

ADULT STUDENT AND TRANSFER OF RIGHTS

Authorities: 34 CFR Parts 99 and 300; Texas Education Code; Texas Family Code; Texas Estates Code; 19 TAC Chapter 89

[Additional Resources](#)

DOCUMENT/ PRACTICE	FEDERAL AND STATE REQUIREMENTS	CITATIONS
	NOTIFICATION OF THE TRANSFER OF RIGHTS BY AGE 17	
P	Not later than one year before the 18th birthday of a child with a disability, the local education agency (LEA) at which the child is enrolled must:	89.1049(a) TEC 29.017(c)
D	<ul style="list-style-type: none"> • Provide to the child and the child's parent written notice that: 	89.1049(a) TEC 29.017(c)(1)(A)
D	<ul style="list-style-type: none"> ○ A child with a disability who is age 18 or older or whose disabilities of minority have been removed for general purposes under the Texas Family Code will have the same right to make educational decisions as a child without a disability; 	89.1049(a) TEC 29.017(a) TX Family Code Ch. 31
D	<ul style="list-style-type: none"> ○ All rights granted to the parent under the Individuals with Disabilities Education Act (IDEA) transfer to the child unless the parent or other individual has been granted a guardianship of the child under Texas Estates Code, Title 3, except that the LEA must provide any notice required under IDEA to the adult student and the parent; 	89.1049(a) TEC 29.017(a) EST Title 3 Chapter 1106
D	<ul style="list-style-type: none"> ○ All rights granted to the parent under IDEA, including the right to receive any notice required by IDEA, will transfer to an 18 year-old who is incarcerated in an adult or juvenile state or local 	89.1049(b) TEC 29.017(b) EST Title 3 Chapter 1106

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	<p>correctional institution, unless the child's parent or other individual has been granted guardianship of the child under Texas Estates Code, Title 3; and</p>	
D	<ul style="list-style-type: none"> ○ Includes information and resources regarding guardianship, alternatives to guardianship, including a supported decision-making agreement, and other supports and services that may enable the adult student to live independently; and 	<p>89.1049(a) TEC 29.017(c)(1)(B) EST Ch. 1357</p>
D	<ul style="list-style-type: none"> • Beginning with the 2018-19 school year, ensure that the child's individualized education program includes a statement that the LEA provided the written notice regarding the transfer of rights of the child and information and resources regarding guardianship, alternatives to guardianship including a supported decision-making agreement, and other supports and services that may enable the adult student to live independently. 	<p>89.1049(a) TEC 29.017(c)(2)</p>
	<p>TRANSFER OF PARENTAL RIGHTS AT AGE OF MAJORITY</p>	
P	<p>When a child with a disability reaches age 18, except for a child who has been determined to be incompetent under state law:</p>	<p>300.520(a)</p>
P	<ul style="list-style-type: none"> • All rights under IDEA transfer from the parent to the adult student: 	<p>TEC 29.017(a) 300.520(a)(1)(ii) 300.625(c)</p>
P	<ul style="list-style-type: none"> ○ Except that the LEA must provide any notice required under IDEA to both the adult student and the parent; and 	<p>TEC 29.017(a) 300.520(a)(1)(i) 300.625(c)</p>

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P	<ul style="list-style-type: none"> All rights under the Family Education Rights and Privacy Act transfer from the parent to the adult student: 	300.625(b) 99.5(a)
P	<ul style="list-style-type: none"> Except that consent is not required to disclose information to the parent if the adult student is a dependent child, or when another exception under the WHEN CONSENT IS NOT REQUIRED TO DISCLOSE INFORMATION framework applies. 	99.31(a)(8)
P	<p>An adult student who holds rights under IDEA is not prohibited from executing a supported decision-making agreement or a valid power of attorney after the transfer of parental rights.</p>	89.1049(e) TEC 29.017(e) EST Ch. 1357
NOTIFICATION OF THE TRANSFER OF RIGHTS AT AGE 18		
P	<p>At the time the child reaches age 18, the LEA must provide written notice to the adult student and the parent that:</p>	TEC 29.017(c)(1) TEC 29.017(c-1) 89.1049(c) 300.520(a)(3)
D	<ul style="list-style-type: none"> The adult student has the same right to make educational decisions as a child without a disability; and 	89.1049(c) 89.1049(a) TEC 29.017(a) TEC 29.017(c)(1)
D	<ul style="list-style-type: none"> All rights granted to the parent under IDEA have transferred to the adult student, unless the parent or other individual has been granted a guardianship of the adult student under Texas Estates Code, Title 3, except that the LEA must provide any notice required under IDEA to the adult student and the parent; 	89.1049(c) 89.1049(a) TEC 29.017(a) TEC 29.017(c-1) 300.520(a)(1) EST Title 3 Chapter 1106
D	<ul style="list-style-type: none"> All rights granted to a parent under IDEA, including the right to receive any notice required by IDEA, have transferred to an adult student who is 	89.1049(b) TEC 29.017(b) TEC 29.017(c-1) 300.520(a)(2)

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	incarcerated in an adult or juvenile state or local correctional institution, unless the parent or other individual has been granted guardianship of the student under Texas Estates Code, Title 3;	EST Title 3 Chapter 1106
D	<ul style="list-style-type: none"> Beginning with the 2018-19 school year, includes information and resources regarding guardianship, alternatives to guardianship, including a supported decision-making agreement, and other supports and services that may enable the adult student to live independently; and 	89.1049(c) TEC 29.017(c)(1)(B) TEC 29.017(c-1) EST Ch. 1357
D	<ul style="list-style-type: none"> Provides contact information for the parties to use in obtaining additional information. 	89.1049(c)
P	The notification of the transfer of rights need not contain the elements of PRIOR WRITTEN NOTICE .	89.1049(c)
	RIGHT TO INFORMATION REGARDING GUARDIANSHIP AND ALTERNATIVES	
P	If a child with a disability or the child's parent requests information regarding guardianship or alternatives to guardianship from the LEA at which the child is enrolled, the LEA must provide to the child or parent information and resources on supported decision-making agreements.	TEC 29.017(c-2) EST Ch. 1357
	RIGHT TO NOTICE FOLLOWING A TRANSFER OF RIGHTS	
P	Following a transfer of rights, the LEA must provide any notice required by IDEA to both the adult student and the parent; however:	89.1049(d) TEC 29.017(a) 300.520(a)(1)(i)
P	<ul style="list-style-type: none"> PRIOR WRITTEN NOTICE of an ADMISSION, REVIEW, AND DISMISSAL COMMITTEE MEETING does not constitute an invitation to, or create 	89.1049(d)

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	a right for, the parent to attend the meeting; and	
P	<ul style="list-style-type: none"> • <u>PRIOR WRITTEN NOTICE</u> given to an adult student and parent does not create a right for the parent to <u>CONSENT</u> or participate in the proposal or refusal to which the notice relates. 	<u>89.1049(d)</u>
	PARENT ATTENDANCE AT THE ADMISSION, REVIEW, AND DISMISSAL (ARD) MEETING FOLLOWING A TRANSFER OF RIGHTS	
P	Regarding <u>ADMISSION, REVIEW, AND DISMISSAL COMMITTEE MEMBERSHIP</u> , the adult student or the LEA may invite individuals who have knowledge or special expertise regarding the adult student, including the parent, to be a member of the ARD committee.	<u>89.1049(d)</u>

Last Updated: ~~Monday, July 09, 2018~~ Thursday, October 21, 2021