**24:05:30:16.01.  Transfer of parental rights.** Consistent with state law, when a child with a disability reaches the age of majority that applies to all children, except for an eligible child who has been determined to be incompetent, the following shall occur:

 (1)  The school district shall provide any notice required by this article to both the individual and the parents;

 (2)  All other rights accorded to parents under this article transfer to the child; and

 (3)  All rights accorded to parents under this article transfer to children who are incarcerated in an adult or juvenile, state, or local correctional institution.

 If a state transfers rights under this section, the school district shall notify the individual and the parents of the transfer of rights. If, consistent with state law, an eligible child is determined not to have the ability to provide informed consent with respect to the educational program of the child, the school district shall appoint the parent or, if the parent is not available, another appropriate individual to represent the educational interests of the child throughout the child’s eligibility under this article.

 **Source:** 26 SDR 150, effective May 22, 2000.

 **General Authority:** SDCL 13-37-1.1.

 **Law Implemented**: SDCL 13-37-1.1.