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This project is funded by grant number 90DN0226 from the Administration on Developmental Disabilities, US Department of Health and Human Services. The contents do not necessarily represent the policy of the U.S. Department of Health and Human Services, and you should not infer endorsement by the Federal government. Please include this disclaimer when copying or using all or any part of the materials in dissemination activities.
Age of Majority: Transfer of Rights

What does it mean to you?
Transfer of Rights at Age of Majority

• According to IDEA, beginning not later than one year before the child reaches the age of majority under state law, the IEP must include a statement that the child has been informed of the child’s rights under Part B of the Act. Under Virginia State law, the age of majority is 18.
Transfer of Rights at Age of Majority

• To prepare students and parents for the transfer of rights, Virginia State Law requires schools to inform all children with disabilities on or before their 17th birthday that certain educational rights will automatically transfer to them the day they turn 18.
Transfer of Rights at Age of Majority

- A student with a disability between the age of 18 and 22 who has not been declared legally incompetent and has the ability to give informed consent may execute a Delegation of Right to Make Educational Decisions.
Transfer of Rights at Age of Majority

• In Virginia all of the educational rights provided to the parents transfer to the student when he or she reaches the age of majority (age 18)

• The Delegation of Rights form allows the student to appoint his/her parent or agent to make educational decisions on his/her behalf.

• The student has the right to terminate the agreement at anytime and resume his/her right to make decisions.
Transfer of Rights at Age of Majority

- Students become responsible for their educational program.
- Students, not their parents, are the primary participant in developing their IEP.
- Students become responsible for consenting to any changes in placement or requesting mediation or due process hearings to resolve disputes.
Your Educational Rights

- Receive notice of and attend individual educational program (IEP) meetings.
- Consent to reevaluation.
- Consent to change in placement.
- Request for mediation or a due process hearing to resolve a dispute about evaluation, identification, eligibility, IEP, placement, or other aspects of a free and appropriate public education (FAPE).
Self-Advocacy and School

- Involve your parent/guardian in the IEP and transition planning.
- Discuss important decisions with your parent/guardian ahead of meetings so that he/she is informed and prepared to participate with you.
- Develop good relationships with school personnel and other agency and/or service providers.
- Make sure educators and other agency and/or service providers listen to you.
Diplomas

- Standard (or Regular) Diploma
  If a student with a disability graduates with a regular diploma, the student loses eligibility for a free and appropriate public education (FAPE).

- Modified Diploma or IEP Certificate
  If a student graduates with any other type of diploma or certificate, the student may still be eligibility for education services.
Thank you