

A close-up photograph of a young man with light brown hair and glasses, smiling warmly at the camera. He is wearing a dark blue suit jacket, a white collared shirt, and a blue tie with small white dots. The background is slightly blurred, showing what appears to be an indoor setting with warm lighting.

Supported Decision-Making in Special Education Programs

PEATC's Transition to Adulthood Series



What should Special Education programs do for students with disabilities?

If you ask ten people that question, you'll get ten different answers. But the *best* answer comes from the Individuals with Disabilities Education Act (IDEA), the law that created the Special Education system. IDEA says Special Education programs must give students "services designed to meet their unique needs and prepare them for further education, employment, and independent living."¹

That means Special Education programs must help students get what they need to lead their most independent and productive adult lives. That's important for students who have disabilities that make it harder for them to learn, work, and live independently – especially those at risk of guardianship.



Unfortunately, studies show that school staff often recommend that parents get guardianship without discussing or trying other options.² 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."³

In this brochure, we'll tell you about an option called Supported Decision-Making that may help students with disabilities learn to 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 from Special Education programs.

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.⁴

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.⁵ 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.⁶ Since Jenny's case, over a dozen states have passed laws recognizing Supported Decision-Making as an option and alternative to guardianship.

Self-Determination and Supported Decision-Making:

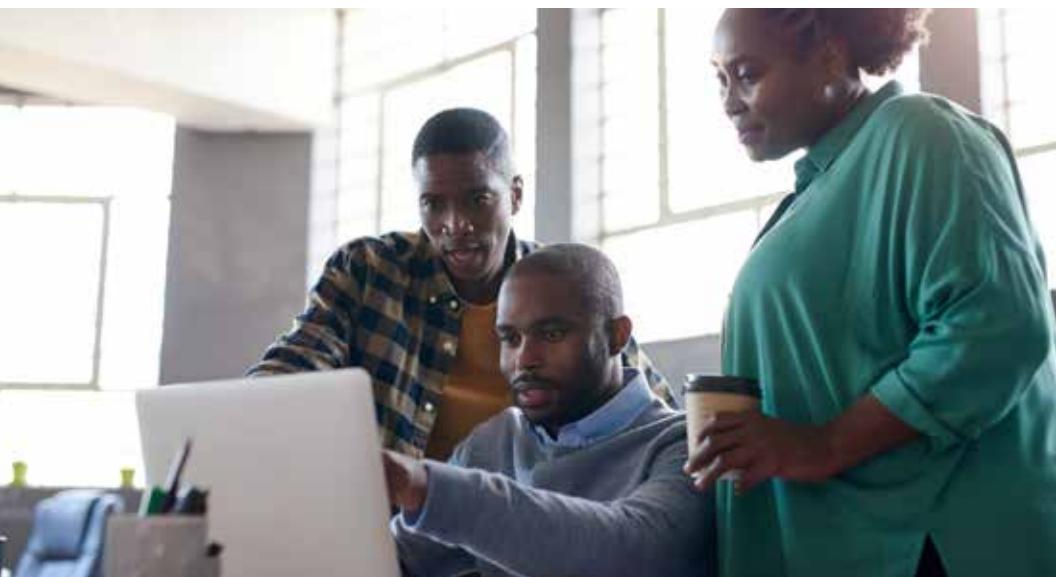
The Keys to “Education, Employment, and Independent Living”

When people use Supported Decision-Making, they make their own decisions and can have more control over their lives – more *self-determination*.⁷ 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.⁸ For example, a recent study in Virginia found that people with disabilities

who used Supported Decision-Making were more independent, self-confident, were better at making decisions, and made better decisions.⁹

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.¹⁰ That's why researchers and scholars have called self-determination "the ultimate goal" of Special Education programs¹¹ and said that schools should help students learn to make their own decisions and advocate for themselves.¹²

So, Supported Decision-Making and Special Education programs should go together, to help students with disabilities "reap the benefits" of self-determination including "independence, employment, and community integration."¹³



Putting it into Practice: Requesting and Receiving Supported Decision-Making

Here are some ways you and your child can request and use Supported Decision-Making when receiving Special Education services.

START EARLY

We recommend that you ask the school to start working on self-determination and Supported Decision-Making as early as possible. For example, the District of Columbia Public Schools (DCPS) teaches students as young as three to use Supported Decision-Making and “build networks of support … to ensure that they are familiar with the process and utilize it in day-to-day activities.”¹⁴

So, imagine a school encouraging very young students to use Supported Decision-Making to choose their snacks or which toys to play with. By doing that very thing, DCPS is showing students that they *should* make their own decisions and *should* get help when they need it. That will help students form a habit of asking for and using support so, as they get older and decisions get harder, they’ll know to get the support they need. This can help students become better, more confident decision-makers and show schools and parents that they *can* make their own decisions and don’t need guardianship.

WORK WITH THE INDIVIDUALIZED EDUCATION PROGRAM (IEP) TEAM

Each year your child’s IEP team, which includes you and your child, must review the student’s “present levels of academic achievement and functional performance.”¹⁵ Then, the Team must develop an IEP that prepares them “for further education, employment, and independent living.”¹⁶

As we said, students with more self-determination are more likely to learn, live, and work independently. So, we recommend that you ask your child’s IEP team to review the student’s self-determination and ability to make decisions and use that information as it develops their IEP.

The Virginia Department of Education’s “I’m Determined” project has developed checklists to help students, parents, and teachers review a student’s self-determination and decision-making abilities. You can download the checklists here:

<https://www.imdetermined.org/resources/>

The student’s “score” on these checklists can help shape their IEP. For example, if a student “scores” low on areas related to decision-making, the IEP team could develop goals, objectives, and services designed to help that student use Supported Decision-Making.

REQUEST AN EVALUATION

IDEA gives parents and students the right to request an evaluation to determine the student's "educational needs."¹⁷ We believe that self-determination and decision-making are "educational needs" because studies show that they are directly related to students' ability to achieve "further education, employment, and independent living."

You can ask the IEP team to have a professional evaluate your child if you think they have challenges in self-determination and decision-making. If the evaluation finds that they do, the evaluator should also recommend supports and services to help the student improve.

We recommend that you request the evaluation by writing a letter or email to your child's IEP team coordinator or the school's Special Education



Coordinator/Director. Here is sample language you may want to use or adapt:

I believe [student's name] has limitations in self-determination and decision-making that are keeping [student's name] from making educational progress, including preparing [student's name] for further education, employment, and independent living. Therefore, I ask that you conduct an evaluation of [student's name] to determine if this is so and, if so, what services and supports will help [student's name] overcome those limitations.¹⁸

USE THE STUDENT-LED IEP

Education experts say that IEP teams should help students improve their “goal setting, problem solving, decision-making and self-advocacy skills … and [provide] opportunities for students to use these skills.”¹⁹ The Student Led IEP, sometimes called a Self-Directed IEP, gives students a chance to build and practice these skills while also building their self-determination.

In the Student Led IEP, students play a lead role on their IEP Team and work with team members to develop and implement their goals, objectives, and services. The student’s responsibilities will increase as they progress in school, starting at as young an age as possible. For



example, young students can introduce themselves and talk to the IEP team about what they like to do. As they get older they can talk about their favorite subjects, what they are interested in learning more about, and what type of supports work well for them. The ultimate goal of the “Student Led IEP” is for the student to eventually “Chair the meeting” and “Cooperatively develop all aspects of the IEP.”²⁰

Doesn’t that sound like Supported Decision-Making? Isn’t that a good description of people working with friends, family members, and professionals to help them make decisions?”²¹

That’s one of the benefits of the Student-Led IEP: it gives students a chance to “practice different decision-making methods in a ‘safe environment.’”²² Research shows that students who led their IEP meetings “gained

increased self-confidence and were able to advocate for themselves, interacted more positively with adults, assumed more responsibility for themselves, [and] were more aware of their limitations and the resources available to them.”²³

CREATE AND USE “I STATEMENT” IEP GOALS

Students and parents can use the “Student Led IEP” to create goals and objectives that help them build skills and overcome their challenges. For example, if students have difficulty with decision-making and self-determination, their IEPs should include goals and services designed to help them improve in those areas. Studies have found that goals focused on building self-determination can help students do better in school, at work, and in life.²⁴

We recommend creating these goals by using “I Statements.” Traditional IEP goals just require students to follow rules or meet requirements. For example, a writing goal may say, “The students will use proper grammar 75% of the time.” The problem with this goal is that it’s passive and negative: if the student doesn’t use good grammar, they fail. The student isn’t encouraged to learn or do anything new or get help when they need it.

“I Statement” goals are active: they say what the student *will do* and how they *will* do it. For example, an “I

Statement” writing goal might say, “I will work with my teacher to choose subjects I’m interested in and write stories about them, using proper grammar 75% of the time.”

To meet this goal, the student must choose what to write about, instead of just following grammar rules. The student must also work with their teacher to choose the subject, write the story, and use proper grammar. If the student is still having trouble with grammar, the goal encourages the student to work more, or differently, with their teacher instead of just failing. Therefore, this goal can help students improve their writing and meet education requirements while, at the same time, helping them build their self-determination and practice Supported Decision-Making.²⁵

Students can create “I Statement” goals for any subject. Here are some examples:

- I will attend and lead my IEP team meetings, working with my supporters to develop and review my goals and objectives.
- I will identify people I trust who will help me choose education, employment, and independent living programs and supports I am interested in.

- I will work with my teacher to develop a plan to make sure I get to class on time at least 75% of the time.
- I will work with my teacher and supporters to develop a study plan to help me improve in social studies by at least one letter grade.
- I will improve in spelling by working with my teacher and parents to identify and play word games that I like twice a week.

TRANSITION SERVICES

As students get closer to graduation, they have a right to receive Transition Services to help them prepare for life after they leave school.²⁶ In another PEATC brochure, we show you ways to request and receive Transition Services that can help students build the skills they need to live as independently as possible and avoid unnecessary guardianships.



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:

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