

# **SUPPORTED DECISION-MAKING PACKET FOR STUDENTS, FAMILIES AND EDUCATORS**

*Information on Supported Decision-Making for  
High School Educators*

*Information for Students and Families About Alternatives to  
Guardianship for Education Decisions*

*Consent to Authorize Advocacy and Release of Information*

*Power of Attorney for Education Decision-Making*

*Supported Decision-Making for Education Form*

# Information on Supported Decision-Making for HIGH SCHOOL EDUCATORS

## **What is supported decision-making?**

Supported decision-making (SDM) is the process of empowering individuals with disabilities to make decisions as an alternative to guardianship when they reach the age of majority. Students may need support from others to make informed decisions about their future. A supported decision-making arrangement can be helpful for individuals with disabilities, or people whose first language is not English, who face complex decisions and need support to help them understand and exercise their rights

This is a process we would like high school educators and administrators to understand so they can offer information to the student and family about their options as the student approaches the age of majority.

## **What can I do as an educator to support this process before the age of majority?**

As an educator or administrator your role is to encourage the student and their family to consider supported decision-making and other alternatives to guardianship. It is an educator's responsibility to prepare students to make the best decisions possible. The following activities can empower and teach students to make decisions about their future:

- Ensure students are informed about Self-Advocacy and Self-Determination;
- Engage students in problem solving activities that encourage them to think critically about their decisions;
- Offer opportunities to students as part of transition services in the IEP to learn key information about important decisions such as: where to live, what services to access, career choices, medical care, legal rights and processes and financial management;
- Explain the Transfer of Rights and the Individual Education Program (IEP) process to the student;
- Encourage students to take on key roles in their IEP meeting and the creation of their summary of performance to demonstrate an active awareness of their strengths and needs as well as necessary accommodations;
- Support students to develop effective strategies to communicate and negotiate preferences and choices;
- Counsel students on ways to make the best decisions and show them the costs and benefits to each of the options before them.

## **When should I start to discuss these issues with my students?**

Throughout their education careers, students should be actively involved in the decision-making process. If we begin to involve students at a young age, they are more aware of their support network and their ability to make decisions on their own or request support from someone they trust. As an element of post-secondary transition, students should be taught to make education and other decisions on their own. More formal discussion of supported decision-making and other alternatives to guardianship should begin no later than the 9<sup>th</sup> grade.

## **What are ways to encourage parent involvement?**

Parents have had many years of being the primary decision-maker for their child and this may be a big

change. No later than the 9th grade as transition planning begins, teachers and parents should encourage students to be active participants in making decisions about their education. Parents and students can begin to learn and work together towards increased decision-making responsibility for students as they approach adulthood. While parents should still plan on providing support at the level the student asks for, the goal is to encourage parents to take less responsibility and for students to take more responsibility for their education and other life decisions.

### **After turning 18...**

#### **What is the role of the adult student in the supported decision-making (SDM) process?**

When the student turns 18 they have the right to make their own education and other decisions unless that right is taken away by an order of guardianship. Similarly, students who are 18 and over, including students with disabilities, have the right to determine the people who make up their education support network. The student's role is to identify these individuals and seek their guidance regarding education matters, as needed.

#### **How is the supported decision-making process different from guardianship?**

Supported decision-making can be used as an alternative to guardianship. In guardianship, a guardian is appointed by the court to make decisions on behalf of the student. In supported decision-making students seek assistance from adults they trust to help them in making key decisions in their lives, however, the student makes the final decision.

#### **Who can be a member of the supported decision-making network?**

Students may choose to include their parents or may choose to establish a broader supported decision-making network of adults the student trusts. Students choose these people based on their trust in that individual. Students will rely on the members to support them in making education decisions. Supported decision-making network members should support students in making education decisions but they do not make decisions for them.

#### **What documents are needed to begin a supported decision-making process?**

Vermont is in the process of creating forms necessary for the supported decision-making process. These forms can be found at <http://www.gmsavt.org/>

*Adapted from District of Columbia Public Schools, Office of Specialized Instruction*

**The Vermont Supported Decision-Making Partnership**  
Green Mountain Self-Advocates, the Vermont Agency of Education, the Vermont Office of Public Guardian, and  
the Disability Law Project of Vermont Legal Aid, Inc.

*These materials were developed with support from the Vermont Developmental Disabilities Council  
and Disability Rights Vermont*

## Information for STUDENTS and FAMILIES About Alternatives To Guardianship For Education Decisions

### **After a student turns 18, who gets to make decisions about their education?**

When a student turns 18 they get to make their own decisions. This includes school decisions. But, sometimes a student with a disability has difficulty making choices. They may have a hard time saying what they want to do. A family member may want to ask a court to appoint a guardian to make decisions for the student.

Before asking for a guardian, it is important to consider other options.

Guardianship is a significant loss of liberty. It limits or denies a person the right to make their own decisions. There are times when guardianship may be necessary. However, the law requires that alternatives to guardianship be considered before asking for a guardian.

### **Here are ways a student can get help from others without having a guardian:**

**Supported Decision-Making:** Supported decision-making is an alternative to guardianship. The student selects people to help them make and communicate choices. The student gets help to understand information, but they make the decision.

**Release of Information:** The student signs a form that says who to invite to school meetings. The form says who can get information and records from the school.

**Education Power of Attorney:** A student uses this document to give someone the power to make school decisions for them. It also describes how the student will help make those decisions.

Here are a few things you need to know about an education power of attorney:

- You do not have to go to court to establish a power of attorney
- The power of attorney needs to be signed by a Notary Public
- The student decides who they want to make decisions for them
- The student can cancel the agreement at any time

### **Here are a few tips for students and their supporters on how to get ready for a school meeting:**

- Before a meeting ask the school to send a plain language version of:
  - any reports
  - evaluations
  - Individual Education Plans (IEPs)
- Get support to make a list of what works and what is not working at school.
- Make a list of questions and practice asking them.
- Practice what to do and say if you disagree with others during the meeting.
- Plan for what to do if you are upset or confused. You can always leave the room to talk with your supporters or if you just need a break.

**Here are a few tips on what to do during a school meeting:**

- Speak Up!
- Ask people to introduce themselves. Make sure you know who is in the room.
- Ask people to speak clearly, use words that everyone understands, no abbreviations or alphabet soup.
- Stop frequently and make sure you understand what is going on.
- Ask others to break down information into smaller parts.
- If any written information was not sent out ahead of time, ask someone to read it aloud at the meeting.
- Ask questions.
- Remember, take your time to make decisions. You do not have to decide during the meeting.
- You should take papers home and get help reading them.
- You can ask your family member or a friend to make a point during a meeting.

For more information on alternatives to guardianship and supported decision-making go to [gmsavt.org](http://gmsavt.org)

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*This sample form gives parents the right to receive information about a student's education after the student turns 18.*

## **CONSENT TO AUTHORIZE ADVOCACY AND RELEASE OF INFORMATION**

I \_\_\_\_\_, authorize  
\_\_\_\_\_ School to give \_\_\_\_\_  
*Parent(s)/education advocate*  
information about my school program and placement, and access any documents related to my education.

I want my parent(s) or education advocate named above to be invited to all meetings about me.

I do not want any decisions made without their input or my input.

If the schools have any documents I need to sign, my parent(s) or education advocate must sign first, before I will sign.

I want all documents related to my education sent to my parent(s) or education advocate at the following address:

\_\_\_\_\_

I want this permission to be in effect for as long as I receive special education.

\_\_\_\_\_ (Name)

\_\_\_\_\_ (Date)

## POWER OF ATTORNEY FOR EDUCATION DECISION MAKING

I, \_\_\_\_\_, appoint

\_\_\_\_\_, whose address is

\_\_\_\_\_, to be my Agent to

represent my education interests so long as I am eligible under the Individuals with Disabilities Education Act (IDEA) or have a school 504 plan. I want my Agent to have the power and authority to exercise any rights I have under the IDEA or Section 504 of the Rehabilitation Act, and to make education decisions on my behalf. Some of the things I want my Agent to do are:

- ✓ Accept notices for me
- ✓ Be the primary communicator and decision-maker for my IEP
- ✓ Attend, participate, and make decisions for me in IEP and 504 meetings
- ✓ Request and review my education records
- ✓ Ask for independent educational evaluations
- ✓ Give consent for evaluation or reevaluation
- ✓ Assert my right to an education in the least restrictive environment
- ✓ Exercise all my education rights consistent with state and federal laws
- ✓ Sign IEP documentation for me

I intend for my Agent to be able to exercise all rights relating to my education that I have under the IDEA or Section 504 of the Rehabilitation Act, even if I have not specifically listed them in this document.

My Agent will talk with me and listen to and consider my preferences when making decisions for me regarding my education rights.

My Agent will not be responsible for any loss caused by an error in judgment made in good faith. My Agent will be responsible for not acting in good faith in exercising my education rights for me.

My Agent will not be paid for acting as my Agent.

This Power of Attorney is effective when I sign it and shall not be affected by my disability. This Power of Attorney will continue to be effective until I am no longer eligible under the IDEA or for a 504 plan, or until I revoke this Power of Attorney in writing.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Acceptance of Appointment as Agent**

I accept appointment as Agent for \_\_\_\_\_ under this Education Power of Attorney. I understand my duties under this Power of Attorney and under the law. I understand that I have a duty to act on behalf of \_\_\_\_\_ as they relate to his/her education rights under the IDEA or Section 504 of the Rehabilitation Act. I understand that under the terms of this Power of Attorney I must consult with and listen to \_\_\_\_\_'s preferences when exercising my authority under the Power of Attorney.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Witness**

I affirm that \_\_\_\_\_ appeared to be of sound mind and free of duress at the time this Power of Attorney was signed and that he/she was aware of the nature of this Power of Attorney and signed it freely and voluntarily.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Notary**

Subscribed and sworn to before me this \_\_\_\_\_ day of February, 2018.

\_\_\_\_\_  
Notary Public

My commission expires:

February 10, 20\_\_\_\_.



*This model form is used to create a group to support a student in making education decisions.*

**SUPPORTED DECISION-MAKING FOR EDUCATION FORM**

**Student:** \_\_\_\_\_

**Address:** \_\_\_\_\_

\_\_\_\_\_

**Phone:** \_\_\_\_\_

I understand that I may name a group of people to help me make decisions about my education once I turn 18 years old.

I understand that the people in my group will support me in making decisions, but that I will be the person making the decisions.

I would like the following people to be in my group and help me make education decisions.

NAME	ADDRESS	EMAIL	PHONE

The people in my group may have access to the following education documents if I have checked the box next to the document:

DOCUMENT	ACCESS
IEP meeting invitations, agendas and minutes	
IEPs	
Personal Learning Plan	
Requests for assessments	
Requests for changes in placement	
Requests for changes in services	
Exit requests	
Progress reports	
Report cards	
Attendance information	
Assessment results	
Graduation readiness tool	
Other	

I understand that I make the final decisions about my education after talking to members of my group. I understand that I can remove a member from my group or their access to my education documents at any time.

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Student Signature Date

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Member Signature Date

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Member Signature Date

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Member Signature Date

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Member Signature Date

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Member Signature Date

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Member Signature Date