

Age of Majority

Family Educational Rights and Privacy Act (FERPA):

When a student turns 18 years old or enters a postsecondary institution at any age, all rights afforded a parent under *FERPA* transfer to the student ("eligible student"). However, *FERPA* provides ways in which a school may—but is not required to—share information from an eligible student's education records with parents, without the student's consent. For example:

- Schools may disclose education records to parents if the student is claimed as a dependent for tax purposes.
- Schools may disclose education records to parents if a health or safety emergency involves their son or daughter.
- Schools may inform parents if the student, if he or she is under age 21, has violated any law or policy concerning the use or possession of alcohol or a controlled substance.
- A school official may generally share with information with a parent that is based on that official's personal knowledge or observation of the student.

Students with Disabilities:

In Massachusetts, regardless of the severity of their disability, students are considered adults and competent to make their own decisions at age 18 (Age of Majority). Unless there is a court appointed guardian or the student has chosen to share decision making with his or her parent, the school district must seek the consent of the student to continue the special education program. Students at age 18 have the right to make their own educational and medical decisions and must sign all consent forms. Parents and students must be notified about the transfer of parental rights to the student at least 1 year before the student turns 18 years of age.

When a student turns age 18, the school district must affirmatively obtain consent from the student to continue the then-current program of special education services. A new IEP does not need to be developed solely because of the transfer of rights as long as the student is willing to continue the existing IEP services. The student, however, has the same rights as the parent formerly held to accept or reject some or all of the IEP services and placement offered by the district. It is not acceptable for the district to wait until a new IEP is developed to seek consent for services from the adult student. Consistent with federal regulations and Department guidance on transition planning, the student should have been invited to attend and participate in IEP development since the age of 14. 34 CFR 300.322 (b)(2)(B). At a minimum, the student should participate in the IEP development meeting that occurs in the year prior to his or her 18th birthday. With proper notification and participation in IEP development the student should be prepared to assume his or her new responsibilities. Moreover, if required transition planning has occurred and the student has participated in the IEP development meetings, the student's preferences and interests will already have been considered and included in the IEP. 34 CFR 300.321 (b)(2).

Notification requirements:

Federal special education regulations require that at least one year prior to the student reaching age 18 the student **and** the parent must be informed about the rights that will transfer from the parent to the student upon the student's 18th birthday. See 34 CFR §§300.320(c) and 300.520.

The notification provided to both the parent and the student must explicitly state that all rights accorded to parents under special education law will transfer to the 18 year old student and that *the parent will continue to receive all the required notices from the school district and will have the right to inspect the student's records, but will not longer make special education decisions for the adult student.* See also state special education regulations at 603 CMR 28.07(5).

Transfer and Sharing or Delegation of Rights

When a student turns age 18, all of the decision-making rights in general education and special education that have been exercised by the parent transfer to the adult student, unless:

- a court has appointed a legal guardian for the student, or
- the student indicates that he or she wants to share decision-making with his or her parent (or other willing adult), or
- the student indicates that he or she wants to delegate decision making to his or her parent (or other willing adult).

If the student chooses to share or delegate decision-making, that choice must be documented and witnessed by representatives of the school district. The student may revoke sharing or delegation of decision-making at any time. If any disagreement arises related to general education or special education decision-making, the choice of the adult student shall prevail. See 603 CMR 28.07 (5).

Greater New Bedford Regional Vocational Technical High School's Practice:

- If, a student who is 18 years old requests to be placed on *The Principal's List*, they must submit a letter to their Guidance Counselor requesting approval from the district.
- Students should understand their right to dismiss themselves or submit notes for school absences does not exempt them from completing make up work; and any excessive tardiness or dismissals may negatively impact their academic and vocational/technical grades.
- Even at the age of 18 students are responsible for following school rules as outlined in the Student Handbook.
- For students with disabilities, GNBRVTHS will provide the student with the Parent's Notice of Procedural Safeguards (PNPS) to satisfy the notification requirement under the federal regulations.

Notification is not required if the right to make decisions is not being transferred to the student at the age of majority. This will only occur if a court of competent jurisdiction has determined that the student is not competent and has appointed the student's parent(s) or another individual as a guardian with the authority to make decisions, including educational decisions, for the student. The parent's stated intent to proceed to court, or the presence of a temporary guardian, does not relieve the school district of its responsibility to notify both the student and the parent about the transfer of rights.

Greater New Bedford Regional Vocational Technical High School is committed to ensuring equal opportunities for all students. The school does not discriminate on the basis of race, color, national origin, sex, disability, religion, sexual orientation, gender identity, age, homelessness, immigration status or veteran status in its education programs and activities, including admission to or employment in such programs or activities.

Principal's List Request Form

Any student upon turning 18 years old has the right to request the ability to make decisions regarding their education at GNB Voc-Tech. The appropriateness and reasons of the request and level of rights will be determined in conjunction with the student, parent/guardian and guidance counselor.

Date of Request: _____

Student Name: _____ DOB: _____

ID#: _____ Grade: _____ Division: _____ Shop: _____

Student currently resides with: _____

Address: _____

Is the student McKinney-Vento eligible? ___ Yes ___ No

Reason/ Rational for requesting approval for placement on the GNB Voc-Tech Principal's List:

I am requesting (Please check one):

_____ Sole Decision-Making Rights

_____ Shared Decision-Making with: _____

_____ I Delegate Decision-Making Rights to: _____

Have you discussed this request with your parent or guardian? _____ Yes _____ No

Parent/Guardian's Name: _____

Phone Number: _____

Parent/Guardian's Signature: _____

Guidance Counselor's Signature: _____

Director of Guidance's Signature: _____

I understand my rights under the Family Educational Rights and Privacy Act (FERPA), Massachusetts General Laws and when applicable, the Individuals with Disabilities Education Act (IDEA).

Student's Printed Name: _____ Date: _____

Student's Signature: _____ Date: _____

Principal's Signature: _____ Date: _____