

Special Education & the Age of Majority

What is "Age of Majority"?

In the Commonwealth of Virginia, a student reaches the age of majority on his or her eighteenth (18) birthday and is

- considered to be an adult in the eyes of the law
- legally able to vote
- able to enter into binding contracts

Under most circumstances, when a person reaches the age of majority, the rights related to special education provided by the school system transfer from the parents or guardians to the student.

Age of Majority FAQs

(Frequently Asked Questions)

If I am a student receiving special education services in Fairfax County Public Schools (FCPS), why is the "transfer of rights" important?

At least one year prior to your 18th birthday, FCPS is required by law to notify you and your parents or guardians that this transfer of rights will take place. On your 18th birthday you are legally considered an adult. You are then responsible for advocating for yourself and for making your own decisions concerning your educational program. You may continue to rely on your parents or guardians for guidance. Your teachers and school administrators are also available to provide additional advice and support when you need or request it.

What changes occur when I reach the age of majority?

Changes that occur when you reach the age of majority include the following:

- all required notices must be provided to both you and your parent or guardian
- all rights afforded to the parents or guardians transfer to you and FCPS must notify both parties of the transfer of rights
- you have the right to participate in making decisions about your individualized education program (IEP)
- you have the right to sign your IEP
- you have the primary role of self-advocacy and responsibility for making good educational choices

Why is an IEP important to me?

It is your IEP. It is a legal document which outlines the services you are entitled to as a student with a disability. The IEP describes your present level of educational performance, includes individualized goals and objectives, provides information about your participation in state and FCPS assessments and describes other information about your educational program. The IEP is the document designed to ensure communication among your parents, teachers, other school professionals, and you, the student.

Why do I still need an IEP when I reach the age of majority?

The Individuals with Disabilities Education Act (IDEA) requires that students who receive special education services in the public-school setting have an IEP. This document is written specifically to address your educational needs.

When I am participating in my IEP team meeting or making decisions about my IEP, what things about me should be considered?

You and the members of the team should consider the following:

- strengths
- interests
- areas needing improvement
- ways to address the areas needing improvement
- learning styles and preferences (how you learn best)
- participation in general education and extra-curricular activities
- accommodations required for assignments and tests
- academic and career goals
- post-graduation plans

What is my role during the IEP team meeting?

It is important that you serve as an active participant in the IEP team meeting. You play an important role in making well-informed decisions concerning your educational program. This can be achieved if you do the following:

- make sure that the team members understand your personal goals
- take into account your strengths and weaknesses
- discuss your plans for future learning experiences
- identify specific strategies you find helpful as you attempt to achieve your goals
- express your career interests openly and discuss how you might achieve them
- keep in mind that your teachers and administrators will continue to assist you

ARE YOU READY?

If additional information concerning age of majority is required, please contact Due Process and Eligibility of Fairfax County Public Schools (FCPS) by telephone at 571-423-4470 or by fax at 571-423-4037.

If parents or guardians are concerned about the need to continue to make educational decisions for their child, refer to the *Educational Representation for Adult Students* brochure.

For questions or additional resources, contact:

Your school's Employment & Transition Representative (ETR)

Your school's special education department chair

Career and Transition Services

571-423-4150

Due Process and Eligibility

571-423-4470

Correspondence may be addressed to the above offices at:

8270 Willow Oaks Corporate Drive
Fairfax, Virginia 22031

Fairfax County Public Schools

Dr. Michelle Reid, Superintendent
8115 Gatehouse Road
Falls Church, Virginia 22042
571-423-1200

