



**Exceptional Student Education (ESE)  
Transfer of Rights at Age of Majority (Age 18)  
Description of Rights (by Age 17) – Parent**

School: \_\_\_\_\_ Date: \_\_\_\_\_

Student Name: \_\_\_\_\_ DOB: \_\_\_\_\_ Age: \_\_\_\_\_

Florida law provides for the transfer of rights when an individual reaches the age of majority at age 18. An exception to this transfer can occur in response to a petition, a court determines that the individual is incapacitated and a guardian is appointed.

This is especially important for students with disabilities who receive exceptional student education (ESE) services under the Individuals with Disabilities Education Act (IDEA). **At least one year before the student reaches the age of majority, the student and parent must be informed of the rights under IDEA that will transfer**, including the legal rights and responsibilities regarding educational decisions. Information and instruction on self-determination must address the ways in which the parent may continue to participate in the student’s educational decisions, including:

1. Informed consent to grant permission to access confidential records protected under the Family Educational Rights and Privacy Act (FERPA) as provided in s. 1002.22, F.S.
2. Powers of attorney as provided in chapter 709, F.S.
3. Guardian advocacy as provided in s. 393.12, F.S.
4. Guardianship as provided in chapter 744, F.S.

Parents’ and students’ rights under IDEA are often called procedural safeguards, and are described in the ***Notice of Procedural Safeguards for Parents of Students with Disabilities*** that is attached.

Your student will turn 18 within the next year. At that time, your parent/guardian rights under IDEA will transfer to your student. Some examples of the rights that will transfer include:

- The right to give or revoke consent for an evaluation or reevaluation.
- The right to give or revoke consent for services.
- The right to give or revoke consent to invite certain agency representatives to IEP team meetings.
- The right to participate in mediation, file a state complaint, or request a due process hearing.
- The right to receive written notice before any changes can be made to the student’s educational program.

Your signature below indicates that the rights and protections under IDEA that will transfer were explained and information and instruction regarding the ways in which the parent may continue to participate in the student’s educational decisions were provided to you by:

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Parent/Guardian Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*By Age 17 – Notice of Rights That Will Transfer (Parent)  
PEER July 2023*

*Bureau of Exceptional Education and Student Services  
Florida Department of Education*