

RESOURCE LIST ON TRANSFER OF IDEA RIGHTS FOR STUDENTS WITH DISABILITIES

Overview

Under the [*Individuals with Disabilities Education Act \(IDEA\)*](#), eligible students with disabilities may receive special education and related services through age 22. Although the age of majority, which is when students gain important rights and become adults in the eyes of the law, varies from state to state, in all states the age of majority comes before age 22. As a result, many students with disabilities reach the age of majority while they are receiving services under the IDEA.

When students with disabilities who receive special education services reach their state's age of majority, the IDEA rights that parents have exercised on their children's behalf may transfer to the students, depending on states' laws or policies. Since 1997, the IDEA has allowed states to decide whether to permit parental rights transfers. States' transfer of rights rules vary. For example, Maryland, Nebraska, New York, and Pennsylvania generally do not transfer parental IDEA rights to students when they become adults.

Some researchers and advocates are concerned that states' transfer of rights rules and practices may cause parents or other caregivers to seek guardianship unnecessarily. This is because the IDEA does not allow states to transfer parental rights to students for whom courts have appointed legal guardians. Thus, some parents or caregivers who wish to continue exercising parental rights under the IDEA on behalf of adult students with disabilities may incorrectly believe that guardianship is the only way to prevent IDEA parental rights from transferring.

With funding from the US Department of Education's Institute of Education Sciences, the Institute for Community Inclusion (ICI) at the University of Massachusetts, Boston, together with Massachusetts Advocates Standing Strong (MASS), the Self Advocacy Association of New York State (SANYS), and consultants from the Harvard Law School Project on Disability, have conducted a scoping literature review to explore the wide range of resources related to the transfer of IDEA rights for students with disabilities.

The findings of our literature review will be published elsewhere, including on the <https://gator.communityinclusion.org/>

Our literature search covered a broad range of literature types, including peer-reviewed journals, gray literature and reports, websites, books, and guidance for parents and professionals. We excluded two types of literature from our review:

1. state- and district-level guidance for school staff, parents, and other stakeholders authored by education agencies
2. state- and district-level guidance for school staff, parents, and other stakeholders authored by non-profit organizations

However, we included literature and videos targeting transition-age youth in New York and Massachusetts on transfer of rights, guardianship, and alternatives to guardianship that were collected by MASS and SANYS researchers. You will find the sources we collected during our literature review in the following list, which groups sources under six headings: (1) empirical research, (2) law and policy analysis, (3) professional resources, (4) parent resources, (5) self-advocacy materials, and (6) general resources.

LITERATURE REVIEW REFERENCE LIST

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Guardianship Alternatives and Transfer-of-Rights

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