

**Rockingham County Public Schools
Notice to Students and Parents/Guardians/Surrogates of Students with Disabilities**

Transfer of Parental Rights at the Age of Majority

Student: _____

School: _____

Pursuant to 34 C.F.R. § 300.517 of the Regulations implementing the Individuals with Disabilities Education Act (20 USC § 1400 et seq.) and 8 VAC 20-80-72 of the Regulations Governing Special Education Programs for Children with Disabilities in Virginia, all rights accorded to parents under the Individuals with Disabilities Education Act (20 USC § 1400 et seq.) transfer to the student upon reaching the “age of majority.” Pursuant to §1-13.42 of the Code of Virginia, for the purposes of all laws of the Commonwealth of Virginia, “a person shall be an adult, shall be of full age and shall reach the age of majority when he becomes eighteen (18) years of age.” All such rights, therefore, will transfer to the student at age eighteen (18). This transfer of rights at age eighteen (18) also applies to students incarcerated in an adult or juvenile, state or local correctional institution. Procedures exist for appointing the parent or parents or, if the parent or parents are not available, another appropriate individual to represent the educational interests of the adult student throughout the student’s eligibility for special education and related services, if the student is determined not to have the ability to provide informed consent with respect to the educational program.

The student who has reached eighteen (18) years of age will be presumed to be a competent adult and all rights will transfer to the adult student, unless one of the following actions has been taken:

1. The adult student is declared legally incompetent or legally incapacitated by a court of competent jurisdiction and a representative has been appointed by the court to make decisions for the student;
2. The adult student designates, in writing, by power of attorney or similar legal document, another competent adult to be the student’s agent to receive notices and to participate in meetings and all other procedures related to the student’s educational program;
3. The adult student is certified, according to procedures set forth in 8 VAC 20-80-72, as unable to provide informed consent; or
4. The adult student, based on certification by written order from a judge of competent jurisdiction, is admitted to a facility for the training and treatment of the mentally retarded or in a coma and eligible for admission to a state hospital.

Rockingham County Public Schools will continue to invite the parent or parents, as appropriate, as bona fide interested parties knowledgeable of the student’s abilities, to participate in meetings when decisions are being made regarding the adult student’s educational program. Rockingham County Public Schools will provide any further notices required under the Individuals with Disabilities Education Act (20 USC § 1400 et seq.) to both the student and the parent or parents.

This notice will be provided to the student at least one (1) year prior to reaching age eighteen (18) and, once signed, will be attached to the Individualized Education Program (IEP) beginning at least one (1) year before the student turns eighteen (18).

I have read the statement above and am aware of the regulations concerning the transfer of parental rights at the age of majority.	
_____ Parents/Guardians/Surrogate Signature	____/____/____ Date
_____ Student	____/____/____ Date