

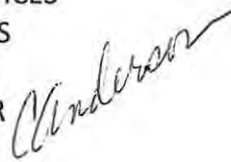
ANCHORAGE SCHOOL DISTRICT
ANCHORAGE, ALASKA

MEMORANDUM

October 26, 2010

TO: SPECIAL EDUCATION AND RELATED SERVICES
ADMINISTRATORS, STAFF AND TEACHERS

FROM: CINDY ANDERSON, EXECUTIVE DIRECTOR
SPECIAL EDUCATION



SUBJECT: Married Special Education Students

Q. Can a legally married special education student who is under the age of 18 make his or her own special education decision?

A. Because state law defines majority to include those who are married, that law governs and students who are lawfully married may exercise IDEA rights at ages 16 and 17.

In Alaska, the age of majority is 18 except that under state law, "A person arrives at the age of majority upon being married according to law, unless the person is under marriageable age of consent, in which case the person reaches majority upon reaching the marriageable age of consent." Further statutory provisions explain that a 16 or 17 year old can marry with parental consent. There is a statutory provision that explains that 14 and 15 year olds can marry with a court order.

Therefore in Alaska:

1. A lawfully married **16 or 17** year old is legally of majority; the student makes his or her own special education decisions.
2. If the married student is **14 or 15**, rights of majority do not transfer to the student until he or she reaches age 16 and the parent or guardian still makes the decision.