

# STUDENT RIGHTS HANDBOOK



## St. Joseph County ISD

62445 Shimmel Road  
Centreville, MI 49032  
Phone: 269-467-5400  
Fax: 269-467-4309

[www.sjcisd.org](http://www.sjcisd.org)

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#### SPECIAL EDUCATION CONTACTS

If you think you would benefit from special education services, call your local school. Persons responsible for special education programs and services are as follows:

**The Principal at Burr Oak Community Schools**

326 E. Eagle St.  
Burr Oak, MI 49030  
269-489-2213

**The Principal at Centreville Public Schools**

190 Hogan, PO Box 158  
Centreville, MI 49032  
269-467-5220

**The Principal at Colon Community Schools**

400 Dallas St.  
Colon, MI 49040  
269-432-3231

**The Principal at Constantine Public Schools**

260 West Sixth St.  
Constantine, MI 49042  
269-435-8900

**The Principal at Mendon Community Schools**

148 Kirby Road  
Mendon, MI 49072  
269-496-8491

**The Principal at Nottawa Community School**

26438 M-86  
Sturgis, MI 49091  
269-467-7153

**The Principal at Sturgis Public Schools**

107 W. West St.  
Sturgis, MI 49091  
269-659-1500

**The Principal at Three Rivers Community Schools**

851 Sixth Avenue  
Three Rivers, MI 49093  
269-279-1100

**The Principal at White Pigeon Community Schools**

410 East Prairie  
White Pigeon, MI 49099  
269-483-7676

**The Director of Special Education or Special Education Supervisors St. Joseph County ISD**

62445 Shimmel Road  
Centreville, MI 49032  
269-467-5400

The St. Joseph County ISD does not discriminate on the basis of race, color, national origin, gender, age, disability, height, weight or marital status in its programs, services and activities. The following person has been designated to handle inquiries regarding the nondiscrimination policies: Director of Special Education, St. Joseph County ISD, 62445 Shimmel Rd., Centreville, MI 49032, Phone: (269) 467-5400, Fax: (269) 467-4309.

Upon request to the Superintendent, the District shall make reasonable accommodations for a disabled person to be able to participate in this activity.

Dear Student,

Welcome to adulthood and the age of majority! In Michigan, the age of majority is 18 years of age. This handbook has been developed for you because you are within a year of turning 18 years old and are now in charge of your education.

You are a student with unique learning needs. State and federal laws describe those learning needs using the term “disability”. An important federal law for you to know about is the Individuals with Disabilities Act (IDEA), which gives you certain guarantees about your education. These guarantees are called “procedural safeguards”.

It is critical that you know and understand your procedural safeguards, so take some time to read over the information in this handbook.

If you would like to listen to the handbook instead of reading it, you can contact your case manager at your school.

If you have any questions, talk to your case manager or your school’s special education contact person (see page 1 of this handbook for contact information).

## STUDENT RIGHTS AND PROCEDURAL SAFEGUARDS

Under Michigan law, you reach adulthood upon your eighteenth (18<sup>th</sup>) birthday. **When you turn age 18, all of the decision-making rights that your parents/guardians have transfer to you.**

The school district must discuss with you and your parents/guardians the impact of this transfer of rights at least a year before your eighteenth (18<sup>th</sup>) birthday.

For some students, a court may appoint a legal guardian that will continue to have authority to make decisions about your educational program. In this case, educational decision-making will not be transferred to you.

At least once every school year you will meet with your school team to develop your IEP (Individualized Education Program). Your parents/guardians have been doing this with you for several years, and now you will have this role as a young adult. It is now your job to speak up for yourself and make the decisions about your IEP.

### Your Transfer of Rights Notice



This student rights handbook serves as notice to both you and your parents regarding your transfer of rights. The ISD will notify both you and your parents giving notice when you turn age 17 that rights will transfer when you turn age 18. You both must receive another notice when you turn 18 that your rights have transferred. Notice of this transfer of rights will also be given to you on your IEP paperwork.

### Michigan Procedural Safeguards Notice

You and your parents/guardians should both receive a copy of the *Michigan Procedural Safeguards Notice* at least once a year. This notice contains all the safeguards (rights) and meets precise legal requirements.

### Prior Notice



Your school must tell you, in writing (prior written notice) anytime it:

- proposes or asks you to give permission to change things or
- refuses to take action on something you have requested.

These proposed changes or requests can involve:

- your eligibility (type of disability),
- your evaluation (qualifying for special education), and
- your school program, services and accommodations.

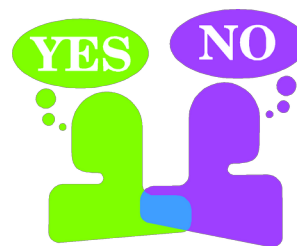
The written notice must:

- contain the school's description and explanation of why the changes are proposed or why your requests are refused, be written so you understand it, and include resources for you to contact for help in understanding special education laws. This notice may be written in your IEP or in another document.

## Giving Consent

You must give your consent or permission before you:

- have any type of evaluation,
- make a change in your special education services,
- allow a representative from a community agency to attend your IEP meeting, and
- have your school records sent to someone else.



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Also, you must:

- be given an explanation of the valuation or change in services in a way that you will understand,
- agree to the evaluation or change in services in writing, often by signing a form,
- be told that you have the choice about allowing the evaluation or change in services and that you can change your mind at any time, and
- sign permission (consent) to invite a community agency representative to your IEP meeting and to have your records released to the agency.

## Evaluation Procedures

You may be asked to give your permission (consent) to have a special education evaluation to see if you continue to be eligible for special education services. Your rights include having:



- the opportunity to tell the evaluators about your disability and your learning strengths and needs;
- testing given in a way so that you can best understand;
- testing that cannot discriminate against you on the basis of race, language or cultural background;
- tests given to you by trained people who understand your disability and give the tests according to instructions;
- at least two tests given to you to make sure that there is enough information to make any decisions regarding your needs;
- an interpreter or translator if you are deaf, hearing impaired, visually impaired, or of you speak another language;
- an age-appropriate transition assessment that will help you plan your transition to adult life; and
- a vocational evaluation that will give you valuable information about your skills and interests.

***You are a member of the IEP Team. When the evaluation is completed, all of the information must be shared with you so you can fully participate in decision making.***

## Continuum of Services

The law is very clear that you and your IEP Team must consider more than one option when planning your special education services. You need to work with the Team to find the best choice.

## Access to Records

You have the right to see any records that your school keeps about you. You may also request information or remove items from your file that you believe are not accurate, or that violate your rights. There is a process to access your records; ask your principal to explain this process to you.



You must give written permission for your records to be shared with other people outside of your school district.

Even though your rights transfer to you at age 18, your parents/guardians will continue to receive all the required IEP and evaluation notices/paperwork from the school. They will be able to inspect your educational records, even though you make your own educational decisions (unless otherwise specified by you).

## Disagreements

If you disagree with decisions made by your IEP Team, you have options for action. You may file a special education complaint or request a due process hearing. There are rules and processes for disagreeing; ask your special education teacher to help you or contact your local special education director or coordinator. You can also request a complete copy of the *Michigan Procedural Safeguards Notice* from your school for more information.

## Information from IDEA, Federal Special Education Law

*§300.320(c) Transfer of rights at age of majority. Beginning not later than one year before the child reaches the age of majority under State law, the IEP must include a statement that the child has been informed of the child's rights under Part B of the Act, if any, that will transfer to the child on reaching the age of majority under §300.520.*

This means that around your 17<sup>th</sup> birthday you should be notified (in a meeting or through IEP paperwork) that your rights will transfer to you at age 18. It also means that your teachers and your family should ensure that you know what that means-get ready to assume your rights as an adult.

*§300.520(a) General. A State may provide that, when a student with a disability reaches the age of majority under State law that applies to all students (except for a student with a disability who has been determined to be incompetent under State law)-*

- (i) The public agency shall provide any notice required by this part to both the individual and the parents; and (ii) All other rights accorded to parents under Part B of the Act transfer to student and*
- (ii) All rights accorded to parents under Part B of the Act also transfer to students who are incarcerated in an adult or juvenile, State or local correctional institution.*
- (iii) Whenever a State transfers rights under this part pursuant to paragraph (a) (1) or (a) (2) of this section, the agency shall notify the individual and the parents of the transfer of rights.*

*Special Rule. If, under State law, a State has a process to determine that a student with a disability, who has reached the age of majority under State law that applies to all children and has not been determined incompetent under State law, does not have the ability to provide informed consent with respect to his or her educational program, the State must establish procedures for appointing the parent, or, if the parent is not available another appropriate individual, to represent the educational interests of the student throughout the student's eligibility under part B of the Act. In transferring these rights to the student, it is important that first the notice be given but also that second, the district helps the student to understand their rights. Third, it is important to document these activities.*

This means that you will receive another notification that your rights have actually been transferred to you, as of your 18<sup>th</sup> birthday, or, because you are not able to provide informed consent, someone will be designated to provide consent on your behalf.

## **Frequently Asked Questions**

**Q** stands for Question and **A** stands for Answer.

**Q. Do all of my IDEA rights transfer to me when I turn 18 years old in Michigan?**

**A.** Yes. Under IDEA, a State may provide that all rights of parents under IDEA transfer to you when you reach the age of majority, unless you continue to need assistance, and have been determined to be “incompetent”, a legal term that describes needed legal protections under State law.

**Q. After I turn 18, is my school district required to give my parent notice of IEP meetings or notice of decisions about special education services if my parents have not obtained a guardianship for me?**

**A.** Yes. A school district is still required to give notice of IEP meetings and special education programs and services, however, all other IDEA rights (for example, requesting a due process hearing and signing your IEP) transfer to you at age 18 in Michigan.

**Q. In Michigan, do the parents of a student over the age of 18 have the right to participate in IEP Team meetings?**

**A.** At age 18, you have the right to arrange your own IEP Team meeting and agree to the programs and services of your choice. Your parents have the right to be notified of your IEP Team meeting, but cannot participate unless they are invited by you or by the school.

**Q. In Michigan, does the parent of a student over the age of 18 have the right to request a due process hearing?**

**A.** No, with an exception. Since Michigan has provided for the transfer of IDEA rights at age 18, parents no longer have the right to request a due process hearing after you turn 18 years of age. The exception to this right involves a student who has not been determined to be incompetent (under state law), yet is unable to give informed consent or permission-in this case, a parent or other appropriate person must be appointed to represent the educational interests of the student.

***If you have more questions, ask your parents, case manager, counselor, or your special education director or coordinator to provide answers. We all want to help you assume your full rights and safeguards as you reach adulthood.***



***Best wishes to you in your education!***



