



Moving Forward Together:

Supported Decision-Making and Special Education Transition Services

Moving Forward Together: Supported Decision-Making and Special Education Transition Services

"What will you do after high school?"

Every year, students and their families are asked this question.

For students without disabilities, this is an exciting time. These are the years of college applications, job internships, and thinking about living on their own.

But for students with disabilities and their families, this can be a frightening and frustrating time of trying to identify supports and funding and wondering whether they can be independent.¹ During these years, parents are often told by school staff to seek guardianship.²

Of course, for people who truly can't make decisions, guardianship can be a good thing. But, if people can make decisions, either by themselves or with help, guardianship can have a "significant negative impact on their physical and mental health."³

In this brochure, we discuss 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 how to request and receive Supported Decision-Making 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.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? We all do. Think about all the clichés about decision-making like "get a second opinion," "don't make a snap judgment," and "make an informed choice." They all mean the same thing: When you need help making a decision, get it!

Everyone does! You may ask a friend for advice or a professional for information, or you may have "go-to" people in your life for talking 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.

"Education, Employment, and Independent Living" With Supported Decision-Making

When people use Supported Decision-Making, they make their own decisions and can have more control over their lives – more self-determination.⁵ 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.⁶ For example, a recent study found that people with disabilities who used Supported Decision-Making were more independent and self-confident, were better at making decisions, and made better decisions.⁷

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.⁸ That's why education experts have called self-determination "the ultimate goal" of Special Education programs⁹ and have said that schools should help students learn to make their own decisions and advocate for themselves.¹⁰

Transition Services: What Are They?

Transition Services help students receiving Special Education prepare for life after high school. In Nebraska, Transition Services should start the school year the student turns 14 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 postsecondary education, employment, adult services, independent living, and community participation; and
- Include education and other services like community experiences, supported employment and helping the student develop adult living objectives and daily living skills.¹¹

In other words, Transition Services should help students identify the goals and supports they need to lead meaningful, independent, and productive lives. Unfortunately, teachers and school personnel often recommend that parents get guardianship during this time without discussing other options.¹² This can be harmful because in most guardianships, the court gives the guardian the power to make all health, personal, and financial decisions for the person.¹³

To avoid unnecessary guardianships, students, parents, and schools 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" or "adult living objective" than decision-making? Therefore, decision-making and self-determination are keys to effective Transition Services.¹⁴

Here are some ways students can request and receive Transition Services that build their Supported Decision-Making skills and self-determination.

Work With the Individualized Education Program (IEP) Team, Request Evaluations, Use I Statements

In our brochure, "Learning to Live Independently," we describe ways students and parents can request Supported Decision-Making from their schools. Like we did in that brochure, we recommend that you request evaluations, use the Student-Led IEP and create "I Statement" IEP goals throughout a student's educational career.

In particular, "I Statement" goals 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 Statement" goals:

- 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.

These goals, and others like them, make students take action and work with supporters, increasing their Supported Decision-Making skills and self-determination while accessing the supports they need.

Take the Lead in Transition Planning

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 their skills, interests, and needs.

Supported Decision-Making is an important part of this process. Parents and the IEP team should encourage students and help them feel more comfortable talking about their abilities and interests. They

should also give students information about programs 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 their goals, services, and providers.

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.”¹⁵ This method can also help students do better in and outside of school. Research shows that students who develop their own Transition goals with support from their IEP teams are more likely to meet or exceed their goals and their teachers’ expectations.¹⁶

Work With a Supported Decision-Making Team

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

- The Vocational Rehabilitation Program of the Department of Aging and Rehabilitative Services. This program provides information and services to help people with disabilities work. You can learn more about Vocational Rehabilitation at: www.vr.nebraska.gov
- Independent Living Centers. This program provides education, advocacy, training, counseling, and other services to help people with disabilities live as independently as possible. You can find your local center at: respite.ne.gov/partners-and-advocates/resources/centers-independent-living
- Community Work Incentive Coordinators. This program provides 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 about CWICs in Nebraska from Nebraska VR and its partners at: www.vr.nebraska.gov/partners
- Agencies that provide information and other services to people with intellectual and developmental disabilities, including us: the Nebraska Council on Developmental Disabilities (dhhs.ne.gov/pages/DD-Planning-Council.aspx), Disability Rights Nebraska (www.disabilityrightsnebraska.org), and the Nebraska University Center for Excellence in Developmental Disabilities (www.unmc.edu/mmi/center-grants/ucedd/index.html).



Students should work with these and other resources to identify programs, training, and other opportunities that will help them develop education, employment, and independent living skills. Then, they should invite them 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 types of support it provides. Using this information and other support from the IEP team, the student should choose Transition goals and supports.¹⁷ Research shows that when students, agencies, and IEP teams collaborate in this way, students are more likely to meet their goals.¹⁸

Create a Supported Decision-Making Agreement

Finally, students should create Supported Decision-Making Agreements when they turn 19 (the age of majority in NE) to identify the people, professionals, and agencies with whom they want to work inside and outside of school.



Schools may tell parents that after their child turns 19, 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 19 – the same way everyone else does. However, they can still invite whoever they want to their IEP team meetings.

Therefore, when students turn 19, they can create Supported Decision-Making Agreements to tell their school who they want to attend 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: 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 with the student being the final decision-maker.¹⁹ 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 understand the process and choose goals and supports that match their "strengths, preferences, aid 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:

Disability Rights Nebraska

134 S. 13th St., Suite 600
Lincoln, NE 68508
402-474-3183
www.disabilityrightsnebraska.org
Brad Meurrens, Public Policy Director, brad@drne.org

Nebraska Council on Developmental Disabilities

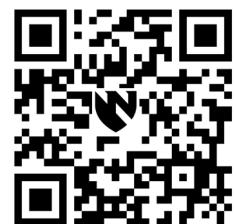
301 Centennial Mall South
Lincoln, NE 68509
402-471-2330
www.dhhs.ne.gov/pages/DD-Planning-Council.aspx

Nebraska University Center for Excellence in Developmental Disabilities

Munroe-Meyer Institute for Genetics and Rehabilitation
985450 Nebraska Medical Center
Omaha, NE 68198
402-559-6483
www.unmc.edu/mmi

Scan this code with your smart phone's camera for additional resources.

Or visit go.unmc.edu/mmi-sdm



REFERENCES

- 1 Martinis, J., Cassidy, K., Gustin, J., Nadeau, J., & Robinson, D. (2019). Creating a culture of coordinated support in Vermont: The successful transitions program. *Impact* 32(1), 19-21.
- 2 Jameson, J. M., Riesen, T., Polychronis, S., Trader, B., Mizner, S., Martinis, J., & Hoyle, D. (2015). Guardianship and the potential of supported decision making with individuals with disabilities. *Research and Practice for Persons with Severe Disabilities*, 40(1), 36-51.
- 3 Wright, J. (2010). Guardianship for your own good: Improving the well-being of respondents and wards in the USA. *International Journal of Law and Psychiatry*, 33(5). 350-368
- 4 Blanck, P. & Martinis, J. (2015). "The right to make choices": The national resource center for SDM. *Inclusion* 3(1), 24-33.
- 5 Blanck & Martinis, 2015.
- 6 Wehmeyer, M.L., & Schwartz, M, (1997). Self-determination and positive adult outcomes: A follow-up study of youth with mental retardation or learning disabilities. *Exceptional Children*, 63(2), 245-255; Khemka, I., Hickson, L., & Reynolds, G. (2005). Evaluation of a decision-making curriculum designed to empower women with mental retardation to resist abuse. *American Journal on Mental Retardation*, 110(3), 193-204.
- 7 Martinis, J. & Beadnell, L. (2021). "I learned that I have a voice in my future": Summary, findings, and recommendations from the Virginia supported decision-making pilot project. Available at: <http://www.supporteddecisionmaking.org/node/488>
- 8 Wehmeyer, M.L., & Schwartz, M, (1997). Self-determination and positive adult outcomes: A follow-up study of youth with mental retardation or learning disabilities. *Exceptional Children*, 63(2), 245-255; Martin, J., & Marshall, L. (1995). Choicemaker: A comprehensive self-determination transition program. *Intervention in School & Clinic*, 30, 147-156.
- 9 e.g., Halloran, W.D. (1993). Transition services requirement: Issues, implications, challenge. In R.C. Eaves & P.J. McGloughlin (Eds.). *Recent advances in special education and rehabilitation* (pp. 210-224). Boston: Andover.
- 10 Wehmeyer, M.L., & Gragoudas, S. (2004). Centers for independent living and transition-age youth: Empowerment and self-determination. *Journal of Vocational Rehabilitation*, 20, 53-58.
- 11 34 C.F.R. 300.43
- 12 Jameson, et al. (2015).
- 13 e.g. Karp, N., & Wood, E. F. (2007). Guardianship monitoring: A national survey of court practices. *Stetson L. Rev.*, 37, 143.
- 14 Agran, M., Blanchard, C., & Wehmeyer, M. L. (2000). Promoting transition goals and self-determination through student self-directed learning: The self-determined learning model of instruction. *Education and Training in Mental Retardation and Developmental Disabilities*, 35(4), 351-364.
- 15 Martinis, J. & Gustin, J. (2017). Supported decision-making as an alternative to overbroad and undue guardianship. *The Advocate*, 60(6), 41-46.
- 16 Agran, et al, 2000.
- 17 Kohler, P. D., & Field, S. (2003). Transition-focused education: Foundation for the future. *The Journal of Special Education*, 37(3), 174-183
- 18 Devlieger, P., & Trach, J. (1999). Meditation as a transition process: The impact on postschool employment outcomes. *Exceptional Children*, 65, 507-523.
- 19 District of Columbia Public Schools, Office of Specialized Instruction. (n.d.). SDM form. Retrieved from:
- 20 http://supporteddecisionmaking.org/sites/default/files/dcps_supported_decision_making_form_0.pdf

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 (jgmartinisllc@gmail.com).



Disability Rights Nebraska

Protection and Advocacy for People with Disabilities