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### 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 10<sup>th</sup> 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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