



March 2019

Volume 2, Issue 3

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Look us up on the web!!

<http://www.martinsville.k12.va.us>



SEAC

Special Education Advisory Committee

STUDENTS AND THE RIGHT TO MAKE EDUCATIONAL DECISIONS

From a student’s first day of school until the completion of his or her education, a significant number of educational decisions will have been made for or by that student. Until a student reaches the age of 18 (also called the “age of majority” in Virginia), most of those decisions are made by parents, family members, and/or guardians in consultation with teachers or education officials.

The right of a person meeting the definition of parent under the Virginia Regulations, to make educational decisions for a child, is a very important part of the educational process. Therefore, Virginia law protects the rights of parents to make decisions in the best interests of their children, including educational decisions. However, when a student reaches the age of 18, that adult student is presumed under Virginia law to be capable of making his or her own decisions – including educational decisions. Initially, the student and parent(s) are notified, at least one year prior to the student’s eighteenth birthday that the transfer of rights will occur at age 18.

What does it mean to be “capable of making your own decisions?”

It is presumed that all persons who have reached the age of 18 are fully capable of making their own decisions, and are responsible for their own actions. This presumption comes from Virginia laws and statutes, not from the VDOE, local school boards, or teachers. The right of a student to make individual educational decisions begins when a student reaches the age of 18, just as the right to vote begins. However, the presumption that adult students are capable of making their own decisions does not mean that adult students are required to change their educational program, or disregard the advice of family, teachers, or people on whom they have always relied.

What about students with special needs, or students who have a condition or illness which might impair their ability to make informed educational decisions?

The law presumes that all students are capable of making their own decisions. However, the right to make educational decisions may be transferred from an adult student to a parent, guardian, family member, or some other person, if it is sufficiently proven that the adult student is *not capable of providing informed consent* when making decisions. A parent, guardian, family member, or some other person may be appointed to make educational decisions for an *incapacitated* adult student or for an adult student who is deemed *unable or incapable of providing informed consent*, under certain circumstances.

STUDENTS AND THE RIGHT TO MAKE EDUCATIONAL DECISIONS (CONT'D)

The Virginia Department of Education recognizes four ways for a parent, family member, or other person to be appointed to make educational decisions on behalf of an adult student. They are as follows:

1. The parent requests being a court-appointed guardian and is given authority to make educational decisions at a guardianship hearing before a judge;
2. The adult student, based on certification by written order from a judge of competent jurisdiction, is admitted to a facility for the training, treatment and habilitation of persons with intellectual disabilities. The state-operated program serving the adult student may rely on the judicial certification and appoint an educational representative to act on the student's behalf during the student's stay at the state-operated program.
3. The parent or other competent adult pursues certification that the adult student with a disability is unable or incapable of providing informed consent in making educational decisions and is considered by the school division to be the "educational representative" to make educational decisions for the student.
4. In addition, a competent adult student may appoint or designate, in writing, a competent adult of his or her choice to make educational decisions through a power of attorney, signed by the adult student before a Notary Public.

Reference: VDOE Website – *Transfer of Rights for Students With Disabilities Upon Reaching the Age of Majority in Virginia, November 2015.*

For questions or concerns contact:

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IMPORTANT DATES TO REMEMBER!!!

May 4 SPED Field Day 9:00 AM—2:00 PM
MHS Football Field

May 17 Big M Awards 7:00 PM MHS

May 25 Last Day of School

May 26 GRADUATION !



SEAC OFFICERS 2019

Chair: Sabrina Hairston ~ Vice Chair: Stacey Soper ~ Secretary: Cindy Gonzales

