The Transfer of Rights: An Educator's role



The Educator's Role

- Educators have a responsibility to <u>provide information</u> on decision making options
- Families along with their student <u>make decisions</u> that is the best option for their child



Reaching the Age of Majority

 Once a student with an IEP reaches the age of 18 all of the educational rights provided to parents transfer to the student unless the student has a legal guardian

Reaching the Age of Majority

These educational rights include:

- the right to receive notice of and attend the IEP meeting
- the right to consent to an evaluation
- the right to consent to a change of placement
- the right to request mediation or due process hearing to resolve a dispute

Transfer of Rights Notification

Wisconsin State Statute <u>115.807(2)</u> notes the school's responsibility for when a student reaches age 18

- The school must:
 - Provide notice to the parent and the student that all rights transfer to the student
 - Provide information to the parent and student on:

Supported Decision Making

Alternatives to Guardianship

Strategies to remain engaged in the student's education

Transfer of Rights Notification

Provide information on decision making options

M-6 for parents attached to IEP

Mail M-7 on student's 18th birthday

Mail M-8 on student's 18th birthday

M-6 for student sent in mail

Hansiel of Rights Nothication				
Sample Forms	Suggested Use			
M-6 Notification of Upcoming Transfer of	 Discuss the transfer of rights during the IEP year in which the student will turn 17 (or 1 year from age of 			

majority)

M-6 Notification of Upcoming Transfer of Rights

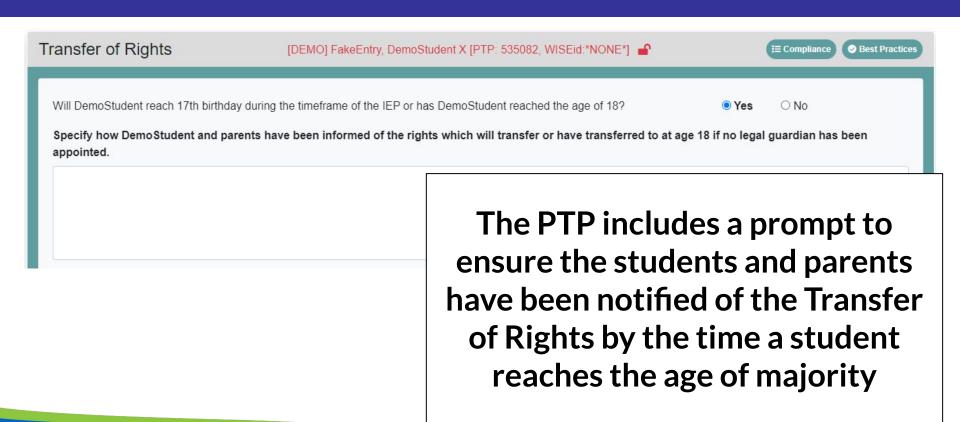
M-7 Student Notification

M-8 Parent Notification of

of Transfer of Rights

Transfer of Rights

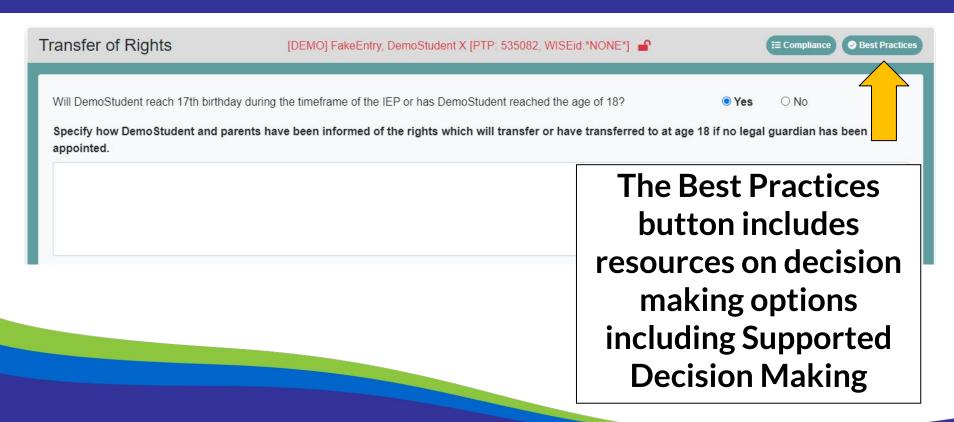
PTP and the Age of Majority



PTP and the Age of Majority

Will DemoStudent reach 17th birthday during the timeframe of the IEP or has DemoStudent reached the age of 18? Specify how DemoStudent and parents have been informed of the rights which will transfer or have transferred to at age 18 if no legal guardian has been appointed.				
	Specify how DemoStudent and pare			en

PTP and the Age of Majority



The Educator's Role

- Educators have a responsibility to <u>provide information</u> on decision making options
- Families along with their student <u>make decisions</u> that is the best option for their child



The Educator's Role

Educators Should

Provide information on all options

Encourage families to explore information on all options

Refer families to non-profit family support organizations

Educators Should Not

Recommend one option over others

Share what they think is best for the student/family

Refer families to organizations/individuals that would profit from their decision i.e. private attorney

Decision Making Options

Current decision-making support tools



Release forms

Individual signs a release form authorizing a specific person access to certain information or records.



Supported Decision-Making Agreement

Individual makes all their own decisions. They identify a supporter/s to assist them.



Representative Payee

Social Security
Administration
appoints an
individual/org.
to receive
SSI/SSDI
benefits for an
individual who
cannot manage
their own.



Power of Attorney, (medical or financial)

Formal legal arrangements that permit others to act on the individual's behalf.



Limited or Full Guardianship

Transfers some or all decision-making authority from the individual to a court-appointed Guardian.

Less limiting

Source: BPDD Supported Decision Making Toolkit, 2020

More limiting

Resources

<u>Information Update Bulletin 19.01: Supported Decision Making Agreements</u>

Guardianship Support Center

When your child turns 18; A guide to Special Needs Guardianship

Wisconsin Board for People with Developmental Disabilities-Supported Decision-Making and Guardianship Alternatives

National Resource Center for Supported Decision-Making

When People Need Help Managing Their Money

Wisconsin Department of Health Services, Forms Information-Advance Directives