



**SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE**  
**STATEMENT OF ESTIMATED FISCAL IMPACT**  
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**Bill Number:** H. 5021 As signed by the Governor on June 5, 2016  
**Author:** Collins  
**Subject:** Adult Students with Disabilities Educational Rights Consent Act  
**Requestor:** House of Representatives  
**RFA Analyst(s):** Fulmer  
**Impact Date:** October 11, 2016

**Estimate of Fiscal Impact**

	<b>FY 2016-17</b>	<b>FY 2017-18</b>
<b>State Expenditure</b>		
General Fund	\$0	\$0
Other and Federal	\$0	\$0
Full-Time Equivalent Position(s)	0.00	0.00
<b>State Revenue</b>		
General Fund	\$0	\$0
Other and Federal	\$0	\$0
<b>Local Expenditure</b>	\$0	\$0
<b>Local Revenue</b>	\$0	\$0

**Fiscal Impact Summary**

This bill as amended would have no expenditure impact on the General Fund, Federal Funds, or Other Funds.

**Explanation of Fiscal Impact**

**Explanation of Amendment by the Senate on May 31, 2016**

**State Expenditure**

This bill as amended creates the Adult Student with Disabilities Educational Rights Consent Act. The act transfers educational decision-making rights to students eligible under the Individuals with Disabilities Education Act (IDEA) when they reach age eighteen or are emancipated, with exceptions. An adult student, who is eligible for special education under IDEA, and who is not determined to be incapacitated pursuant to proceedings in probate court, can delegate his or her right to make educational decisions to an agent or representative. An adult student under IDEA, who has not been determined to be incapacitated by probate court, may be identified incapable of expressing his interests with respect to his educational programs, or understanding his choices, even with reasonable accommodation, and have an educational representative designated pursuant to the procedures specified in the bill. A student's incapacity must be certified by a licensed professional. If the student does not object to the designation, a relative may serve as the student's educational representative. If a relative is not willing or able to serve, the local education agency must designate a surrogate parent as the student's educational representative. The educational representative is authorized to make educational decisions for the student and

has the same rights as the student to request, receive, examine, copy, and consent to the disclosure of the individualized educational plan or another educational record.

The Department of Education is directed to promulgate regulations and policies needed for implementation.

The expenditure impact of the amended bill remains unchanged.

**Explanation of Bill Filed on March 2, 2016**

**State Expenditure**

This bill creates the Adult Student with Disabilities Educational Rights Consent Act and establishes policies and procedures for allowing adult students under the Individuals with Disabilities Education Act (IDEA) to delegate authority over his or her educational program to an agent or representative. Under this bill, an adult student who is eligible for special education under IDEA and who is not determined to be incapacitated under Chapter 5 of Title 62 can delegate his or her right to make educational decisions to an agent or representative on a form prescribed by the Department of Education. An adult student under IDEA who has not been determined to be incapacitated under Chapter 5 of Title, but may be identified as unable to provide informed consent may have an educational representative designated as provided for in the bill. The Department of Education is authorized to promulgate regulations and policies needed for implementation.

The State Department of Education indicates there is no expenditure impact to the General Fund, Federal Funds, or Other Funds for implementing the provisions of this bill.

**State Revenue**

N/A

**Local Expenditure**

N/A

**Local Revenue**

N/A



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Frank A. Rainwater, Executive Director