

Resources

- West Virginia Department of Education (WVDE)
Office of Federal Programs and Support,
Special Education Services
<https://wvde.us/special-education/>
304-558-2696 or 1-800-642-8541
- West Virginia Department of Education
Family and Community Engagement
Parent Educator Resource Centers (WVPERC)
<https://wvde.us/special-education/family-and-public-partnership/family-and-community-engagement/>
1-800-642-8541
- West Virginia Parent Training and Information (WVPTI) Serving Families Statewide
<http://www.wvpti-inc.org/>
1-800-281-1436 or 304-472-5697
- Legal Aid of West Virginia
<http://www.lawv.net/>
1-866-255-4370 or 304-343-4481
- WV Developmental Disabilities Council
<http://ddc.wv.gov/Pages/default.aspx>
304-558-0416
dhhrwvddc@wv.gov
- WVU Center for Excellence in Disabilities
<http://cedwvu.org/resources/>
304-293-4692
- Disability Rights of West Virginia
<https://www.drofww.org/>
800-950-5250
contact@drofww.org
- Mountain State Justice
<https://mountainstatejustice.org>
800-319-7132

Additional Information

West Virginia Department of Education Office of Federal Programs and Support, Special Education Services

Building 6, Suite 750
1900 Kanawha Boulevard, East
Charleston, WV 25305-0330
Phone: 304-558-2696

The West Virginia Department of Education, Office of Federal Programs and Support, Special Education Services, is dedicated to positively affecting the lives of students by providing leadership and establishing partnerships with parents and school district personnel.



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West Virginia DEPARTMENT OF
EDUCATION



AGE OF MAJORITY

Transfer of Rights for Students with Disabilities

Office of Federal Programs and Support
Special Education Services
West Virginia Department of Education

What is the Transfer of Rights?

If you are a school age student and receive special education services, you are protected under the Individuals with Disabilities Education Improvement Act 2004 (IDEA). It is important that you understand your due process rights to special education services so you are prepared to advocate for yourself.

In West Virginia:

- At age 18, you are expected to be able to make decisions on your own in all areas of life, including education.
- One year before you reach age 18, you must be informed of your rights in writing. This is called the transfer of rights. Upon your 18th birthday, you become responsible for making your own decisions about school

Your Individualized Education Program (IEP) Team makes yearly plans about your education. Prior to the age of 18 your parent/guardian makes decisions that affect your education. At age 18, these rights transfer to you and you become the decision maker about your special education services.

It is important you understand the choices you will have to make when turning 18. Prepare by talking to your parents, teachers and others in order to make the best decisions about the supports needed for your career and adult life.

Section 504 Plans

Students with disabilities covered by Section 504 Plans also become adult students in West Virginia at age 18.

What are the rights that transfer at age 18?

The decisions about your special education services that transfer to you at the “age of majority” include decisions about:

- your eligibility
- your IEP
- your Placement

You will also have the right to give or refuse consent for:

- an evaluation or re-evaluation
- placement if this is your first placement in a special education program or services

You have the right to:

- review your educational records
- request mediation or a due process hearing
- file a complaint regarding a Free Appropriate Public Education (FAPE).

It is in your best interest to learn about special education laws in order to make informed decisions about your educational program. Hopefully, you have already been a part of the special education process and played an active role in developing your IEP, including transition planning. Ask your teacher, your parent or other adults to help you learn more about special education laws.

Will my parent still participate in my special education meetings?

Your parent/guardian will continue to receive notice of meetings and written information related to special education services if you or your school district invites them. Their level of involvement in the special education process is up to you. You may ask your parent, or another adult to continue to help make decisions about your special education. Asking for assistance does not mean you are giving up your decision-making authority

Who is responsible for notifying me about this “transfer of rights”?

The school will provide to both you and your parent/guardian written notice of the transfer of rights one year before you reach age 18. For more information contact a special educator in your school or the Director of Special Education for your school district. This person should also be able to answer any questions that you may have about information in this pamphlet.

What happens after the rights transfer to me at age 18?

- You will receive written notice for all meetings and will be invited to attend those meetings. You may invite your parents/guardians or others to attend the meetings.
- You have the right to participate in all meetings where decisions are made about your special education eligibility, evaluations, IEP or placement before those decisions are put in place. You also have the right to prior written notice if the district refuses your request to take these actions.
- You have the right to review your educational records.
- You have the right to request meetings to review or change your IEP, eligibility, evaluation or placement in special education.
- You have the right to provide consent when it is required, including consent to evaluate or re-evaluate, release records, etc.
- You have the right to ask questions and to receive help regarding educational problems. This includes the right to file a complaint, to request a due process hearing, and to participate in mediation regarding the special education services you receive.