

To the parent of

Your child continues to be eligible for Special Education services at . Under the "Individuals with Disabilities Education Act" (IDEA), is required to notify the student and the parent that the rights, once accorded to the parent, transfer to the student when that student reaches the age of majority. In the state of Texas the age of majority is 18. These parental rights transfer to your child unless you or another individual has been granted guardianship of your child under the Probate Code, Chapter XIII, Guardianship. Please notify the Special Education Campus Coordinator at your child's school if guardianship of your child has been obtained.

Through the Admission, Review, and Dismissal Meetings (ARD meetings) you have been informed that parental rights will transfer to your child. Now that your child has reached the age of 18, the parental rights have transferred to your child with the exception of the provision of "Notice". Any "Notice" that provides will be provided to your child and a copy to you as the parent. As an example, the "Invitation to the ARD Meeting" will be provided to your adult student with a copy to you as the parent.

This transfer of parental rights means that will be conducting business with the adult student who will have the same rights to make educational decisions as a student without a disability. At any time, however, your child may invite you to assist him/her.

To obtain additional information about this transfer of parental rights, please contact:

Name of Staff Person

Telephone Number

Federal regulation require that parents and adult students be provided prior notice in their native language or other mode of communication each time the proposes or refuses to initiate or change the identification, or educational placement of your child/you or the provision of a free and 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 adult student is not a written language, this notice was translated orally or by other means to the adult student in his/her native language or other mode of communication by:

Name of Interpreter

Date

§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.