

AGE OF MAJORITY

Age of majority is a term used to describe the time in life after which a person is legally no longer considered a child and becomes an adult in the eyes of the law. In California, the legal age of majority is 18 years.

When a child with a disability turns 18, all rights under state and federal special education law transfer from the parent(s) to the adult student (except in the case of a child with a disability who has been determined to be incompetent under California Law). At this point the student becomes responsible for all educational, medical, financial and legal decisions on their own behalf. This transfer of rights also applies to those students incarcerated in an adult or juvenile federal, state, regional or local correctional institution.

Per IDEA, an LEA/district must inform the parent(s) and special education student **before** the student turns 17 that all rights will transfer to the student on his or her 18th birthday. The Transition Plan section of the IEP includes a statement that must be filled out to document the discussion with the parent and student regarding the transfer of rights upon reaching the age of majority. This conversation typically occurs during an IEP meeting prior to the student turning 17 and should be documented in the notes of the IEP meeting. Both the student and the parent must be present at the meeting for the discussion to ensure all questions are answered, and that the student and parent clearly understand what is included in the transfer of rights.

