Insert Date]

Re: Transfer of Parental Rights at Age of Majority

Dear: [Insert Parent Name and Student Name]

Our records show that on [insert date], [insert student name] will be 18 years old. According to Missouri Law, the age of majority is 18. Under the Individuals with Disabilities Education Act (IDEA), upon reaching the age of 18, parent procedural rights transfer to the student unless the student has been declared incompetent by a court of law and a guardian has been appointed by the court. Thus, at age 18, the student becomes the educational decision-maker and will receive all notices required under the IDEA. If the student at age 18 is still a dependent of the parent as defined in Section 152 of the Internal Revenue Service Code of 1954, then the parent will be provided copies of any notices provided to the student, and may attend IEP meetings at either school district or student invitation, and access the educational records of the student at the discretion of the school district.

When a child with a disability turns 18, some parents obtain a power of attorney so they can assist the child in making financial and legal decisions. The child is not declared incompetent but the parents are given the right to act on their behalf. A power of attorney can be revoked at any time. On the other hand, a guardian is appointed by the court and a court order is required to remove the guardian. Additional detailed information about options to help your child with a disability when he turns 18 can be found at http://www.mobar.org/uploadedFiles/Home/Publications/Legal\_Resources/Brochures\_and\_Booklets/Family\_Law\_Conference/Children%20with%20Disabilities.pdf

If you have any questions or concerns, please call me at [insert phone number].

Sincerely,

[Insert special education contact name]

*Revised 10/6/14*