As a student receiving special education moves into adulthood at 18, 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 about their education program, or other aspects of adult life.

Consider what types of choices the student makes now, what kinds of support they receive from their family or teachers in making and practicing choices, and help the student think about the future and what, if any, 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.

This document will discuss alternatives which may be used separately or in combination to assist young adults to make decisions about education and other aspects of young adulthood.
In a student’s first years of adulthood, it is important to understand what rights transfer to them, and how supporting choice for them is crucial. Here’s what happens:

**Transfer of Rights: Supporting Choice**

### Education 📚

At the age of majority, students with IEP’s have the right to:
- Leave school or change placement
- Request a due process hearing to resolve disputes about their education
- Receive notice of and attend IEP meetings

Without the right supports, students could choose to drop out, becoming ineligible for some transition services.

### Healthcare ❤️

At the age of majority, the healthcare rights that transfer to students include:
- The right to medical privacy
- The right to request changes in medication
- The right to consent to medical treatment

Arranging supports is a good way to ensure students are prepared to make healthcare decisions.

### Financial 💰

At the age of majority, the financial rights that transfer to students include:
- The right to manage their finances
- The right to make living arrangements
- The right to sign contracts

While it is important to make financial decisions as a young adult, some of us need a bit of help.

In a worrying trend identified by the National Council on Disability, people with ID/DD are currently at a high risk of guardianship due to a “school-to-guardianship” pipeline. Do what’s best for your student, look at options for supporting decision-making in the least restrictive way possible.

Get the ball rolling! Start planning today.

As students reach the age of majority, and in the years shortly following, it is important to support their choices in all pursuits. Still, like many new adults, they need friends and family to help set them up for success. Encourage families to consult with experts and advocates. Help parents understand the importance of enabling their students to understand their options. Indiana Disability Rights has a great guide to give parents when they need to know about different options for supporting choice.
Independence, inter-dependence, or another form of informal support are ways to help fill in the gaps in someone’s needs. It’s using technology, services or friends and family to help address a person’s needs.

Supported Decision-Making: a way to accommodate in the decision-making process. The person appoints “supporters” to assist the person with decision-making in a manner chosen by the person, in areas chosen by the person. The person retains ultimate decision-making authority.

Agency Agreements: Allows a person to appoint someone else to make decisions or act on their behalf in certain situations. Some examples include Power of Attorney documents, Healthcare Representatives, and Representative Payees.

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 person retains all other rights.

Full Guardianship: Unless limited by the court, a guardian is responsible for providing or supervising the protected 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, guardians began receiving “transfer of rights” letters one year before their children turn 18. These letters are to notify them that their 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.

This information is a public service, not legal advice. This information was collected by the Indiana Department of Education in partnership with the Governor’s Council for People with Disabilities and Indiana Disability Rights.
What is Supported Decision-Making (SDM)?

As of July 1st 2019, state legislation became effective that recognized Supported Decision-Making as a less-restrictive alternative to guardianship. SDM, while informally used by all, is a decision-making support where individuals consult friends and family before making decisions, but the person makes the final decision. Those who support someone, are typically deemed “supporters” in a Supported-Decision Making agreement.

Where do I find a SDM Agreement form?

There is no formal SDM agreement template, as it can be tailored to each person’s unique situation. While it must be notarized, it is a flexible document that can be changed at different points of time to better meet the needs in one’s life. The agreement can be used to show third parties like doctors that the person is able to make the decision themselves.

How does it differ from other alternatives?

SDM is a different type of assistance entirely, placing the right supports around someone to empower them to make their own decisions. With SDM, the person makes the final decision. For other arrangements like Powers of Attorney, the person can delegate decision-making to someone else. For guardianship, a court appoints someone to make decisions on the person’s behalf.

SDM IS IN!

This infographic was created with content from Indiana Disability Rights. For more information, click here.
What Now?

A quick list of good resources for frequently asked questions

**Supported Decision-Making:**

- LifeCourseTools.com: Includes handouts and graphics for determining supports
- National information and sample SDM Agreement
- Indiana information on Supported Decision-Making
- Planning document about Supported Decision-Making
- Documents about Supported Decision-Making

**Additional Resources**

- Information about saving money for people with disabilities
- Statewide resource on special education with training opportunities
- Advocacy opportunities for young adults with disabilities
- Information about financial benefits for students

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