

Age of Majority

Alert! Alert!

Because NICHCY's website will only remain online until September 30, 2014, most of its rich content has moved to a new home, the **Center for Parent Information and Resources** (CPIR), where it can be kept up to date.

The new address of *Age of Majority* at the CPIR is:

<http://www.parentcenterhub.org/repository/age-of-majority/>

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[This info in Spanish | Esta información en español](#)

Finally, we come to the last of the IEP components—**the transfer of rights at age of majority**. This component is only needed in the IEPs of some students, as you'll see.

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IDEA's Exact Words

The relevant IEP-related provision within IDEA requires the following:

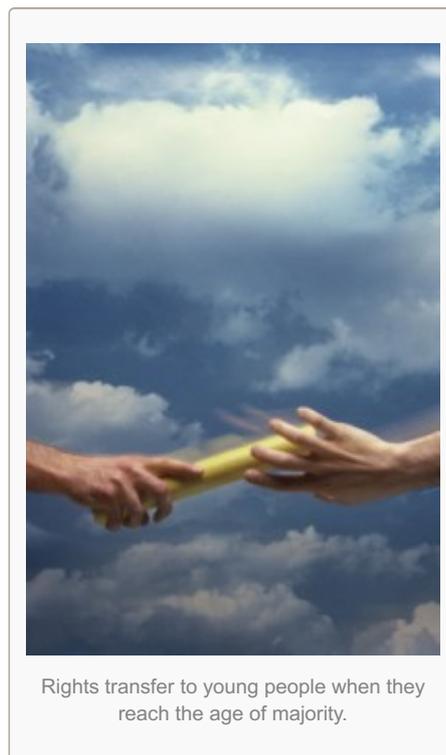
(c) **Transfer of rights at age of majority**. Beginning not later than one year before the child reaches the age of majority under State law, the IEP must include a statement that the child has been informed of the child's rights under Part B of the Act, if any, that will transfer to the child on reaching the age of majority under §300.520. [§300.320(c)]

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What Does Age of Majority Mean?

"Age of majority is the legal age established under State law at which an individual is no longer a minor and, as a young adult, has the right and responsibility to make certain legal choices that adults make" (National Center on Secondary Education and Transition, 2002). Thus, when people use the term *age of majority*, they are generally referring to when a young person reaches the age where one is considered to be an adult. Depending upon your state law, this usually happens at some point between 18 and 21.

What's your state's age of majority?



At this juncture in a child's life, the state may transfer to that child all (or some of) the educational rights that the parents have had up to the moment. Not all states transfer rights at age of majority. But if your state does, then the rights and responsibilities that parents have had under IDEA with respect to their child's education will belong *to that child* at the age of majority.

Beginning at least one year before the child reaches the age of majority, then, the child's IEP must include a statement that the child has received notice and been told about the rights (if any) that will transfer to him or her at age of majority under §300.520.

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What §300.520 Requires

The text of §300.520 is provided below.

§ 300.520 Transfer of parental rights at age of majority.

*(a) **General.** A State may provide that, when a child with a disability reaches the age of majority under State law that applies to all children (except for a child with a disability who has been determined to be incompetent under State law)—*

(1)(i) The public agency must provide any notice required by this part to both the child and the parents; and

(ii) All rights accorded to parents under Part B of the Act transfer to the child;

(2) All rights accorded to parents under Part B of the Act transfer to children who are incarcerated in an adult or juvenile, State or local correctional institution; and

(3) Whenever a State provides for the transfer of rights under this part pursuant to paragraph (a)(1) or (a)(2) of this section, the agency must notify the child and the parents of the transfer of rights.

*(b) **Special rule.** 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.*

While these provisions may appear redundant with §300.320(c), they actually aren't. These provisions relate to informing both the child and the parents of any transfer of rights that has occurred when the child has reached the age of majority in the state; the provision at §300.320(c) stipulates in the IEP that, not later than one year before the child reaches the age of majority, he or she was informed of any rights that will transfer upon reaching that age.

Moreover, the provisions at §300.520 fall under the umbrella of "Procedural Safeguards" and include the "special rule" for children who have reached the age of majority but who do not have the ability to provide informed consent with respect to their educational programs (although they have not been determined to be incompetent). By state-designed procedures, the educational interests of these children would continue to be represented by the children's parents during the entire time of their eligibility under Part B of IDEA. Should the parent of such a child not be available, another individual would be appointed to represent the child's educational interests.

So, while this special rule relates directly to the transfer of rights to the child at age of majority, it also serves an

exception to the transfer of such rights.

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How is the Student Informed?

IDEA does not specify the manner in which schools must inform students of any rights that will transfer to them upon reaching the age of majority. This is a matter “best left to States, districts, and IEP Teams to decide, based on their knowledge of the child and any unique local or State requirements.” (71 Fed. Reg. at 46668)

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References

National Center on Secondary Education and Transition. (2002, May). *Age of majority: Preparing your child for making good choices*. Minneapolis, MN: Author. Quote from page 2. Available online at:

<http://www.ncset.org/publications/viewdesc.asp?id=318>

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Would you like to read about another component of the IEP?

If so, use the links below to jump there quickly.

Present Levels

How is the child currently doing in school? How does the disability affect his or her performance in class? This type of information is captured in the “present levels” statement in the IEP.

Annual Goals

Once a child’s needs are identified, the IEP team works to develop appropriate goals to address those needs. *Annual goal* describe what the child is expected to do or learn within a 12-month period.

Benchmarks or Short-Term Objectives

Benchmarks or short-term objectives are required only for children with disabilities who take alternate assessments aligned to alternate achievement standards. If you’re wondering what that means, this article will tell you!

Measuring and Reporting Progress

Each child’s IEP must also contain a description of how his or her progress toward meeting the annual goals will be measured and when it will be reported to parents. Learn more about how to write this statement in this short article.

Special Education

The IEP must contain a statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child. This article focuses on the first element: a statement of the special education that will be provided for the child.

Related Services

To help a child with a disability benefit from special education, he or she may also need extra help in one area or another, such as speaking or moving. This additional help is called *related services*. Find out all about these critical services here.

Supplementary Aids and Services

Supplementary aids and services are intended to improve children’s access to learning and their participation across the spectrum of academic, extracurricular, and nonacademic activities and settings. The IEP team must

determine what supplementary aids and services a child will need and specify them in the IEP.

Program Modifications for School Personnel

Also part of the IEP is identifying the program modifications or supports for school personnel that will be provided. Read more here.

Extent of Nonparticipation

The IEP must also include an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in other school settings and activities. Read how this connects to IDEA's foundational principle of LRE.

Accommodations in Assessment

IDEA requires that students with disabilities take part in *state or districtwide assessments*. The IEP team must decide if the student needs accommodations in testing or another type of assessment entirely. In this component of the IEP, the team documents how the student will participate.

Service Delivery

When will the child begin to receive services? Where? How often? How long will a "session" last? Pesky details, but important to include in the IEP!

Transition Planning

Beginning no later than a student's 16th birthday (and younger, if appropriate), the IEP must contain transition-related plans designed to help the student prepare for life after secondary school.

Age of Majority (you're already here!)

Beginning at least one year before the student reaches the age of majority, the IEP must include a statement that the student has been told about the rights (if any) that will transfer to him or her at age of majority. What is "age of majority" and what does this statement in the IEP look like?

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