



# IEP Tip Sheet

## Age of Majority

This tip sheet introduces and briefly defines age of majority. The age of majority is defined by state law and is the age at which the child is no longer a minor and assumes rights and responsibilities to make certain legal decisions. To learn more, review the additional resources and check with state law for specific information about age of majority in your state.

### What Does IDEA Say?

According to the [IDEA Sec. 300.320\(c\)](#), the definition of an individualized education program (IEP) includes a statement about the transfer of rights at age of majority:

"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, if any, that will transfer to the child on reaching the age of majority under [§300.520](#)"

### What happens when a child reaches age of majority?

As noted in [IDEA Sec. 300.520](#), when the child reaches the age of majority, the educational rights and responsibilities previously provided to the parent are now transferred to the student (except for a child with a disability who has been determined to be incompetent under state law).

The public agency must provide any notice required by IDEA to both the child and the parents.

All rights accorded to parents under Part B of IDEA transfer to the child, including children who are incarcerated in an adult or juvenile, state or local correctional institution.

The agency must notify the child and the parents of the transfer of rights.

### What happens if the student does not have the ability to consent?

A special rule described in [IDEA Sec. 300.520\(b\)](#) notes that "A State must establish procedures for appointing the parent of a child with a disability, or, if the parent is not available, another appropriate individual, to represent the educational interests of the child throughout the period of the child's eligibility under Part B of the Act if, under State law, a child who has reached the age of majority, but has not been determined to be incompetent, can be determined not to have the ability to provide informed consent with respect to the child's educational program."





### When is the age of majority?

The age of majority is 18 in many states, but it is defined by state law, and the rules involving age of majority vary across states. It is important to check the specific information on the [age of majority in your state](#).

### How can educators and family members support students to prepare for age of majority?

- Work with the student on relationship-building and self-advocacy skills.
- Encourage families to engage the student in educational decisions that affect their lives in preparation for the transfer of rights.

### What types of decisions should the student be prepared for?

When the child reaches the age of majority, some or all of their educational rights may be transferred to the child. At that time, they may become responsible for decisions such as:

- Consent for evaluation/reevaluation
- Approval for changes in placement of services
- Request for mediation or a due process hearing to resolve a dispute about evaluation, identification, eligibility, IEP, placement, or other aspects of a free appropriate public education (FAPE)

### Where can you learn more?



#### **A Transition Guide to Postsecondary Education and Employment for Students and Youth with Disabilities** (Office of Special Education and Rehabilitation Services). This guide includes

information for educators and parents to help develop a transition plan for students with disabilities and guides opportunities for post-secondary life.



#### **Preparing Your Child for Age of Majority and Transfer of Rights** (PACER's Parent Center).

This two-page document explains the age of majority process and gives helpful tips on transferring a student's rights from their parent(s) to the student at the age of 18.



**Age of Majority** (Center for Parent Information & Resources). This resource breaks down the IDEA requirements for the age of majority. English and Spanish versions are available.



**When Your Child with an IEP Turns 18: Your Parental Rights** (Understood). This article assists parents with preparing for their child's transition to adulthood and how rights transfer to the child with an IEP once they reach adulthood.