



**Supported Decision-Making  
and Special Education  
Transition Services**

PEATC's Transition to Adulthood Series





## **What Comes Next?**

### ***Supported Decision-Making and Special Education Transition Services***

Every year, high school students are asked the same question: What will you do after graduation?

For students without disabilities, this is a time for making decisions and connections. These are the years of college applications, job internships, and moving toward adulthood and independence.

Students with disabilities share these same goals and dreams. But for many of these students and their families, this can be a time of frustration and confusion, of trying to identify supports and funding streams, and wondering whether they *can* be independent.<sup>1</sup>



During these years, parents are often told to get guardianship by people and professionals they trust.<sup>2</sup> Of course, for people who *truly* can't make decisions, guardianship can be a good thing. But, if people *can* make decisions, either independently or when they get help, guardianship can have a “significant negative impact on their physical and mental health.”<sup>3</sup>

In this brochure, we'll tell you about an option called Supported Decision-Making that can help students with disabilities make their own decisions, live as independently as they can, and avoid unnecessary guardianship. We'll also show you ways you can request and receive Supported Decision-Making supports and services through Special Education Transition Services.

# Supported Decision-Making:

## *What is It?*

Supported Decision-Making is getting help when you need it, from people you trust, so you can make your own decisions.<sup>4</sup>

Isn't that how we *all* make decisions? When you have to make a tough choice, or a decision about something you're not familiar with, or just want to "talk it out," what do *you* do?

You get help, don't you? You may ask a friend for advice or a professional for information, or you may have "go to" people in your lives that you talk to about specific subjects. They help you think through the issues, discuss the pros and cons to clear up your choices, and identify solutions. That way, you can understand your options and choose the one that's best for you. When you do that, you're using Supported Decision-Making. People you trust give you support, so you can decide. *That's it.*

Supported Decision-Making burst into public view when a Virginian named Jenny Hatch became the first person to win the right, at trial, to use it instead of being put into a permanent guardianship.<sup>5</sup> Jenny showed the Judge that she had people in her life who helped her understand,

make, and communicate her decisions. Because she had this support, she didn't (and still doesn't) need a guardian.

Jenny's victory was covered in national and international news, and she became known as the "rock that started the avalanche" of Supported Decision-Making.<sup>6</sup> Since Jenny's case, over a dozen states have passed laws recognizing Supported Decision-Making as an option and an alternative to guardianship.

## **Self-Determination and Supported Decision-Making:** *The Keys to "Independence, Employment, and Community Integration"*

When people use Supported Decision-Making, they make their own decisions and can have more control over their lives – more *self-determination*.<sup>7</sup> That's important because decades of research show that when people with disabilities have more self-determination, they have better lives: they are more likely to be independent, employed, and safer.<sup>8</sup> For example, a recent study in Virginia found that people with disabilities who used Supported Decision-Making were more independent and self-confident, got better at making decisions, and made better decisions.<sup>9</sup>

It's the same for students with disabilities: those who have more self-determination are more likely to do better in school *and* more likely to live independently and work after they leave school.<sup>10</sup> That's why researchers and scholars have called self-determination “the ultimate goal” of Special Education programs<sup>11</sup> and said that schools should help students learn to make their own decisions and advocate for themselves.<sup>12</sup>

So, Supported Decision-Making and Special Education programs should work together, to help students with disabilities “reap the benefits” of self-determination including “independence, employment, and community integration.”<sup>13</sup>



# Transition Services: *What Are They?*

Transition services help students receiving Special Education prepare for life after high school. In Virginia, Transition Services should start the school year the student turns 14, earlier, if needed, and:

- Be based on the student's needs and consider their strengths, preferences and interests;
- Help the student move from school to post-school life, including further education, employment, adult services, independent living, and community participation; and
- Include education and other services like community experiences, employment and helping the student develop adult living objectives and daily living skills.<sup>14</sup>

In other words, Transition Services should help students identify the goals and supports they need to lead independent and productive lives. Unfortunately, teachers and school personnel often recommend that parents get guardianship when the student reaches age 18. This can be harmful because in most guardianships, the Court takes away the person's self-determination and gives



the guardian the power to make all health, personal, and financial decisions for the person.<sup>15</sup>

To avoid unnecessary guardianships, schools, students, and parents should work together to develop Transition Services that help students prepare for and pursue “independent living,” “adult living objectives,” and “adult daily living skills.”

Think about it: What is more important for “independent living” than being able to choose where and how you live, who you spend time with, and what you do? What is a better example of an adult daily living skill than decision-making? What is a more important adult living objective than directing your own life?

In other words, decision-making and self-determination are keys to successful Transition Services.<sup>16</sup> Here are some ways students can request and receive Transition Services that build their Supported Decision-Making skills and self-determination.



# Work with the IEP Team, Request Evaluations, Use I Statements

In our brochure, “Learning to be Independent,” we showed you ways students and parents can request Supported Decision-Making services from their schools. We recommend that you review that brochure and follow those steps – including requesting evaluations, using the Student-Led IEP, and creating “I Statement” IEP goals – throughout your child’s educational career.

In particular, “I Statements” can help students build self-determination and Supported Decision-Making skills at the same time they identify their Transition goals and supports. Here are some examples of Transition “I Statements”:

- I will work with my IEP team to identify an agency or program that will help me live independently.
- I will work with my counselor to identify jobs I am interested in and find internships.
- I will work with my teacher to learn how to develop a budget and manage money.

- I will work with my guidance counselor to identify and take college preparatory classes.

“I Statement” goals like these make students take action and work with supporters to choose their Transition Services. In that way, they’ll use Supported Decision-Making and increase their self-determination while they create their Transition goals and identify the supports they need to reach them.

## **Take the Lead in Developing Transition Goals and Supports**

Students should take the lead in discussing their “strengths, preferences, and interests,” with their IEP teams, including what they are interested in doing after High School. That will help them develop Transition goals and supports that match what they are interested in and what they want to get better at. Students should also work with their teams to monitor their progress and adjust their goals and supports as needed

Supported Decision-Making is a key part of this process. Parents, teachers, and educational professionals should encourage students and help them feel more comfortable talking about their abilities and needs. IEP



team members should also give students information about programs, supports, and services that can help them reach their goals for independent living, work, and other “adult living objectives.” Students can then use this support to choose goals and services as well as link to providers that match their “strengths, preferences, and interests.”

In other words, the team supports the student, and the student uses that support to make decisions - that’s the “definition of Supported Decision-Making.”<sup>17</sup> This method can also help students do better in and outside of school. Research shows that students who develop their own Transition goals and plans to meet them, with support from their IEP teams, are more likely to meet or exceed their goals and their teachers’ expectations.<sup>18</sup>

# Work with a Supported Decision-Making Team

Students should identify and work with a network of people, professionals, and agencies to help them develop Transition goals and choose the supports and partners they need to reach them. Agencies and organizations that may be helpful include:

- The Vocational Rehabilitation programs of the Department for Aging and Rehabilitative Services and the Department for the Blind and Vision Impaired. These programs provides information and services to help people with disabilities work. You can learn more about Vocational Rehabilitation at: <https://www.vadars.org/drs/vr/> and <https://www.vdbvi.org>.
- Centers for Independent Living (CILs). CILs provide education, advocacy, training, counseling, and other services to help people with disabilities live as independently as possible. You can find your local Center at: <https://vacil.org/cils-in-virginia/>
- Benefits Planning Programs. These programs provide information, supports and services to help people with disabilities get and keep jobs while also keeping

their Medicaid, SSI, SSDI, and other public benefits. You can learn more at: [http://help.workworldapp.com/wwwwebhelp/external/va\\_wipa\\_projects.pdf](http://help.workworldapp.com/wwwwebhelp/external/va_wipa_projects.pdf) . You can also access benefits planning services through VR and the Developmental Disabilities (DD) Waiver.

- Agencies that provide information and other services to people with intellectual and developmental disabilities, including PEATC, the Virginia Board for People with Disabilities (<https://www.vaboard.org/>), the disAbility Law Center of Virginia (<https://www.dlcva.org/>), and the Virginia Commonwealth University, Partnership for People with Disabilities (<https://partnership.vcu.edu/>) .

Students can make contact with these and other resources and work with them to identify programs, training, and other opportunities that will help them develop education, employment, and independent living skills. Then, they should invite the people and professionals they work with to be a part of their IEP team.

At the IEP team meeting, each member should provide the student and team with information about the specific supports it provides. Using this information and support from the IEP team, the student should choose Transition

goals and the supports they need to reach them.<sup>19</sup> Research shows that when students, agencies, and IEP teams collaborate in this way, students are more likely to meet their goals.<sup>20</sup>

## **Create a Supported Decision-Making Agreement**

Finally, students should create Supported Decision-Making Agreements when they turn 18 to identify the people, professionals, and agencies that they want to work with to develop, refine and achieve their Transition goals and supports.

Schools may tell parents that after their child turns 18, they can't attend IEP meetings unless they get guardianship. That is not true.

Students receiving Special Education do gain the legal right to make their own decisions when they turn 18 – the same way everyone else does. However, they can still invite whoever they want to come to their IEP team meetings and support them and there are several processes in Virginia that enable parents to stay involved. Supported Decision-Making is the one that best supports self-determination.

Therefore, when students turn 18, they can create Supported Decision-Making Agreements to tell their school who they want to come to their meetings, see their records, and help them develop their goals and supports.

For example, when District of Columbia Public School (DCPS) students turn 18, they are given the chance to sign a Supported Decision-Making Agreement.

You can review DCPS' Agreement form here:

<http://supporteddecisionmaking.org/node/362>

DCPS' Agreement lets students identify the people who “make up their educational support network,” the areas where they want support, and the support they want. The student and supporters then sign the plan and work together to develop the student's Transition goals and supports, with the student being the final decision-maker.<sup>21</sup>

You can create a Supported Decision-Making plan by adapting DCPS's Supported Decision-Making Agreement or creating your own form and presenting it to the IEP team. This will ensure that students have people at their IEP meetings who will help them use Supported Decision-Making to understand the process, identify options, and choose goals and supports that match their “strengths, preferences, and interests.”



# We Can Help!

Wherever you are on your Supported Decision-Making journey, we can answer your questions or connect you with people and organizations that may be able to help. Feel free to contact us at:

## **PARENT EDUCATIONAL ADVOCACY TRAINING CENTER**

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This brochure was adapted, with permission, from material published by the [Missouri Developmental Disabilities Council](#). This document was developed in partnership with Jonathan Gerald Martinis, LLC ([jmartinisluc@gmail.com](mailto:jmartinisluc@gmail.com)).

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