



IEP Manager Responsibilities - Age of Majority

Minnesota state law provides for a transfer of educational rights at the age of 18 for students with disabilities who have Individual Education Plans (IEP) and who are not under guardianship or conservatorship.

What must be done?

It is the education IEP manager's responsibility to communicate the following information:

- Provide written "Notice of Transfer of Parent Rights" and verbal explanation of the changes that occur at age 18.
- The process for guardianship or conservatorship must be initiated and completed by the parent.
- Recommendation that notification be given at the 10th grade IEP meeting, but student & parent must be done no later than the IEP meeting during the year the student will turn 17.
- Record the date of the conversation on the front page of the IEP & in box 1 of the Prior Written Notice form that accompanies that IEP.

What do you say? IEP manager's obligation:

- Explain the changes that will take place on the student's 18th birthday (see below).
- Briefly explain the concept of guardianship and conservatorship.
- Indicate that this is a legal matter and that the necessary paperwork can be obtained from the probate court.
- Indicate that the process is lengthy (thus the year warning) and requires a court ruling.
- Recommend contacting the resources provided on the "Notice of Transfer of Parent Rights" form or a county human services case manager for future information.

When rights transfer to the student at 18:

- All rights transfer to the student, even if in a correctional institution.
- Special education notices must be sent to both the student and the parent.
- The student now signs the paper work and may terminate services.
- The student or the school district *may* invite the parents to the IEP meeting as an individual with knowledge of the student.
- The parent continues to have legal access to a student's educational records *if* the student is claimed as a dependent on the parents' taxes.

The three options at 18:

- The school receives no legal documentation of guardianship or conservatorship: all rights transfer to the student.
- Legal guardianship is attained: the student loses the right to make all decision as an adult. They are considered legally incompetent.
- Legal conservatorship is attained: the student loses only certain rights as agreed upon by the court. The student is not considered legally incompetent.

***Use the Minnesota Judicial Branch website as a resource to explain the difference of conservator or guardianship along with the how to process for parents/guardians. Also provides a 30 minute video on the process.*

<http://www.mncourts.gov/Help-Topics/Guardianship-and-Conservatorship.aspx>

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