individual is no longer considered a minor. As a young adult who is at the age of majority, your child has the right and responsibility to make certain legal and educational choices that their parents made in the past. This process is called the transfer of rights. Reaching the age of majority impacts more than just educational and due process rights in special education. At the age of majority, young adults are granted certain legal rights, such as the right to vote, marry, obtain a credit card, consent to medical treatments, make living arrangements, and sign contracts.

### **Transfer of rights**

- The Individuals with Disabilities Education Act (IDEA) gives states the authority to transfer educational decision-making rights to students who receive special education services at the age of majority.
- Beginning at least one year before a student reaches the age of majority, the student's Individualized Education Program (IEP) must include a statement that the student has been informed of their rights, under IDEA, and it will transfer to the student upon reaching the age of majority.
- This notice alerts families to consider whether or not their youth is capable of representing themselves.
- The school provides required notices to both the student and the parents. This regulation does not apply to students who are under legal guardianship.

In Minnesota, all of the educational and due process rights provided to the parents under IDEA transfer to the student when they reach the age of majority unless they are under legal guardianship. These educational rights include the rights to:

- Receive notice of and attend IEP meetings
- Consent to reevaluation
- Consent to change in placement
- Request mediation or a due process hearing to resolve a dispute regarding their evaluation, identification, eligibility, IEP, educational placement, or other issues

## **Helping your child prepare for the age of majority and transfer of rights**.....

Parents can begin helping their youth prepare for adulthood by looking at the roles you as a parent play in their lives. It can be hard to change your parental role when you care about your child and are concerned about their future. You may need to step back and think about your concerns. One of your roles is to help your young adult become comfortable with making decisions and how to make good choices.

**To examine your current role, start by asking yourself these questions:**

- How do I try to influence my child's decisions?
- Do I tend to speak for my child or do I usually let them respond?
- Can I separate my own concerns from my youth's wishes?

**Children develop decision-making skills over time**

- If possible, begin when your child is young.
- Encourage older children to take increasing responsibility for the educational decisions that affect their lives.
- Encourage your child to participate in planning their IEP and even leading the IEP meeting if it is appropriate.
- IDEA requires a student to be invited to any IEP meeting in which transition services or needs are discussed.
- Try role-playing IEP meetings with your child ahead of time to help them clarify what they want from the meeting. Practice how to step out of the meeting to discuss a decision in private.
- Ask your child if they want to invite anyone to the meeting who works well with them.
- Help your child communicate what is working, what is not helpful, and how to work with others in planning.

**What is the risk?**

Reaching the age of majority can be an exciting time for students. Transferring rights to young adults who are unable to make informed decisions or take responsibility for their choices carries many risks. You might wonder, will my child be able to recognize when an educational or due process decision needs to be made. It may be difficult for them to consider the many possible options in decision-making situations, or recognize the consequences of decisions. In IEP meetings where the transfer of student's rights at the age of majority is discussed, there may be a need for information about guardianship, especially if there is uncertainty about whether a student is capable of making their own educational decisions.

**What else can parents do?****Stay involved in ways that are appropriate for your youth's needs**

- Ensure that your child is not pressured into making decisions they are not capable of handling.
- Continue to be supportive. Try to avoid being overprotective. Allow your child to determine their own course. This is a time for students to step forward and parents to step back as much as possible.
- Ask your child to include you in the IEP meeting even after you are no longer the primary participant in the development of your youth's IEP.
- Attend your child's IEP meetings when requested.
- Ask for your child's educational records, if appropriate. Minnesota state law provides that if a student is still claimed as a dependent on the parent's income tax form, then the parent continues to have legal access to the student's educational records.

**Seek opportunities for your children to make choices**

- Begin at a very early age and continue throughout their school years, gradually increasing the level of difficulty of the choices to be made.

**Look for community programs**

- Community education programs often have classes for teens on self-advocacy or independent living skills.
- Centers for Independent Living offer workshops on self-determination and living skills for young adults.
- Leadership workshops and camps can also be beneficial in teaching decision making skills.

**Does transfer of rights apply to all students?**

No. Some students may not be able to recognize when a decision needs to be made, consider possible options, or recognize the consequences of their decisions without additional support. Some students may need a legal guardian.