

TRANSFER OF RIGHTS

All rights formerly provided to the parents transfer to the student at the age of majority (age 18 in Indiana) unless a guardian has been appointed by the court or if an educational representative has been appointed to make educational decisions on behalf of the student.

At the case conference committee meeting no later than the student's 17th birthday, the school must inform the student and the parent that the parent's rights will transfer to the student at age 18 unless:

- a guardian has been appointed by the court; or
- an educational representative has been established for the student.

The student's IEP must include a statement that the student and parent were informed of the transfer of rights. After the student reaches age 18, the school must provide any written notices to both the student and the parent.

Being the parent does not automatically make you the guardian, regardless of the type or severity of the disability. Deciding if an individual with a disability needs a guardian is a difficult but very important decision...a decision made by families on an individual basis. Remember that a judge determines if the individual is legally competent to manage his or her own affairs or if someone needs to be an advocate or substitute decision maker. Family members might wish to talk to other families and/or to an attorney and to review relevant information about the various types of guardianship (from full guardianship to less restrictive alternatives) before making such an important decision.

The transfer of rights provision should help to motivate parents and educators to teach self determination and self advocacy skills to students so that they gain experience in decision making, especially as they approach the transition process.