

Resources

- » West Virginia Department of Education (WVDE)
Office of Special Education (OSE)
<https://wvde.state.wv.us/osp/>
1-800-642-8541

- » West Virginia Parent Educator Resource Center (WVPERC)
(PERCs are located in some districts)
<https://wvde.state.wv.us/osp/perc.html>
1-800-642-8541

- » West Virginia Parent Training and Information (WVPTI)
<http://wvpti.org/>
1-800-281-1436

- » Legal Aid of West Virginia FAST Program
<http://www.lawv.net/fast>
1-866-255-4370

- » Mountain State Parents CAN
<http://www.mspscan.org/>
304-428-0365
1-800-244-5385

- » WV Developmental Disabilities Council
<http://www.ddc.wv.gov/Pages/default.aspx>
304-558-0416 (Voice)
304-558-2376 (TDD)
304-558-0941 (Fax)
dhhrwvddc@wv.gov

Additional Information

West Virginia Department of Education Office of Special Education

Building 6, Room 717
1900 Kanawha Boulevard, East
Charleston, WV 25305-0330
Phone: 304-558-2696
1-800-642-8541 (V/TDD)

The West Virginia Department of Education, Office of Special Education, Division of Teaching and Learning, is dedicated to positively effecting the lives of students by providing leadership and establishing partnerships with parents and school district personnel. The Office of Special Education believes this brochure will be useful to you in understanding the Rights of Transfer and in resolving your concerns.



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AGE OF MAJORITY

Transfer of Rights for Exceptional Students

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 extremely important that you understand your due process rights to special education services so you will be able 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 about your rights in writing.
- This is called the transfer of rights. At this time you become responsible for making your own decisions about school.

Your Individualized Education Program (IEP) Team includes you, your parents, teachers and others. This team makes yearly plans about your education. Prior to the age of 18 your parents make 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 that you understand the choices that you will have to make when you turn 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.

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 have the right to allow or not allow:

- an evaluation or re-evaluation and/or
- placement in special education

You have the right to:

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

It is in your best interest to learn about special education laws so that you can 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 goals, since the age of 16. 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 will continue to receive notice of meetings and written information related to special education. Their part 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; however, you are not giving up your rights unless your parent goes through the guardianship process.

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

The school will provide to both you and your parents written notice of the transfer of rights at 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 regarding 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 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, identification, 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 any 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.