

ASSIGNMENT OF EDUCATIONAL  
DECISION-MAKING AUTHORITY

California Education Code Section 56041.5

I, \_\_\_\_\_, having reached the age of 18 years, having never been determined to be incompetent for any purpose by a court of competent jurisdiction, and having received, at the age of majority, all educational decision-making authority pursuant to California Education Code Section 56041.5, hereby authorize my parent, \_\_\_\_\_, to make any and all decisions for me regarding my entitlement to a Free Appropriate Public Special Education. Such authority shall include, but is not limited to:

1. Filing complaints with any public agency, such as the California Department of Education and U.S. Department of Education, Office for Civil Rights;
2. Initiating and pursuing special education due process proceedings pursuant to Cal. Education Code Sec. 56500, et seq. and any judicial appeals thereof;
3. Attending IEP meetings and due process mediations and pre-due process mediations and signing IEP documents and mediation agreements with the same legal effect and authority as I would have absent this assignment;
4. Authorizing or refusing to authorize assessments, services, or placements;
5. Obtaining copies of any of my educational, psychological, medical, behavioral, or juvenile justice records, or any other materials and information related in any way to my special education, related services, supplementary aids and services, or transition services;
6. Receiving information orally from any individual or agency (public or private) regarding my special education rights or services;
7. Exercising any other right or action on my behalf concerning my education with the same authority as I would have absent this assignment.

A photocopy or facsimile of this document shall have the same effect as the original.

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_

**If my child will still be in special education for a number of years, what happens when she reaches the age of 18? Will she begin to make decisions regarding the IEP, or will I continue to be the decision-maker for educational purposes?\***

When a student reaches the age of 18, all educational decision-making authority transfers from the parent to the student, unless the student has been determined incompetent under California law. The school district must notify both you and your child of the transfer of rights and must provide a notice of procedural safeguards to both the student and parent. [Cal. Ed. Code Sec. 56041.5.] Some school districts have taken the position that this law means that a parent must obtain a conservatorship over her 18-year-old child in order to continue to act on the child's behalf in the special education process. Some school districts have taken the position that without a conservatorship, special education services cannot continue. Unless the child begins to act on her own behalf in the special education process by calling for IEP meetings and signing IEP documents, etc., they believe that no one with the necessary authority is requesting and consenting to continuing services. Section 56041.5 should not have the effect of terminating special education services for students who reach the age of majority, and it should not require extreme and expensive procedures such as the establishment of a conservatorship. Because a student who reaches the age of 18 and who has not been determined incompetent by any court has both the legal authority and capacity to make all necessary educational decisions, he is clearly capable of assigning educational decision-making authority to one or both parents, if he/she chooses to do so. See the *Sample Assignment of Educational Decision-Making Authority* form.

\*Taken from Special Education Rights and Responsibilities, Chapter 10, Information on Transition Services including Vocational Education

<http://www.disabilityrightsca.org/pubs/505001.htm>