



To: All 17-Year-Old Students Who Have a Disability

Subject: **Students' Educational Interests When Turning 18 years old**

The purpose of this document is to provide 17-year-old students with disabilities and their families with information pertaining to the student's educational interests when the student turns 18. All students are considered legal adults when they turn 18 years old. However, 18-year-old students with disabilities have options available to themselves and their families to ensure support is provided to assist with all aspects of the student's life. Some of the options available to students and their families are as follows:

1. The educational rights of the student transfer to the student upon the 18th birthday.
2. The educational rights of the student transfer to the student upon the 18th birthday *AND* the student submits a Supportive Decision-Making document to the WCSD that identifies others to help her/him with educational decisions.
3. Parents of a student with a significant cognitive disability and who participate in the Nevada Alternate Assessment (NAA) may submit an application to the WCSD for the purpose of seeking authority to represent the student's educational interests after the student turns 18 (NRS 388.449).
4. The parents may follow Chapter 159 of the Nevada Revised Statutes regarding Nevada's laws on guardianship. **However, obtaining guardianship is a legal process within the court system and is outside the authority or purview of the WCSD.**

This document is not a legal document nor does it provide legal advice; however, it was created in an effort to ensure that parents, caregivers, and students are aware and informed when reaching the critical age of majority. Students and families are encouraged to contact the special education teacher at their school with any questions or Student Services at 775-789-4633.

- **When Does A Person Become an "Adult"?** In Nevada, and in the Washoe County School District, a student is considered an adult at age 18. This is often referred to as the age of majority during the IEP process.
- **What Does It Mean to Become an "Adult" in the special education process?** When a special education student obtains the age of majority, all rights that were previously held by the parents transfer to the adult student. Thus, the adult student shall make all decisions related to his/her IEP and the adult student is held personally accountable for his/her actions.

Students with disabilities who do not graduate with a standard diploma at age 18 may continue to receive educational services from WCSD until they are 22 years old. Students continue to receive a free appropriate public education designed to meet their individual needs and prepare them for further education, employment, and independent living. While the student has reached the age of majority at 18 years, the WCSD believes that family members and/or friends can continue to support the student after the student turns 18 years of age and throughout their life. It is also as important for students to learn independent skills and this is done through *transition planning* and is a requirement of IDEA.

Option 1: The Educational Rights of the Student Transfer to the Student upon the 18th Birthday

Nevada law requires that school districts notify students and families not less than 1 year before the date on which the student with a disability turns 18. The notification must provide information to both the student and family regarding the transfer of rights. When the transfer of rights occurs, all rights that were previously held by the parents under the IDEA and Nevada special education laws transfer to the adult student. Thus, the adult student shall make all decisions related to his/her IEP and the adult student is held personally accountable for his/her actions.

- Attached is the form from the State of Nevada Department of Education (*Attachment A*).
- Please contact the special education teacher at your school with any questions.

Option 2: The Educational Rights of the Student Transfer to the Student upon the 18th Birthday AND the Student Submits a *Supportive Decision-Making Document* to the WCSD that Identifies Others to Help Her/Him with Educational Decisions.

What is Supported Decision Making?

Supported decision-making (SDM) allows an individual with a disability to work with a team and make his or her own choices about his or her own life. Under this model, the individual designates people to be part of a support network to help with decision-making. The SDM is intended to promote self-determination, control, and autonomy. The focus is to provide supports for the adult students to make their own decisions, but not to substitute the supported members decisions for that of the adult student. Unlike substituted decision-making where guardians or family members or caregivers make decisions for the individual, supported decision-making should enable the person to make his or her own decisions with assistance from a trusted network of supporters.

- Attached is the Supportive Decision Making Document (*Attachment B*).
- For more information, please go to the Washoe County School District website and review the SDM form and frequently asked questions (<https://www.washoeschools.net/>).

Option 3: Parents of a student with a significant cognitive disability and who participate in the Nevada Alternative Assessment (NAA) may submit an application to the WCSD for the purpose of seeking authority to represent the student's educational interests after the student turns 18 (NRS 388.449).

Parents of a student with a significant cognitive disability and who participates in the NAA may submit an APPLICATION (*attachment C*) to the student's school district or charter school for the purpose of seeking authority to represent the student's educational interests after the student turns 18 (NRS 388.449). Parents wishing to apply must complete the APPLICATION below in its entirety and submit it to the school principal of

the student's district school or charter school in which the student is enrolled. **The APPLICATION must be submitted at least 90 days before the student's 18th birthday, but not before the students turns 16 years.** Within 30 days after the APPLICATION is received, it will be reviewed and the parents will be notified in writing of the determination using the NOTICE OF DETERMINATION. If the WCSD grants the APPLICATION, the parent shall continue to represent the educational interests of the student **until** (a) the pupil receives a standard high school diploma, (b) the pupil is no longer enrolled in a program of special education pursuant to NRS 388.417 to 388.515, or (c) the parent elects to transfer the rights to represent educational interests to the pupil.

There are two criteria the WCSD used to determine if the parents of a student with a significant cognitive disability may represent the student's educational interests after the student turns 18:

1. The student must have a significant cognitive impairment, and
2. The student must take the NAA.

For more information regarding this process, contact Student Services at 775-789-4633. Student Services reviews and approves this application.

Option 4: The Parents May Follow Chapter 159 of the Nevada Revised Statutes Regarding Nevada's laws on guardianship.

However, obtaining guardianship is a legal process within the court system and is outside the authority or purview of the WCSD. If a student or parent has questions about the legal guardianship process, they should consult with their personal legal representative or their local county district court.