

Education Decision Making When Your Child Turns 18

In Texas, the age of majority is 18. When your child turns 18 they will become an Adult Student and be the Educational Decision Maker in their ARD meeting, unless you have obtained legal guardianship or your child has signed a power of attorney giving you the right to make educational decisions for them. The school is required to give certain notices to the parents and the student so everyone is aware of the changes that will occur when the student turns 18.

For Students Who Are 17+ Years of Age

By age 17, the school district must notify both the student and the parent that all rights given to the parent by IDEA, except the right to receive notice, will transfer to the student at age 18. This notice must be reflected in the student's IEP.

For Students Who Are 18+ Years of Age

At the time the student reaches the age of 18, the school district must notify in writing the adult student and parent that the parent's rights have been transferred to the student. This notice must include contact information for the student and parents to use in obtaining additional information. **The school district must continue to provide parents with notice of the ARD meetings.** However, under current Texas special education rules, **the notice is NOT an invitation to attend the ARD meeting.** The parent should still attend the meeting but they must be invited by the student or the school district. The invitation does not have to be in writing. If a parent is invited to attend the meeting, the parent is **NOT** the educational decision-maker. A parent wishing to continue being the educational decision-maker can seek Guardianship or a Power of Attorney.

For many families all the parent needs to do to attend and participate in the ARD meeting after their child turns 18 is to simply ask if they want you to attend the ARD meeting with them. If your child agrees then just **tell the school that your child invited you to the meeting.** The invitation is not required to be a formal written invitation. If you prefer to have the invitation in writing, simply ask your child to sign a statement that they have invited you to attend the ARD meeting. If your child does not want to invite you to the ARD meeting, you can still ask the school to invite you. Many schools continue to see the benefit of parent participation in the meeting and will invite the parents to attend the meeting.

Parents should not feel pressured by the school to obtain a guardianship of their child just to attend the meeting. Parents and students can work together as a team at the ARD meeting. It is important for students of transition age (at least by age 14) to attend their IEP meetings so they can be prepared to plan for their transition from school to work and for the transfer of rights when they turn age 18.

Students must learn to participate in the meeting and learn to speak up for themselves and to make decisions about their life. This is referred to as **Self Advocacy**. Training and support to help a student learn to be a self-advocate should be considered in developing the student's IEP. **Self-advocacy does not mean that a student no longer needs support or advice from their parents or other people who care about them. It does mean that they have the right and the opportunity to say what is important to them and what they want and that the other team members respect their opinions and ideas.** An important phrase in the self-advocacy movement is "Nothing About Us Without Us". To learn more about self-advocacy go to the website for Texas Advocates at www.thetexasadvocates.org and the national organization Self Advocates Becoming Empowered at www.sabeusa.org.

For additional information go to:

[Resource Guide on Higher Education for People with Disabilities](#) Resources on preparing for higher education, education alternatives, employment, accommodations and technology. Also includes a list of colleges for students with disabilities nationwide.

[Texas Project First](#)

[The Arc of Greater Houston](#)