



SPREAD THE WORD: COMMUNICATING CHOICE

As a student receiving special education moves into adulthood, there is a natural and legal transfer of decision-making power. As this transfer occurs, some students may continue to need assistance with making decisions regarding their educational program or other aspects of adult life.

There are several considerations to help determine what support a student may need, such as what types of choices the student currently makes, what kind of support they receive from their family or teachers in making and practicing choices, and help the student think about what future supports they may need.

Informal advice or guidance from family and friends may be all some students need, but for those who would benefit from a more structured approach, there are a number of options available.

Beginning in eighth grade through exit from school, case conference committees must discuss decision-making skills and alternatives to appointing a guardian. These conversations must be documented within the student's Individualized Education Program (IEP) or 504 Plan.



1

Independence, Interdependence, and Informal Supports

These ideas and resources are ways to help fill in the gaps of an individual's needs. This involves using technology, services, or friends and family to help address their needs. While independence provides emphasis on self-sufficiency for life transitions, interdependence suggests that healthy connections with adults and social engagement can assist in navigating the route to making important changes.

2

Supported Decision-Making

This describes a way to accommodate during the decision-making process. The individual appoints “supporters” to assist with decision-making in a manner and area they choose. They retain ultimate decision-making authority.

3

Agency Agreements

Agency agreements allow individuals to appoint another person within their life to make decisions or act on their behalf in certain situations. Some examples may include power of attorney documents, healthcare representatives, and representative payees.

4

Limited Guardianship

A court may limit the appointment of a guardian to a particular area or task; for example, a limited guardianship over the person’s finances and property where the individual retains all other rights. Appointment over specific areas that require need present the least restrictive form of guardianship and should be utilized whenever possible.

5

Full Guardianship

Unless limited by the court, a guardian is responsible for providing or supervising the person’s care and ensuring their property, finances, and assets are properly preserved and managed. Guardians are also generally required to regularly inform the court on the status of these matters.



Under the Family Educational Rights and Privacy Act, parents begin receiving “transfer of rights” letters one year before their child turns 18. These letters notify that the student will soon inherit the rights of adulthood. Parents and guardians may not fully understand what options are available if their student needs support. In many cases, less-restrictive alternatives allow the individual the most freedom to make decisions and come with similar risks seen in any young adult. In a worrying trend identified by the [National Council on Disability](#), people with intellectual and developmental disabilities are currently at high risk of guardianship due to a “school-to-guardianship” pipeline. IDOE highly encourages parents to look at options for supporting decision-making in the least restrictive way possible. The full resource, Options for Supporting Choice, can be found [here](#).