

Age of Majority in Michigan Student Information

In Michigan, the law states that you become a legal adult when you turn 18 years old. This means that you have reached the age of majority. All rights covered by state and federal legislation automatically transfer to you. As a student with an individualized education program (IEP), on or before your 17th birthday, you and your parents must be given information regarding this transfer of rights. If you feel uncomfortable making decisions on your own, you may choose an advocate (someone who will speak on your behalf) to assist you with your educational transition plans.

Your Educational Rights Include:

- The right to attend any IEP held about you.
- The right to give your permission before any type of evaluation or testing is done, before any changes in your IEP can be made, or before your school records can be sent to any outside agency as described in the Family Educational Rights and Privacy Act (FERPA). For information on FERPA, contact your building principal. You must consent by signature (signing your name to a legal document) before any of these can occur. You must be told that you have choices, that you can change your mind, and what the consequences of those decisions are if you do not change your mind.
- The right to give consent for the three-year re-evaluation for continuing special education services. (Before any evaluations or testing are done, you also have the right to express your opinion about any possible tests being discussed, have your questions answered before agreeing to anything, and then have that information included in the process).
- The right to a continuum of services and consideration of all possible options.
- The right to access (see and review) your school records and the right to disagree with any information you may feel is inaccurate (not true) or violates your rights.
- The right to disagree with any decisions made by the IEP team.

Your Rights during Evaluation/Testing Include:

- The right not to be discriminated against on the basis of race, language, or cultural background (basic rights of all citizens).
- The right to tell evaluators about your disability, as well as your strengths and abilities.
- The right to have your parent's (or advocate's) input.
- The right to an interpreter or translator, if needed.
- The right to have tests conducted by someone familiar with your type of disability.
- The right to have all information shared with you when all testing is completed.

Your Educational Responsibilities Include:

- Learn about your disability and how it affects your ability to learn in school and work.
- Know what kind of support you need to be successful.
- Examine your goals frequently.
- Consider your strengths and abilities to decide what works best for you.
- Actively participate in all phases of your IEP and transition plan.
- Follow the educational timelines, rules, and regulations.
- Listen to all the IEP team members and take their information into consideration.
- Work with the IEP team to consider the best course of action for you.
- Know it is okay to disagree, but do so in a polite and positive manner.
- Learn to ask for support as needed.

Important Links

Procedural Safeguards:

https://www.michigan.gov/documents/mde/Procedural_Safeguards_Notice_550307_7.pdf

FERPA for Students: <http://www2.ed.gov/policy/gen/guid/fpco/ferpa/students.html>

Transfer of Parental Rights at Age of Majority

Beginning not later than one year before the child reaches the age of majority under State Law, the IEP must include a statement that the child has been informed of the child's rights under Part B of the Act, if any, that will transfer to the child upon reaching the age of majority. § 300.320.

When a student with a disability reaches the age of majority (age 18 in Michigan, if a legal guardian has not been appointed by the court), the public agency must provide any notices required under Part B of the IDEA to both the student and the parent and all rights accorded to the parent under Part B of the IDEA transfer to the student. All rights accorded to the parent also transfer to students who have reached the age of majority and who are incarcerated in an adult or juvenile federal, state, or local correctional institution. § 300.520.

Need More Information?

For additional information regarding your rights and responsibilities, contact your school principal, regional special education supervisor, special education teacher or local advocacy organizations.