

NAME OF STUDENT

ID#

MEDICAID#

CAMPUS

DATE OF BIRTH

### TRANSFER OF PARENTAL RIGHTS AT AGE OF MAJORITY

Date Given: \_\_\_\_\_ (At least 1 year before student reaches 18 years of age)

will turn eighteen (18) years of age and become a legal adult on \_\_\_\_\_

The student has been declared incompetent (i.e. a guardian has been appointed for the student under the probate code)

**This document is to inform you of the rights under the Individuals with Disabilities Education Act (IDEA) that will transfer from the parents to the student at the age of eighteen (18).**

I have been informed that the District will begin conducting all business with me when I reach the age of eighteen (18) unless a guardian has been appointed.

I have been informed that I will have the same rights to make educational decisions as a student without a disability.

I have been informed that the parental rights as explained in the Explanation of Procedural Safeguards once accorded to my parent(s) under the Individuals with Disabilities Education Act (IDEA) will be transferred to me, other than the right to receive any notice under IDEA.

I have been informed that any notice required under the IDEA will be provided to both me and my parent(s).

I have received in my native language or other mode of communication, a copy of the Explanation of Procedural Safeguards. The Procedural Safeguards have been explained to me in my native language or other mode of communication by:

\_\_\_\_\_  
Name of Staff Person

\_\_\_\_\_  
Position

\_\_\_\_\_  
Date

If you need assistance in understanding this document, please call:

\_\_\_\_\_  
Name of Staff Person

\_\_\_\_\_  
Telephone Number:

Federal regulations require that parents and adult students be provided prior notice in their native language or other mode of communication each time the District proposes or refuses to initiate or change the identification, or educational placement of your child/you or the provision of a free appropriate public school education (FAPE) to your student/you, or upon conducting a manifestation determination.

If the native language or other mode of communication of the parents or adult student is not a written language:

The notice was translated orally or by other means to the parent/adult student in his/her native language or other mode of communication on:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Staff Person

Parent/adult student verified to the translator that he/she understands the content of this notice.

**If parent is not in attendance, a copy MUST be mailed.**

NAME OF STUDENT	ID#	MEDICAID#	CAMPUS	DATE OF BIRTH
<b>NAME</b>	<b>POSITION</b>	<b>DATE</b>	<b>SIGNATURE</b>	

**§89.1049. Parental Rights Regarding Adult Students.**

(a) In accordance with 34 Code of Federal Regulations (CFR), §300.320(c) and §300.520, and Texas Education Code (TEC), §29.017, beginning at least one year before a student reaches 18 years of age, the student's individualized education program (IEP) must include a statement that the student has been informed that, unless the student's parent or other individual has been granted guardianship of the student under the Probate Code, Chapter XIII, Guardianship, all rights granted to the parent under the Individuals with Disabilities Education Act (IDEA), Part B, other than the right to receive any notice required under IDEA, Part B, will transfer to the student upon reaching age 18. The student has been provided information and resources regarding guardianship, alternatives to guardianship, including a supported decision-making agreement under Texas Estates Code, Chapter 1357, and other supports and services that may enable the student to live independently. After the student reaches the age of 18, except as provided by subsection (b) of this section, the school district shall provide any notice required under IDEA, Part B, to both the adult student and the parent.

(b) In accordance with 34 CFR, §300.520(a)(2), and TEC, §29.017(a), all rights accorded to a parent under IDEA, Part B, including the right to receive any notice required by IDEA, Part B, will transfer to an 18-year-old student who is incarcerated in an adult or juvenile, state or local correctional institution, unless the student's parent or other individual has been granted guardianship of the student under the Probate Code, Chapter XIII, Guardianship.

(c) In accordance with 34 CFR, §300.520(a)(3), a school district must notify in writing the adult student and parent of the transfer of parental rights, as described in subsections (a) and (b) of this section, at the time the student reaches the age of 18. This notification is separate and distinct from the requirement that the student's IEP include a statement relating to the transfer of parental rights beginning at least one year before the student reaches the age of 18. This notification is not required to contain the elements of notice referenced in 34 CFR, §300.503, but must include a statement that parental rights have transferred to the adult student and provide contact information for the parties to use in obtaining additional information.

(d) A notice under IDEA, Part B, which is required to be given to an adult student and parent does not create a right for the parent to consent to or participate in the proposal or refusal to which the notice relates. For example, a notice of an admission, review, and dismissal (ARD) committee meeting does not constitute invitation to, or create a right for, the parent to attend the meeting. However, in accordance with 34 CFR, §300.321(a)(6), the adult student or the school district may invite individuals who have knowledge or special expertise regarding the student, including the parent.

(e) Nothing in this section prohibits a valid power of attorney from being executed by an individual who holds rights under IDEA, Part B.

Source: The provisions of this §89.1049 adopted to be effective April 18, 2002, 27 TexReg 3061; amended to be effective November 11, 2007, 32 TexReg 8129.

**Supported Decision-Making Agreement**

This agreement is governed by the Supported Decision-Making Act, Chapter 1357 of the Texas Estates Code. This supported decision-making agreement is to support and accommodate an individual with a disability to make life decisions, including decisions related to where and with whom the individual wants to live, the services, supports, and medical care the individual wants to receive, and where the individual wants to work, without impeding the self-determination of the individual with a disability. This agreement may be revoked by the individual with a disability or his or her supporter at any time. If either the individual with a disability or his or her supporter has any questions about the agreement, he or she should speak with a lawyer before signing this supported decision-making agreement.

**Appointment of Supporter:**

I (Name of Adult with Disability), \_\_\_\_\_ am entering into this agreement voluntarily.

I choose (Name of Supporter) \_\_\_\_\_ to be my Supporter.

**Supporter's Address:**

\_\_\_\_\_



\_\_\_\_\_  
NAME OF STUDENT                      ID#                      MEDICAID#                      CAMPUS                      DATE OF BIRTH

\_\_\_\_\_  
(Witness 2 Signature)                      (Printed Name of Witness 2)                      Date

**OR**  
Notary Public  
State of \_\_\_\_\_ County of \_\_\_\_\_

This document was acknowledged before me on \_\_\_\_\_(date)

By \_\_\_\_\_ (Name of Adult with a Disability)                      and \_\_\_\_\_ (Name of Supporter)

\_\_\_\_\_  
(Signature of Notary)                      (Printed Name of Notary)                      Date

(Seal, if any, of notary)                      My commission expires: \_\_\_\_\_

.....  
**WARNING: PROTECTION FOR THE ADULT WITH A DISABILITY**

If a person who receives a copy of this agreement or is aware of the existence of this agreement has cause to believe that the adult with a disability is being abused, neglected, or exploited by the supporter, the person shall report the alleged abuse, neglect, or exploitation to the Department of Family and Protective Services by calling the Abuse Hotline at **1-800-252-5400** or online at **www.txabusehotline.org**

**DUTY OF CERTAIN PERSONS WITH RESPECT TO AGREEMENT**

A person who receives the original or a copy of a supported decision-making agreement shall rely on the agreement. A person is not subject to criminal or civil liability and has not engaged in professional misconduct for an act or omission if the act or omission is done in good faith and in reliance on a supported decision-making agreement.