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## TRANSFER OF PARENTAL RIGHTS AT AGE OF MAJORITY

### **What the Law Says**

Transfer of parental rights at age of majority is consistent with state and federal laws, RCW 26.28.010 and 26.28.015, when a special education student reaches the age of eighteen, unless declared incapacitated as to person under chapter 11.88 RCW.

### **What the Law Means**

When a child with a disability reaches the age of 18, all rights under special education law go to the adult pupil. The adult student receives the notices and parents receive copies.

### **What Will Be Done**

The school district will begin to notify the parent and the student starting the year of the student's 17th birthday. Schools inform adult pupils about their rights under special education law. Schools inform parents about the change.

Furthermore, many special education teachers will discuss transfer of rights with both the parents and the student during the IEP process.

### **What Parents Need to Know**

Some children may need guardianship because of their disability. Guardianship is a legal process. Parents need to consult an attorney for help with the process. Only a court can appoint a guardian. Guardians are appointed for persons who are unable to make decisions about their health, finances, and well-being.

At age 18, the pupil is legally an adult. Parents should inform the school if they are in the process of filing for legal guardianship or need more information about it. Students may choose to allow the parent to represent him or her in the exercise of their rights.

### **More—What Parents Need to Know**

Both the student and parent will continue to be given all notices and procedural safeguards. Parents may continue to be part of the IEP Team. The major change is that the student is responsible for providing consent when it is required by law, that is, prior to evaluation, re-evaluation, and initial placement in special education. In addition, access rights to education records and the right to give consent for release of education records transfer to the student at age 18.

*Parents and students can get more information about transfer of rights by contacting the following agency:*

Washington State Office of  
Superintendent of Public Instruction  
Special Education Operations  
P.O. Box 47200  
Olympia, WA 98504-7200  
(360) 725-6075  
<http://www.k-12.wa.us>