

Age of Majority/Transfer of Rights

Transitioning to Adulthood for Students with Disabilities

When students turn 18 years of age, they are legally adults and the rights for all educational decisions belong to the student, unless other arrangements are made to protect the student. Under the Individuals with Disabilities Education Act, the district has a responsibility to inform parents and students of the choices at the age of majority (34 CFR §300.520).

Options for Students with Disabilities at Age 18

The options are as follows:

- 1 Student makes all educational decisions at age 18.
- 2 Student makes educational decisions with assistance of an adult of his/her choice. This is an informal arrangement and can be the parent, counselor, family member, etc.
- 3 Student delegates educational rights to an agent using a delegation form or power of attorney. The school district can provide forms to be used for this option.
- 4 A representative is appointed to represent the educational interests of an adult student while he/she is in school. A medical professional certifies that the student is not able to adequately communicate their wishes, preferences, and needs concerning their education. The district will select the representative.
- 5 Educational rights, along with the other rights, are assigned to a court-appointed guardian through the Probate Court process.

For more information,
scan the QR code!



Notice of Transfer

At age 17, the parent and student must receive a Notice of Transfer of Rights at Age 18. This informs the parents and the student that educational rights will be transferred to the student at age 18.

The “Adult Students with Disabilities Education Rights Consent Act”, (S.C. Code §59-33-310 to 59-33-370) provides options for students and families when students reach the age of 18.

District Responsibilities: Prior to the student turning 18, the district must discuss with the parent and student their option under the “Adult Students with Disabilities Educational Rights Consent Act.” The district will have the student sign a written consent of their choice with witness signatures understanding that Options 3-5 require further documentation. Parents may request help from the district as students approach adulthood.

Connect with Us!

Family Information Center **1.800.578.8750**
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