



IOWA DEPARTMENT OF EDUCATION

Age of Majority – Student Version

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Questions and Answers about Age of Majority for Youth

The federal law guaranteeing your right to a free, appropriate public education ensures that all rights accorded to your parents through that law transfer to you at the age of 18! Congratulations!

What does that mean?

Here are some explanations that might help you understand what that means. If you have other questions, you should ask your parents, your teacher, or anybody else who can help you.

According to the law in Iowa, you become legally responsible for your own actions when you turn 18, and you gain all the rights given to citizens in Iowa. This is called reaching the “age of majority,” which is just fancy way of saying that you’ve turned 18. If you marry before you turn 18, you are also given these rights.

The *Individuals with Disabilities Education Act*, called IDEA, is the law that guarantees that you have an education program to meet your unique learning needs. The IDEA states that when a student reaches the age of majority (remember, that’s 18 in Iowa), all of the rights and responsibilities provided to parents in the IDEA transfer to the student.

What rights do you have?

First, these are rights that were put in the law to guarantee that students with disabilities have the chance to get a public education like all children in our country. Up until you turn 18, those rights were handled by your parents. At 18 they become your rights. These are rights to make sure that you get an appropriate public education. It becomes your responsibility to make sure that your education program is appropriate.

What is a right?

A right is a power or a privilege to which a person is legally entitled, like the power to sign a contract to purchase something or the privilege of driving. “Entitled” means that you are given that power or privilege until you lose it. You can lose the privilege of driving if you have too many tickets or accidents and your license can be taken away. You can lose the power of signing a contract if you enter into a contract and then don’t do your part (make a payment).

Rights come with responsibilities. If you have the right to drive, you have the responsibility to drive safely and within the laws that cover motor vehicles.

At the age of majority (age 18), you gain the right to make sure that you have an educational program provided for you that meets your needs. You also have the responsibility of using those rights to make sure you benefit from them.

What kind of rights and responsibilities are we talking about here?

Basically, the IDEA provides two types of rights: (1) provisions to make sure that students with disabilities receive a free, appropriate public education, and (2) rights to protect you and your parents in getting that free, appropriate public education. Those are called protection or due process rights.

What’s a free, appropriate public education?

Free means at no cost to you. (The school can charge fees, if it does so for all students).

Appropriate means that your education program is based on your needs, taking into account your interests and preferences, and allows you to make progress toward outcomes that are important to you.

Public Education means a set of services designed to address your needs as a student with a disability and to help you to learn what you need to make a life for yourself as an adult.

We call that FAPE (Free Appropriate Public Education).

What rights are included in the right to FAPE?

There are several rights, too many to really go into here. Those rights are explained in the Procedural Safeguards pamphlet. Some of them are related to testing and evaluation to make decisions about your special education program. Some of them relate to your how your education program is developed. Some relate to resolving and preventing disputes.

What is consent?

To give consent means that you give permission to have something happen to you. Under age of majority rules, you are now given the right to provide informed consent. Informed means that you know what is happening to you and approve it. Informed consent is always given voluntarily. That means that people cannot make you give permission to do something you do not want to do.

What are your assessment rights?

You become the person who is responsible for making sure you have a good education. Sometimes the best way to do that is to get some tests to show that you have some unique learning needs. That way educators can treat you like an individual, not like everyone else. Remember, these rights are about assessments that are used to make decisions about your special education program, not general classroom tests.

- You have the right to testing or evaluation that is fair and does not discriminate against you because of race, culture, gender or disability.
- You have the right to be tested with tests that are valid, given by someone trained to use the test, and used correctly.
- You have the right to be a member of the team that is to supervise the testing and make decisions about the results.
- You have the right to get a copy of the evaluation report about your eligibility for services.
- You have the right to get some other test information and provide that to the evaluation team.
- You may give or withhold consent to perform any testing related to your individualized education program.
- You have the right to request a reevaluation (to have the test done again).

The idea of individualization is also an important part of the law. Individualization just means that decisions about your education program are based on you. Your wants. Your needs. Your preferences.

What's an IEP?

IEP means *Individualized Education Program*. Each student receiving IDEA services has to have an IEP. The IEP is a written plan that describes your special education program. The IEP lists the goals you will work on, the supports you need to reach those goals, and who is responsible for helping you do that.

Your IEP is developed every year at an IEP meeting that is required by the law. So, you have the right (and responsibility) to plan your education program. You have the right to ask for an IEP meeting at any time if you believe the current IEP isn't working. There is a lot of information that needs to be included in your IEP. Some of these things include:

- information about your educational needs
- measurable goals
- services and supports you need to address your unique needs
- where you will receive your educational services
- when the services will be provided, information about transition services

There are many things that have to be included in an IEP. Remember, you are responsible for making sure that they are there so you can get a good education. Ask your teacher or parents if you want more information.

The IEP team is a group of people, like your teachers, other people from the school system, people who work in adult services and your friends and family, who meet to make a decision about the IEP. You have a right to invite your

parents, your friends, other family members, your employer or service provider, or anyone else you feel could help make decisions about your education. You have the right to be an equal member of your IEP team.

What other rights do you have related to your education program?

You have the right to specially designed instruction, to support services (speech and language, occupational or physical therapy, adaptive physical education, etc.), and to related services that are needed to make sure you advance toward your annual IEP goals.

You have the right to have the supports that help you learn to behave in a positive way if you are having problems with your behavior.

You have the right to have the IEP team consider your language needs if you speak a different language.

You have the right to have assistive technology considered to meet your unique needs, including communication needs.

State law also requires that from age 14 your IEP includes information about services and supports you will need to learn how to get from where you are now to where you want to be.

What are transition services?

Transition skills are the skills you need to get a good job, move you to a home you prefer, do things in the community you like, and other things that will be important for you to know after you leave school.

Transition services must be based on your needs, interests and preferences. That is a right in the law, but it is your responsibility to make sure it happens!

What is assistive technology?

Assistive technology is any device or service that can help you learn what is in your education program. It can be as simple as a grip to help you hold a pencil, as complex as a machine that produces speech, or anything in-between.

What about the right to due process?

The due process rights in the IDEA allow you to be involved in actions or decisions about your educational program and take steps when you disagree with those actions or decisions. Those are explained below

What? You thought you had the right to make all your own decisions about your IEP?

You have the right to be a team member. Actual decisions about your IEP are made together with all members of the team trying to agree. This does not mean that you get to do only what you want! The team has the responsibility to plan the educational program based on your needs, not only your interests.

Due process rights are those that are provided to protect your right to a free, appropriate public education. These protections are related to rights to notification, consent, access to records and confidentiality.

What do notification, consent, access and confidentiality mean?

They refer to the types of rights that make up the due process rights. We talked about your right to provide consent already.

You have the right to be notified whenever a school wants to update, change or end your educational services. Notification means letting you know. Schools have to give you notice, usually by sending you a letter, about things like your IEP meeting date and time or if they want to hold an IEP meeting to make changes in your education program.

Schools also have to notify you in writing about the rights that will transfer to you at the age of majority!

You have the right to have these notifications in easily understandable language, language you can understand

You have the right to be notified of the procedural safeguards that are available to you. Procedural safeguards means the process that you would use to protect your rights to a free, appropriate public education. That notification should include information about all the rights in the IDEA.

You also have the right of access to the school's written records about you. That means you have the right to look

at written papers that the school collects about you. If you cannot get to reports, you have a right to copies. These records may include tests, new and old IEPs, reports, and other information the school needs to provide educational services.

As well as having access to those records, you have the right to those records being confidential. Confidential means private. You have a right to have the school keep those records private and not available to anyone without your permission unless they work for the school and need the records to provide your educational services. Your parents also have the right to access your records if you are claimed as a dependent on their income tax.

What due process rights do you have if you disagree with a team decision?

You have multiple options if you disagree with a decision about your identification, evaluation (assessment), placement, or provision of FAPE. Among other rights, you have the right to a due-process hearing in front of an administrative law judge; the right to mediation, a chance to negotiate with the school district to resolve your complaint; and the right to file a complaint with the Iowa Department of Education.

These procedures make sure you can protest an action of the school. They do not mean that just by doing so you will win. These procedures are hard on everyone. For that reason, most people use these options when they have been unable to the school and the IEP team to solve the problem.

Yes, this is a lot of work.

This is a lot of work. Luckily, you have many people who can help you. You have got teachers who want to work with you to design an educational program that is appropriate for you. You have got the IEP team to work with you to make sure you know more about your rights and responsibilities. Plus, just because you have these rights, does not mean your parents are going away! They can still be a part of your IEP team if either you or the school invite them. It is smart to keep them on board to help you as you learn how to be an adult!

All this is about making sure that you have the chance to have an education that meets your needs. Now you see how hard others have had to work all these years! Sure, it's hard work. But, it's worth it. After all, it's your future, right?

Glossary of Terms

FAPE (Free Appropriate Public Education) - rights given under IDEA for the supports and services you need to benefit from school, at no cost to you or your family.

Age of majority - at age 18, or in special situations like when you marry, you gain all rights given in Iowa to a legal adult.

IDEA (Individuals with Disabilities Education Act) - the law that provides special education. It also identifies your educational rights and the procedures that schools must follow.

Rights - privileges given by law.

Responsibilities - things you must do to make sure you benefit or keep your rights.

Due process - the procedures followed if you and your IEP team disagree about what you need.

Informed consent - understanding what you agree to do or have done.

Individualized Education Program - also called an IEP. It states what the school will provide and what you will work on in the coming year.

Transition - this term refers to your right to have the school help you prepare for the job, education and the way you want to live after you graduate.

Assistive technology - this term refers to devices or services, or both, that you need in order to benefit from your education.