

# Moving Supported Decision-Making from Theory to Practice: Youth in Transition

*Jonathan Martinis  
Legal Director, Quality  
Trust for Individuals  
with Disabilities  
Project Director,  
National Resource  
Center for Supported  
Decision-Making*

# Article of Faith 1

Students who have self-determination skills are more likely to successfully make the transition to adulthood, including improved education, employment and independent living outcomes.  
(Wehmeyer & Schwartz, 1997)

# Article of Faith 2

Guardianship, by definition, decreases self determination and can lead to a “significant negative impact on. . . physical and mental health, longevity, ability to function, and reports of subjective well-being.”

(Wright, 2010)

# Article of Faith 3

“Supported Decision-Making has the potential to increase the self-determination of . . . people with disabilities, encouraging and empowering them to reap the benefits from increased life control, independence, employment, and community integration”

(Blanck & Martinis, 2015)

# Getting There: The Individuals with Disabilities Education Act

“Under IDEA, schools must ensure that students in special education receive services

"reasonably calculated to enable the child to receive educational benefits.”

*Board of Education v. Rowley*, 458 U.S. 176 (1982)

# What are Educational Benefits?

Purpose of the IDEA:

“to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and **prepare them for further education, employment, and independent living.**”

20 U.S.C. § 1400(d)(1)(A) (emphasis added).

# Therefore

Self determination is the ultimate goal of education  
(Halloran, 1993)

Promoting self-determination is a special educational  
“best practice”  
(Wehmeyer & Hughes, 1998).

Schools should focus on improving students’ ability to  
set goals, solve problems, make decisions and advocate  
for themselves and, just as importantly, to give  
students the opportunity to exercise these skills.  
(Wehmeyer & Gragoudas, 2004).

# And Yet

Guardianship is the default option for students with intellectual disabilities

(Payne-Christiansen & Sitlington, 2008).

School personnel are the most frequent source of recommendations that parents seek guardianship

(Jameson, et al, 2015 (in press)).



# Shut Down the On Ramp

If Self-Determination is the  
“Default Option” Guardianship  
isn't even a consideration!

# Start Early

Self-Determination and Decision-Making should be written into IEPs AS SOON AS POSSIBLE.

DC Public Schools includes it in pre-K!

# Make it a Goal

IEP goals/objectives related to self-determination:

For every goal, there should be an application of self-determination to get there.

“I statements” in IEP goals and objectives to get student involvement and accountability

# Examples: Behavior Goals

“I will develop a plan for reducing the number of times I am late to class.”

# Examples: Writing Goals

“I will identify a subject I want to write about and use proper grammar and punctuation in my stories 3 out of every four times.”

# Creating and Reaching Those Goals: The Student Led IEP

**THE STUDENT** actually engages in self-determination

**THE STUDENT** can practice different decision-making methods in a “safe environment”

**THE STUDENT** leads meeting

**THE STUDENT** Identifies goals and objectives with assistance from professionals and people **THE STUDENT** invites

# Sounds Great, How Do I Get it?

## Ask Early

What is your school district's policy on developing self-determination and decision-making skills?

Request self-determination goals

Student Involved in IEP Process from Day 1

# Evaluations

Parents have a right to request evaluations for **ANYTHING.**

(20 USC 1415(b)(1))

We already know that FAPE includes “special education and related services designed. . . **prepare them for . . . independent living.**”

(20 U.S.C. § 1400(d)(1)(A))



# “Dear School”

“I believe STUDENT has limitations in self-determination and decision-making that are keeping STUDENT from making educational progress, including preparing STUDENT for independent living. Pursuant to 20 USC 1415(b)(1) and I ask that you conduct an evaluation of STUDENT to determine if this is so and what services will help STUDENT overcome the limitations.”

# If You Don't Like the Results

“I disagree with the results of your self-determination, decision-making skills evaluation. I still believe that STUDENT has limitations in those areas that are preventing STUDENT from making educational progress. Therefore, pursuant to 34 C.F.R. 300.502, I request an Independent Educational Evaluation at public expense”

# But, Wait

WHAT DOES THIS HAVE TO DO  
WITH SUPPORTED DECISION-  
MAKING?

# Well, What is Supported Decision-Making?

“a recognized alternative to guardianship through which people with disabilities use friends, family members, and professionals to help them understand the situations and choices they face, so they may make their own decisions without the “need” for a guardian.”

(Blanck & Martinis, 2015; *Ross and Ross v. Hatch*, Case No. CWF-120000-426 (Circuit Court of Newport News, 2013)).

**Doesn't that Sound Like...**

**A Student Led IEP?**

**Doesn't a Student Led IEP...**

**Sound like Supported  
Decision-Making?**

# That On Ramp Again

Guardianship happens when people can't  
“take care of themselves in a manner that  
society believes is appropriate.”

(Kapp, 1999).

# What Does That Have to Do With Special Education?

Transition Services include:

“instruction, related services, community experiences, the development . . . **post-school adult living objectives, and, when appropriate, acquisition of daily living skills”**

20 USC 1401(34)



# Transition Planning

**Starts:** “Beginning not later” than the year the student turns 16  
(20 U.S.C. § 1414(d))

**Continues:** At least until student is 21  
(34 CFR §300.101)

# YOU HAVE FIVE YEARS

If there are concerns the student can't "take care of him/herself," can't make decisions, or may need guardianship

**Transition Services should provide:**

"Instruction [and] related services" to help with the "acquisition of daily living skills"

**NECESSARILY** including decision-making skills like Supported Decision-Making

# USE THAT TIME

To develop independent living skills

To develop community participation skills

To link to services

To build and practice self-determination and  
Supported Decision-Making

To CLOSE THE ON RAMP TO GUARDIANSHIP

# More Information and Contact

**National Resource Center for Supported  
Decision-Making Website:**

[SupportedDecisionMaking.Org](http://SupportedDecisionMaking.Org)

**Jonathan Martinis, Legal Director**

[JMartinis@DCQualityTrust.Org](mailto:JMartinis@DCQualityTrust.Org)



DISTRICT OF COLUMBIA  
PUBLIC SCHOOLS

Office of Specialized Instruction

# Planning for Transition by Creating a Supported Decision Making Network

Presented by:

**Dr. Pamela R. Downing-Hosten**

**April 16, 2015**



## Purpose of Today's Meeting

---

This presentation describes the foundation for Supported Decision Making (SDM) through secondary transition and self-advocacy.

# What is Secondary Transition?

## Definition

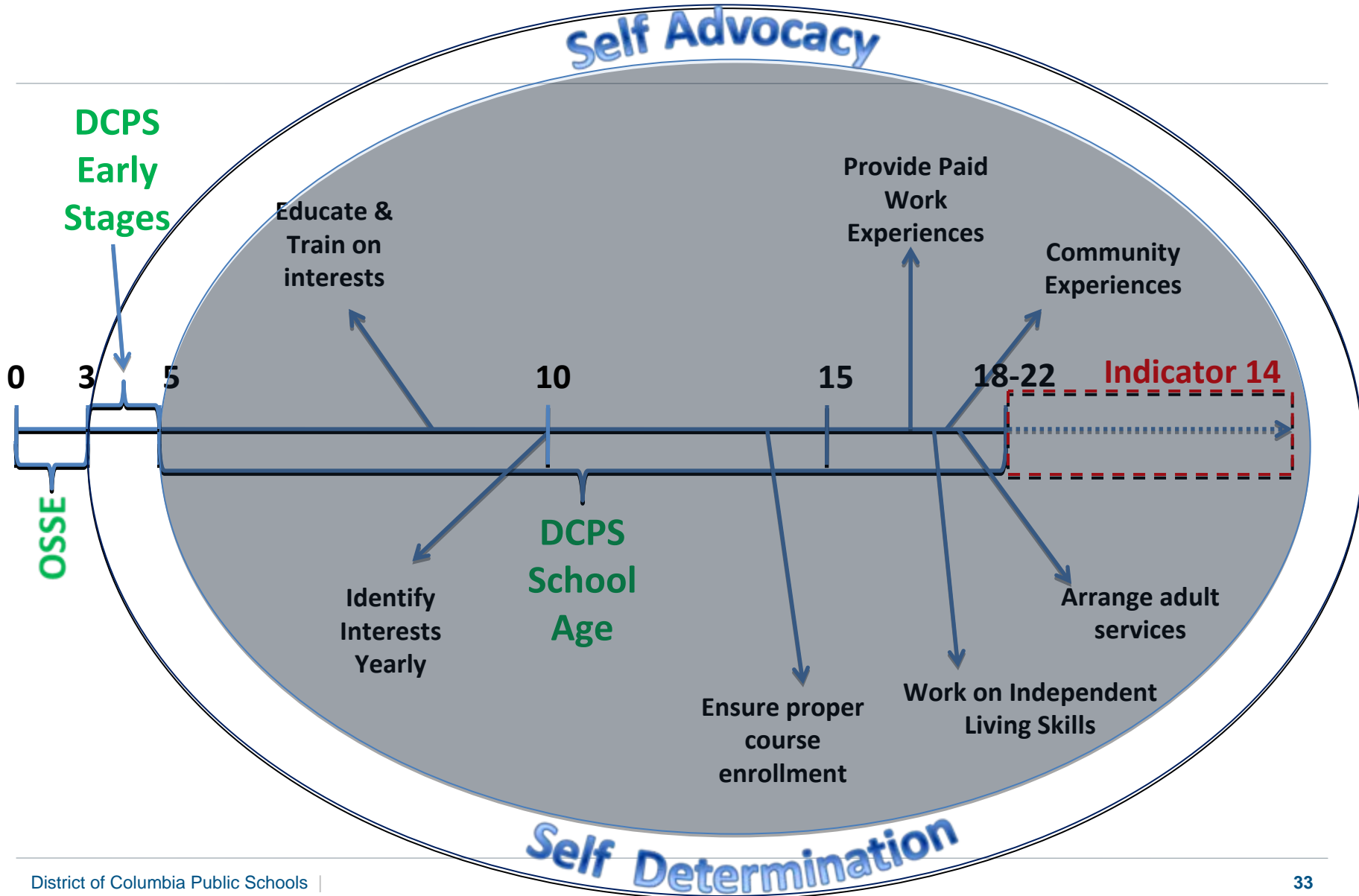
---

**Secondary transition** is the process of preparing students for life after they leave high school, including participation in post-**secondary** education or training, employment, and independent living.

It also includes teaching students to become self-advocates, and how to build and use a supported decision making network.



# Transition In the District of Columbia Public Schools



When does transition planning begin?

## Transition Planning

In DCPS transition planning begins in Pre-Kindergarten and never really ends...

Students are taught to become self-advocates through several courses.



## Transition Planning

The following slides will cover steps to becoming a self-advocate and using a supporting decision making network.

- The curriculum framework utilizes the model below to teach self-advocacy:

**Acquaint yourself with your preferences**

**Determine your abilities and limitations**

**Vocalize your needs**

**Outline accommodations based on your needs**

**Consider your goals**

**Ask for help when planning strategies to meet goals**

**Tell your team members about any difficulties you are facing**

**Execute your strategies to meet goals**

## Transition Planning Looks Like This In Pre-K – 1<sup>st</sup> Grade

### Pre-Kindergarten

- Students will learn about the concept of preference.
- Students will demonstrate preferences through various learning styles.

### Kindergarten

- Students will consider various emotions and apply knowledge of preference.
- Students will express emotions based on experiences with their disability.

### First Grade

- Students will focus on reading, writing, and speaking skills to articulate their needs.
- Students will identify their preferences as it relates to their literacy needs.

## Transition Planning Looks Like This in Grades 2 - 4

### Second Grade

- Students will practice appropriate team building skills.
- Students will demonstrate team building skills through various group activities designed to reinforce core subject areas.

### Third Grade

- Students will recognize various personal abilities.
- Students will discuss their personal abilities in every day life, and relate it to working on a team with others.

### Fourth Grade

- Students will discover various limitations in every day life; students will consider difficulties they may face.
- Students will apply the concept of team building to recognize that everyone has limitations.

## Transition Planning Looks Like This in Grades 5 - 7

### Fifth Grade

- Students will learn about their disability, and identify how their abilities and limitations help shape their individual disability.
- Students will create their own definition of their disability to help them own it.

### Sixth Grade

- Students will express the areas of difficulty they face academically, and consider the necessary accommodations to assist them.
- Students will consider accommodations based on their understanding of their disability.

### Seventh Grade

- Students will explore the concept of independence and independent living; students will recognize different variations of independence.
- Students will apply knowledge of their limitations and abilities when considering their level of independence.

## Transition Planning Looks Like This in Grades 8 - 10

### Eighth Grade

- Students will learn about the various elements of their individualized Education Program (IEP).
- Students will review their IEP to identify their needs and any changes that need to be made for their annual IEP.

### Ninth Grade

- Students will examine various leadership skills and strategies to utilize in their daily lives.
- Students will prepare to actively participate in the IEP in more of a leadership capacity.

### Tenth Grade

- Students will describe their measurable goals for post-secondary activities by comprehending the S.M.A.R.T. model for IEP goals.
- Students will develop their own goals for their high school years and post-secondary transition.



## Transition Planning Looks Like This in Grades 11 – and Beyond

### Eleventh Grade

- Students will classify their rights as designated to them through various laws.
- Students will apply knowledge of the American's with Disabilities Act by clearly depicting how to approach an individual who is denying them their rights.

### Twelfth Grade

- Students will differentiate between various opportunities in the post-secondary environment, and how to apply advocacy skills.
- Students will consider how to speak up for their rights, their needs, and their wants in a post-secondary environment.

### Beyond Grade 12

- Students will focus on developing key skills to utilize in post-secondary environments; students will consider post-secondary accommodations to be successful.
- Students will review previous concepts and learn to apply all skills learned to a post-secondary situation.

# What is the Transfer of Rights?

## Transfer of Rights

---

This means that all procedural safeguards and rights held by the parents, including right to consent or withhold consent for evaluation and placement for special education, are **automatically** transferred to the student when the student turns 18 years old.

Unless parents obtain legal guardianship, ***or*** utilize other alternatives to guardianship for their child who is 18 years of age, the student **must** be sent all prior notices and listings of rights, and is the party who can provide consent for educational matters requiring such authorization.

Authority: The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99)  
The Individuals with Disabilities Education Improvement Act (IDEA — 20 U.S.C. §1400 et seq.)

## Transfer of Rights through Supported Decision Making

Once the student's rights have transferred, parents or guardians can still participate collaboratively in the decision making process for their adult student **if the student agrees.**

It is recognized that students may not be completely comfortable making educational decisions without some advice or guidance from parents, guardians, and/or other influential adult figures.

With that in mind DCPS has incorporated a “Supported Decision Making (SDM)” model into coursework to help adult students comfortably manage their new educational rights and responsibilities.



Building support networks is child's play.

## Pre-planning



The DCPS begins teaching students how to build networks of support early to ensure that students are familiar with the process and utilize it in day to day activities.



## Parental Support

---

Showing parents how to extend skills related to building supportive networks is equally important.



Parents play a key role in showing students it is fine to advocate for supports and seek assistance if questions arise.

# Supported Decision Making



# What is Supported Decision Making?

The Supported Decision Making process is the action of supporting students who are of the age of the majority. Students in the supported decision making process make informed decisions about their educational future with guidance from someone they trust.

Supported decision making is for students who:

- Have the capacity to choose between two or more options.
- Have someone they can trust in the decision making process.
- Are of the age of the majority.



## What are the key points?

---

The following are Supported Decision Making process key points:

- The Supported Decision Making Process is an alternative to guardianship for students to make decisions with support from others they choose.
- Supported Decision Making network members must be identified by the student, over the age of 18, and is able to assist the student in making educational decisions.
- An agreement must be developed between the student and network members.



# What is the Supported Decision Making Process?

Students who reach the age of majority and have their rights transferred, may appoint someone they trust as a supporter. Students appoint these supporters to guide them through important educational decisions that impact their daily life.

The following are examples of how a supporter can assist a student:

- Accessing educational documents on their behalf,
- Receiving educational information to review with the student, and
- Assisting the student in preparation for meetings related to their education.



## How can students enter into a Supported Decision Making Agreement?

There is no formal legal process associated with SDM. The following are components of a successful SDM process for students:

- Students identify individuals over the age of 18 they trust to be part of their support network.
- The student and their support network partner develop an agreement that states the responsibilities of each party throughout the process.
- Each party maintains a copy of the agreement for future reference.

DCPS has developed a template for the Supported Decision Making Agreement.

The image shows a form titled "Supported Decision Making Form" from the District of Columbia Public Schools Office of Specialized Instruction. The form includes fields for "Adult Student:", "Cell Phone", "Home Phone", "Address:", "Street", "Washington, DC", and "Zip Code". Below the form, there is a statement: "I understand that I may create a network of individuals to help me inform my educational decisions related to my Individualized Education Program (IEP) once I reach the age of majority. I would like the following individual(s) to assist me with making educational decisions. I understand that my parent or other individuals may support me in the decision making process and may have access to the documents listed below."

# Supported Decision Making and the Educator

---

The Supported Decision Making Process is an effort to teach students how to make educational decisions, and to recognize individuals within their support network. The Self-Advocacy course teaches students to make educational decisions based on their preferences, abilities and limitations.

Educators can support the student in his/her educational decisions by:

- Teaching the Self-Advocacy course,
- Serving as an advisor when important educational decisions have to be made,
- Explaining the IEP and Transfer of Rights to the student so they are fully prepared to make informed decisions, or
- Encouraging the student to take an active role in their IEP development from an early age to better prepare students to lead the process when educational rights are transferred to them at age 18.

## CONTACT INFORMATION

---

Pamela R. Downing-Hosten

(202) 657-9925

Pamela.Downing-Hosten@dc.gov

# Questions

---



**Questions to Consider When  
Discussing Moving Supported  
Decision-Making from  
Theory to Practice: Youth in  
Transition**



# Questions to Consider

1. Why do you think so many school districts for youth in transition recommend parents seek guardianship for their son or daughter?
2. As parents seek alternatives to guardianship, how do parents learn more about SDM?
3. Who are likely candidates to be supporters?
4. Can an IEP include development of independent decision-making skills?
5. What can parents do to support IEP goals that build critical skills to make decisions independently?
6. What advice do you have for teachers and school districts to start teaching self-determination skills early in elementary and middle school?
7. Are SDM and self-determination complementary concepts? What is different?
8. Does a school system violate the rights of the child or family by urging guardianship as a best practice?
9. What have you learned from your skill training in K-12 that prepares the student for enhanced self-direction?
10. What closing comments can you offer our audience about future trends and directions of school districts and advice to families?

**Why do you think so many school districts for youth in transition recommend parents seek guardianship for their son or daughter?**

**As parents seek alternatives to guardianship, how do parents learn more about SDM?**

**Who are likely candidates to be  
supporters?**

# Can an IEP include development of independent decision-making skills?

**What can parents do to support  
IEP goals that build critical skills  
to make decisions  
independently?**

**What advice do you have for teachers and school districts to start teaching self-determination skills early in elementary and middle school?**

**Are SDM and self-determination  
complementary concepts? What  
is different?**



**Does a school system violate the rights of the child or family by urging guardianship as a best practice?**

**What have you learned from  
your skill training in K-12 that  
prepares the student for  
enhanced self-direction?**

**What closing comments can you offer our audience about future trends and directions of school districts and advice to families?**

# Webinar Part II: Supported Decision-Making and Medicaid, Home and Community Based Services Settings Final Rule

**Date:** May 14, 2015 | 1:00pm-2:30pm ET

## **Presenters:**

Barbara Brent, Director of State Policy, NASDDDS

Samantha Crane, Director of Public Policy, ASAN

Jonathan Martinis, Legal Director, Quality Trust for Individuals with Disabilities

## **Register Now:**

[supporteddecisionmaking.org/webinar\\_series\\_1](http://supporteddecisionmaking.org/webinar_series_1)

# PART III: SUPPORTED DECISION-MAKING AND THE ABLE ACT, “ACHIEVING BETTER LIFE EXPERIENCE”

**Date:** June 18, 2015 | 1:00pm-2:30pm

## **Presenters:**

Lisa Mills, Public Policy Chair, TASH

Allison Wohl, Executive Director, APSE

Jonathan Martinis, Legal Director, Quality Trust for Individuals with Disabilities

## **Register Now:**

[supporteddecisionmaking.org/webinar\\_series\\_1](http://supporteddecisionmaking.org/webinar_series_1)

# More Information and Contact

**National Resource Center for Supported  
Decision-Making Website:**

[SupportedDecisionMaking.Org](http://SupportedDecisionMaking.Org)

**Jonathan Martinis, Legal Director**

[JMartinis@DCQualityTrust.Org](mailto:JMartinis@DCQualityTrust.Org)

# Disclaimer

This project was supported, in part by grant number HHS-2014-ACL-AIDD-DM-0084, from the U.S. Administration for Community Living, Department of Health and Human Services, Washington, D.C. 20201. Grantees undertaking projects under government sponsorship are encouraged to express freely their findings and conclusions. Points of view or opinions do not, therefore, necessarily represent official Administration for Community Living policy.