

# Transition Talk Age of Majority and the Transfer of Rights

The Transition Improvement Grant  
The DPI Special Education Team  
Wisconsin Board for People with Developmental Disabilities  
School District of Janesville Transition



# Reaching the Age of Majority

Often educators are the first people families and students reaching the age of majority hear from on decision making options.



# The Educator's Role

- Educators have a responsibility to provide information on decision making options
- Families along with their student make decisions that is the best option for their child



# Reaching the Age of Majority

- Once a student with an IEP reaches the age of 18, all of the educational rights provided to parents transfer to the student unless the student has a legal guardian



# Reaching the Age of Majority

## These educational rights include:

- the right to receive notice of and attend the IEP meeting
- the right to consent to an evaluation
- the right to consent to a change of placement
- the right to request mediation or due process hearing to resolve a dispute



# Transfer of Rights Notification

Wisconsin State Statute [115.807\(2\)](#) notes the school's responsibility for when a student reaches age 18

The school must:

- Provide notice to the parent and the student that all rights transfer to the student
- Provide information to the parent and student on:
  - Supported Decision Making
  - Alternatives to Guardianship
  - Strategies to remain engaged in the student's education

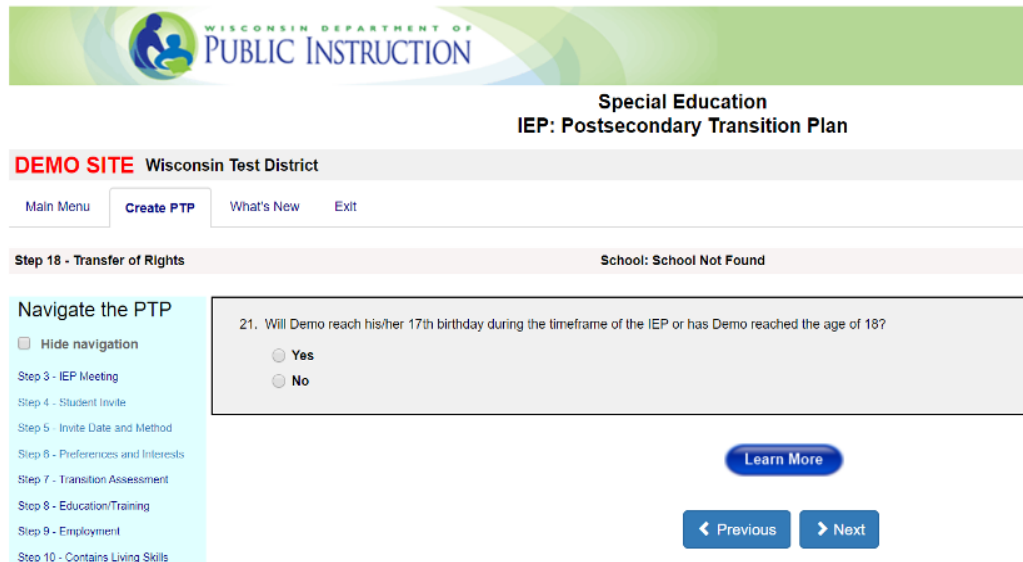


# Transfer of Rights Notification

<u>Sample Forms</u>	<u>Suggested Use</u>
M-6 Notification of Upcoming Transfer of Rights	<ul style="list-style-type: none"><li>● Discuss the transfer of rights during the IEP year in which the student will turn 17 (or 1 year from age of majority)</li><li>● Provide information on decision making options</li><li>● M-6 for parents attached to IEP</li><li>● M-6 for student sent in mail</li></ul>
M-7 Student Notification of Transfer of Rights	<ul style="list-style-type: none"><li>● Mail M-7 on student's 18th birthday</li></ul>
M-8 Parent Notification of Transfer of Rights	<ul style="list-style-type: none"><li>● Mail M-8 on student's 18th birthday</li></ul>

# PTP and the Age of Majority

The PTP includes a prompt to ensure the students and parents have been notified of the Transfer of Rights by the time a student reaches the age of majority



The screenshot displays the Wisconsin Department of Public Instruction's Special Education IEP: Postsecondary Transition Plan interface. At the top, the header includes the Wisconsin Department of Public Instruction logo and the text "Special Education IEP: Postsecondary Transition Plan". Below this, a navigation bar shows "DEMO SITE Wisconsin Test District" and links for "Main Menu", "Create PTP", "What's New", and "Exit". The main content area is titled "Step 18 - Transfer of Rights" and includes a "School: School Not Found" indicator. A sidebar on the left, titled "Navigate the PTP", lists steps from 3 to 10, with "Step 18 - Transfer of Rights" highlighted. The main content area contains a question: "21. Will Demo reach his/her 17th birthday during the timeframe of the IEP or has Demo reached the age of 18?". Below the question are two radio button options: "Yes" and "No". At the bottom right, there are three buttons: "Learn More", "< Previous", and "Next >".

WISCONSIN DEPARTMENT OF  
PUBLIC INSTRUCTION

Special Education  
IEP: Postsecondary Transition Plan

DEMO SITE Wisconsin Test District

Main Menu Create PTP What's New Exit

Step 18 - Transfer of Rights School: School Not Found

Navigate the PTP

- Hide navigation
- Step 3 - IEP Meeting
- Step 4 - Student Invite
- Step 5 - Invite Date and Method
- Step 6 - Preferences and Interests
- Step 7 - Transition Assessment
- Step 8 - Education/Training
- Step 9 - Employment
- Step 10 - Contains Living Skills

21. Will Demo reach his/her 17th birthday during the timeframe of the IEP or has Demo reached the age of 18?

☐ Yes

☐ No

Learn More

< Previous

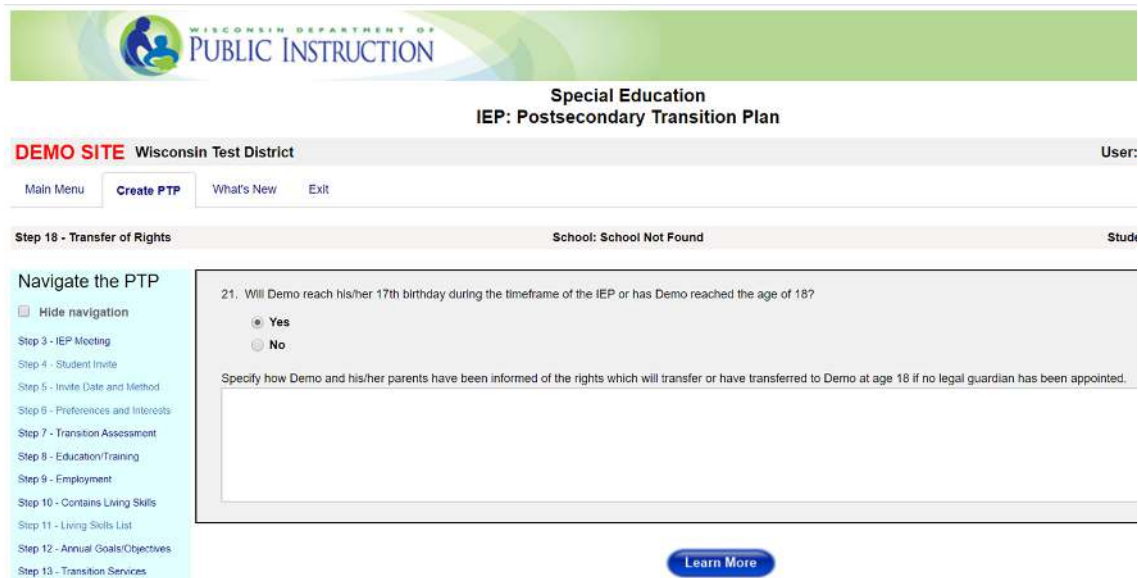
Next >





# PTP and the Age of Majority

Document the  
notification of the  
Transfer of Rights in  
Step 18 of the PTP



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IEP: Postsecondary Transition Plan

DEMO SITE Wisconsin Test District User:

Main Menu **Create PTP** What's New Exit

Step 18 - Transfer of Rights School: School Not Found Stud

Navigate the PTP

- ☐ Hide navigation
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- Step 6 - Preferences and Interests
- Step 7 - Transition Assessment
- Step 8 - Education/Training
- Step 9 - Employment
- Step 10 - Contains Living Skills
- Step 11 - Living Skills List
- Step 12 - Annual Goals/Objectives
- Step 13 - Transition Services

21. Will Demo reach his/her 17th birthday during the timeframe of the IEP or has Demo reached the age of 18?

☒ Yes  
☐ No

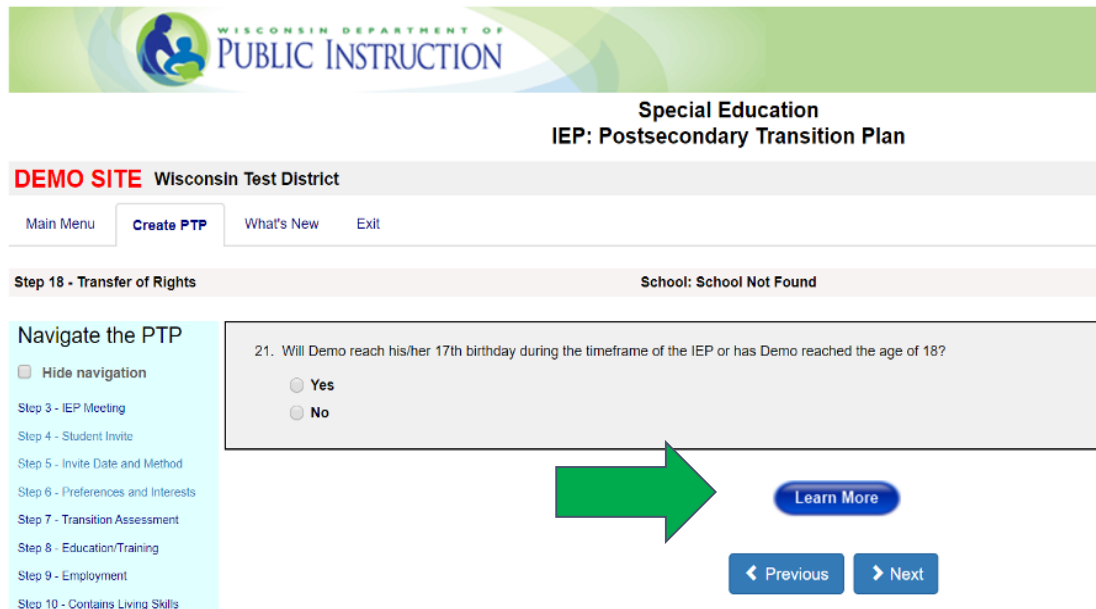
Specify how Demo and his/her parents have been informed of the rights which will transfer or have transferred to Demo at age 18 if no legal guardian has been appointed.

Learn More



# PTP and the Age of Majority

The Learn More button includes resources on decision making options including Supported Decision Making



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WISCONSIN DEPARTMENT OF  
PUBLIC INSTRUCTION

Special Education  
IEP: Postsecondary Transition Plan

DEMO SITE Wisconsin Test District

Main Menu Create PTP What's New Exit

Step 18 - Transfer of Rights School: School Not Found

Navigate the PTP

- ☐ Hide navigation
- Step 3 - IEP Meeting
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21. Will Demo reach his/her 17th birthday during the timeframe of the IEP or has Demo reached the age of 18?

☐ Yes

☐ No

Learn More

Previous Next



# The Educator's Role

- Educators have a responsibility to provide information on decision making options
- Families along with their student make decisions that is the best option for their child



# The Educator's Role

## Educators Should

Provide information on all options

Encourage families to explore information on all options

Refer families to non-profit family support organizations

## Educators Should Not

Recommend one option over others

Share what they think is best for the student/family

Refer families to organizations/individuals that would profit from their decision i.e. private attorney



# Decision Making Options

## Current decision-making support tools



### Release forms

Individual signs a release form authorizing a specific person access to certain information or records.



### Supported Decision-Making Agreement

Individual makes all their own decisions. They identify a supporter/s to assist them.



### Representative Payee

Social Security Administration appoints an individual/org. to receive SSI/SSDI benefits for an individual who cannot manage their own.



### Power of Attorney, (medical or financial)

Formal legal arrangements that permit others to act on the individual's behalf.



### Limited or Full Guardianship

Transfers some or all decision-making authority from the individual to a court-appointed Guardian.

Less limiting

Source: BPDD Supported Decision Making Toolkit, 2020

More limiting

\* For the purpose of this publication, the term "individual" refers to an individual with disabilities and/or an aging adult.

# Expert Panel

## Moderator:

- Daniel Parker, Assistant Director Special Education Team

## Panelists:

- Mitch Hagopian, Disability Rights Wisconsin, Managing Attorney
- Tami Jackson, WI Board for People with Developmental Disabilities, Public Policy Analyst
- George Zaske, Attorney and Parent
- Shana Ratzburg, Janesville Transition Specialist



# Question #1

There are a lot of different people, stakeholders, and service delivery systems that provide parents with information about their options as it relates to decision making. Why is it important for educators to be aware of these people, stakeholders, and service delivery systems?

5:00



# Question #2

Guardianship is often more talked about in IEP meetings than other decision making options. Why is this problematic and what barriers need to be overcome to better communicate supportive decision making options to families? Decisions are often made at one point in time. In terms of decision making, what makes guardianship the most high stakes decision?

5:00





# Question #3

How might bias show up in discussions related to decision making and guardianship?

5:00



# Question #4

How can thinking about “transfer of rights” for students without disabilities help us better communicate transfer of rights to parents of students with disabilities and what systems should be in place for educators to understand and share decision making options with parents?

5:00



# Questions

The panel will now  
take questions from  
participants.



# We need your input !

Thank you for joining  
us this afternoon.  
Please take a moment  
to complete our  
webinar survey.

DPI Survey Link:

<https://bit.ly/widpisurvey>

Password: **Pam96778**



# Resources

[The Transfer of Rights: An Educator's Role](#)

[Information Update Bulletin 19.01: Supported Decision Making Agreements](#)

[Guardianship Support Center](#)

[When your child turns 18; A guide to Special Needs Guardianship](#)

[Wisconsin Board for People with Developmental Disabilities-Supported Decision-Making and Guardianship Alternatives](#)

[National Resource Center for Supported Decision Making](#)

[When People Need Help Managing Their Money](#)

[Wisconsin Department of Health Services, Forms Information Advance Directives](#)

