

Transfer of Parental Rights at Age of Majority in Minnesota



PHP-c63

Minnesota state law provides for the transfer of educational rights at age 18 for students with disabilities who have Individualized Educational Programs (IEPs) and are not under guardianship or conservatorship.

The law requires the following:

- At least one year before a student turns 18, the student's IEP must include a statement that the student has been informed of the rights that will transfer to him or her on reaching the age of 18.
- Special education notices will then be provided to the student. They will continue to be provided to the parents as well.
- All other rights given to parents transfer to the student, including students who are in correctional institutions.
- If the school receives notice that the student is under guardianship or conservatorship, no rights transfer to the student at age 18 and the IEP need not include a statement regarding the transfer of rights.
- The school must notify both the student *and* the parents of the transfer of rights.
- The student or the school district may invite the parent to attend the IEP meetings as an individual with knowledge regarding the child.
- Minnesota state law provides that if a student is still claimed as a dependent on the parent's income tax form, then the parent continues to have legal access to the student's educational records.