

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

Dear

Congratulations on reaching age 18, the "Age of Majority" in Texas. Now that you are 18, is required to inform you that all parental rights, which were once accorded to your parents, have transferred to you as an adult student since you are eligible for Special Education services under the "Individuals with Disabilities Education Act (IDEA)".

Through the Admission, Review, and Dismissal Meetings (ARD meetings) you have been informed that parental rights will transfer to you when you reach 18 years of age. These rights are explained in the "Procedural Safeguards" that are included with this letter in your native language.

The one parental right that is "shared" is the "Notice." Any "Notice" that provides will be provided to you and your parent. As an example, the "Invitation to the ARD Meeting" will be provided to you with a copy to your parents.

This transfer of parental rights means that will be conducting business with you and that you will have the same rights to make educational decisions as a student without a disability. At any time, however, you may have your parent with you to assist you.

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

NAME OF STUDENT	ID#	MEDICAID#	CAMPUS	DATE OF BIRTH
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**§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.