

Transfer of Parental Rights at Age of Majority in Minnesota

Parenthood may be forever, but most moms and dads learn there are changes when a child reaches the age of majority (18 years in most states, including Minnesota).

Minnesota state law provides for the transfer of educational rights at age 18 for students with disabilities who have Individualized Educational Programs (IEPs) and are not under guardianship.

The law requires the following:

- At least one year before a student turns 18, the student's IEP must include a statement that the student has been informed of the rights that will transfer to him or her on reaching age 18.
- The school must notify both the student and the parents of the transfer of rights. The parents must be given a copy of the IEP that documents the transfer of rights to the student.
- After the transfer of rights occurs, special education notices will then be provided to the student. They will continue to be provided to the parents as well. For parents, notice will be given that IEP meeting will be held, but it is not an invitation to attend the meeting.
- All other rights given to parents transfer to the student, including students who are in correctional institutions.
- If the school receives notice that the student is under guardianship, no rights transfer to the student at age 18 and the IEP need not include a statement regarding the transfer of rights.
- The student or the school district may invite the parent to attend the IEP meetings as an individual with knowledge regarding the child.
- Minnesota state law provides that if a student is still claimed as a dependent on the parent's income tax form, then the parent continues to have legal access to the student's educational records.

Most youth with disabilities will not be under a guardianship, either because they do not qualify or because the parent has decided against it. Yet, a young adult may not feel comfortable making decisions on his or her own. While not written into the law, there are best practices regarding majority rights that families may wish to consider as their child grows up.

First, it is wise for a parent to include the child in the IEP process while the child is young, as early as possible. That way, he or she will have a history of involvement and experience in making education decisions by the age of majority. In addition, federal law requires a student to be invited to any IEP meeting in which transition (post high school) services or needs are discussed. In Minnesota, transition must be addressed during the ninth grade and beyond.

Second, a student reaching the age of majority may want to maintain parent involvement in the IEP process. In that case, the student can write a letter stating that his or her parent should continue to participate in all IEP meetings and be involved in all educational discussions and that the letter be inserted in his or her permanent file. Most schools are happy to do this.