

The Magic Ages of Transition

Transfer of Rights
Age of Majority
Guardianship
Graduation







- All children with disabilities begin receiving Transition Services starting with the IEP in place when they turn age 16 (or earlier if appropriate).

By age 16, EVERY IEP should:



- ▶ Be future-directed
- ▶ Be goal-oriented
- ▶ Be based on *student's* preferences, interests and needs
- ▶ Include interagency linkages
- ▶ **AND include MORE than academics!**





Transfer of Rights

- ▶ One year before a student reaches the age of majority under state law (which is 18), the student's IEP must include a statement that the student has been informed of his or her rights that will transfer to the student when they turn 18.

T-R-A-N-S-F-E-R

- ▶ **T = Transfer of Rights** to students to now perform all the functions their parents/guardians performed previously.
- ▶ **R = Responsibilities** – Students are responsible for IEP decisions.
- ▶ **A = Advocacy** skills are needed so students can speak on their own behalf and determine what they want in the future.
- ▶ **N = Notices** go to students on meetings, consents, IEP decisions, etc.
- ▶ **S = Supports** – Students may need support at meetings and in making decisions, such as from parents. Ultimate decisions belong to students.
- ▶ **F = FERPA** – Confidentiality and other rights transfer to the students.
- ▶ **E = Eval. decisions** belong to the students (requests, consent, IEEs, etc.).
- ▶ **R = Rights** - Students have all the rights parents held prior to age 18. Students become the “parent” referenced in IDEA.



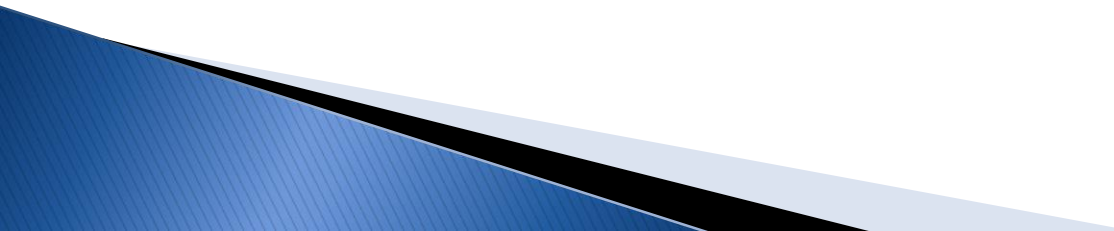
Age of Majority

All children with disabilities legally become an “adult” at age 18 in South Dakota.

Guardianship

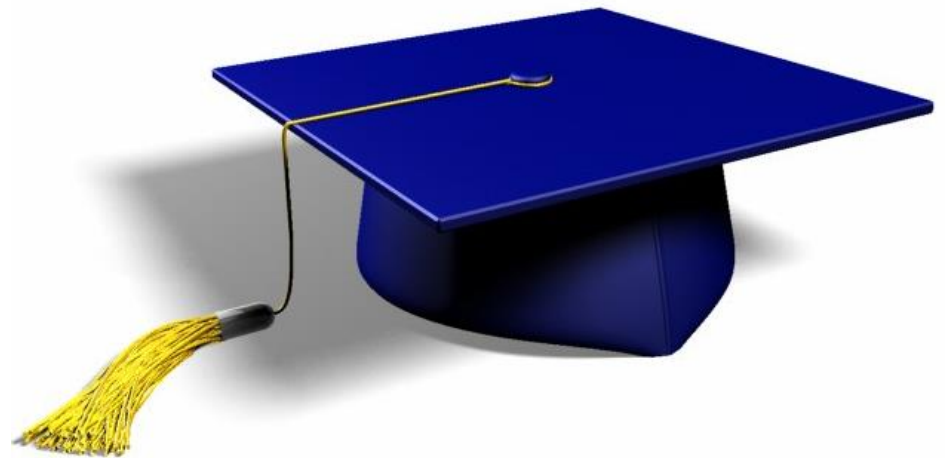
- ▶ **Guardianship is a legal proceeding and an attorney is needed for this process.**
- ▶ **There are costs involved, expect to spend \$600.00 or more.**
- ▶ **Limited funds may be available through the Establishment Program (SD Guardianship Program).**
- ▶ **The person who will become the protected person has a right to disagree with the procedure and with who will be the guardian/conservator.**

GUARDIANSHIP CRITICS SAY....

- ▶ **Guardianship is highly restrictive.**
 - ▶ **Guardianship is for the convenience of others – health care professionals, government agencies, financial institutions, law enforcement.**
 - ▶ **Guardianship referral becomes an automatic part of the planning process.**
 - ▶ **Guardianship becomes a life sentence.**
 - ▶ **Guardianship may add an unnecessary financial burden.**
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18-21

- ▶ At one point during this time frame, a student's public education comes to an end.
- ▶ In South Dakota, eligibility for special education services ends in one of two specific circumstances.



When should the graduation discussion begin?

- ▶ 11th grade???
- ▶ 9th grade???
- ▶ 8th grade???
- ▶ Even earlier??



Graduation



Signed???

OR

Unsigned???

POINTS TO CONSIDER

- ▶ Graduation should be talked about with incoming freshman, and progress toward that reviewed annually.
- ▶ Make sure all understand the implications of graduating with a signed diploma.
- ▶ Parents and students need to understand the school's policy on diplomas and student participation in the graduation ceremony well before the event!!



**KEEP
CALM
I'M
TURNING
21 !!!!!**

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Contacts

- ▶ South Dakota Guardianship Program

1-866-228-9119

<https://dhs.sd.gov/guardianship/default.aspx>

- ▶ Disability Rights South Dakota (formerly SD Advocacy)

1-800-658-4782

<http://www.drSDLaw.org/>

- ▶ Transition Services Liaison Project

626-2398

www.tslp.org



TSLP

Transition Services
Liaison Project

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