



Supporting Decisions in Adulthood 2025 Workshop Series

Session #1: Supported Decision-Making in Education



Center for Public
Representation



WELCOME

- Center for Public Representation
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 - Megan Rusciano, licensed to practice law in Maryland only
 - Morgan Whitlatch, certified to practice law in Massachusetts

Introduction to 3-Part Workshop Series on Supported Decision-Making in:



**Session 1:
Education
TODAY**



**Session 2:
Health Care
February 22**



**Session 3:
Finances
March 29**

Today's Topics



- **Background**
 - What Happens at Age 18?
 - What is Adult Guardianship?
 - Why Think About Other Options First?
 - What is Supported Decision-Making?
- **Supported Decision-Making in Education**
 - Practical Examples
 - Tools to Use
 - Massachusetts 2024 IEP Form
 - "FERPA" Release Form
 - Shared Educational Decision-Making
 - Delegated Educational Decision-Making

What happens when my child with a disability turns 18?

- In Massachusetts, people become legal adults when they turn 18 years old.
- Under the law, they get to make their own decisions, regardless of whether or not they have a disability
- Schools call this “Transfer of Rights”



Main Legal Tools for Educational Decision-Making in Massachusetts

- Supported Decision-Making
- Shared Educational Decision-Making
- Delegated Educational Decision-Making
- Court-appointed Guardian



What is Guardianship for Adults?

- **Different** than guardianship of a **child**
- **Guardianship = Court**
- A **legal process** where a **court** decides that an adult is **“incapacitated”** and appoints someone else (a **“guardian”**) to make all or some decisions for them.



What is Adult Guardianship NOT?



- Guardianship is NOT the **only option** to consider
- Guardianship is NOT just a **piece of paper**
- Guardianship is NOT a **guarantee of safety**
- Guardianship is NOT **without downsides**

What Are Other Options in Education?

- Supported Decision-Making
- Shared Educational Decision-Making
- Delegated Educational Decision-Making



What is Supported Decision-Making?



- People make their **own decisions**, with the help of **others they pick and trust**.
- Supporters provide **guidance and assistance**.
- It can be **formal (in writing) or informal**.
 - “Supported Decision-Making Agreement”
- It is **flexible** and can change over time.
- The person **builds decision-making skills** over time and learns from mistakes.
- It can be **used in any state**, including Massachusetts.
- It can be used **without hiring an attorney and without going to court**.

What is Supported Decision-Making NOT?

- It is NOT someone else making decisions for – and instead – of the person.
- It is NOT the person making decisions **alone**, without any help.
- It is NOT the person making decisions **only** if the supporters agree.
- It is NOT **only** for people with certain types of disabilities.



Knowledge Check-In 1



True or False?

Under Massachusetts law, biological parents are automatically the legal guardian of their child with a disability when that child turns 18 years old.

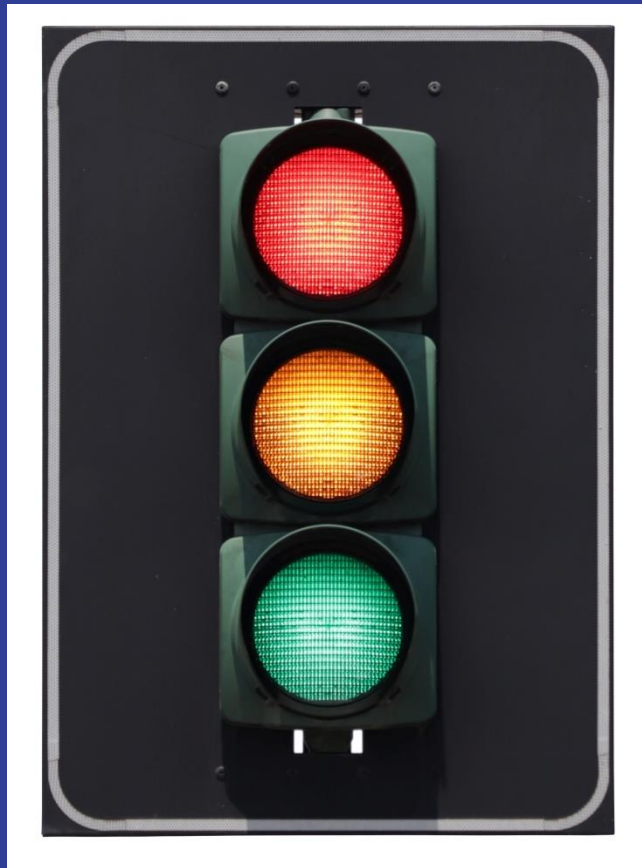
Knowledge Check-In 1



False

Truth – Under Massachusetts law, biological parents are NOT automatically the legal guardian of their child with a disability when that child turns 18 years old.

Knowledge Check-In 2



True or False?

Parents must file for guardianship when their child with a disability turns 18 years old in order to help their child with educational decisions.

Knowledge Check-In 2



False

Truth – There is nothing in law that requires parents to file for guardianship when their child with a disability turns 18 years old. There are other ways to help their children with educational decision-making. Parents and their loved ones should consider all of their options, including Supported Decision-Making.

Massachusetts 2024 IEP Form - English

DECISION-MAKING OPTIONS FOR STUDENT*

Complete for student who has turned 18. Please indicate the decision-making option that the student or court-appointed legal guardian has selected:

- The student will make their own educational decisions.
- The student will share decision-making with their parent, caregiver, or other adult.

Individual with whom the student will share decision-making: _____

- The student has delegated decision-making to their parent, caregiver, or other adult.

Individual to whom the student has delegated decision-making: _____

- A court has appointed a legal guardian for the student who will make educational decisions.

Name of court-appointed legal guardian: _____

Massachusetts 2024 IEP Form - Khmer

ជម្រើសនៃការសម្រេចចិត្តចំពោះសិស្ស*

បំពេញសម្រាប់សិស្សដែលមានអាយុ 18 ឆ្នាំ។ សូមបង្ហាញជម្រើសធ្វើសេចក្តីសម្រេចដែលសិស្ស
ឬអាណាព្យាបាលស្របច្បាប់ដែលតែងតាំងដោយតុលាការបានជ្រើសរើស៖

- សិស្សនឹងធ្វើការសម្រេចចិត្តសិក្សាដោយខ្លួនឯង។
- សិស្សនឹងចែករំលែកការសម្រេចចិត្តជាមួយឪពុកម្តាយ អ្នកថែទាំ ឬមនុស្សពេញវ័យផ្សេងទៀត។

បុគ្គលដែលសិស្សនឹងចែករំលែកការសម្រេចចិត្ត៖ _____

- សិស្សបានផ្ទេរការសម្រេចចិត្តទៅឪពុកម្តាយ អ្នកថែទាំ ឬមនុស្សពេញវ័យផ្សេងទៀត។

បុគ្គលដែលសិស្សបានផ្ទេរការសម្រេចចិត្ត៖ _____

- តុលាការបានតែងតាំងអាណាព្យាបាលស្របច្បាប់សម្រាប់សិស្សដែលនឹងធ្វើការសម្រេចចិត្តលើការអប់រំ។

ឈ្មោះអាណាព្យាបាលស្របច្បាប់ដែលត្រូវបានតែងតាំងដោយតុលាការ៖



Other Options to Consider in Education?

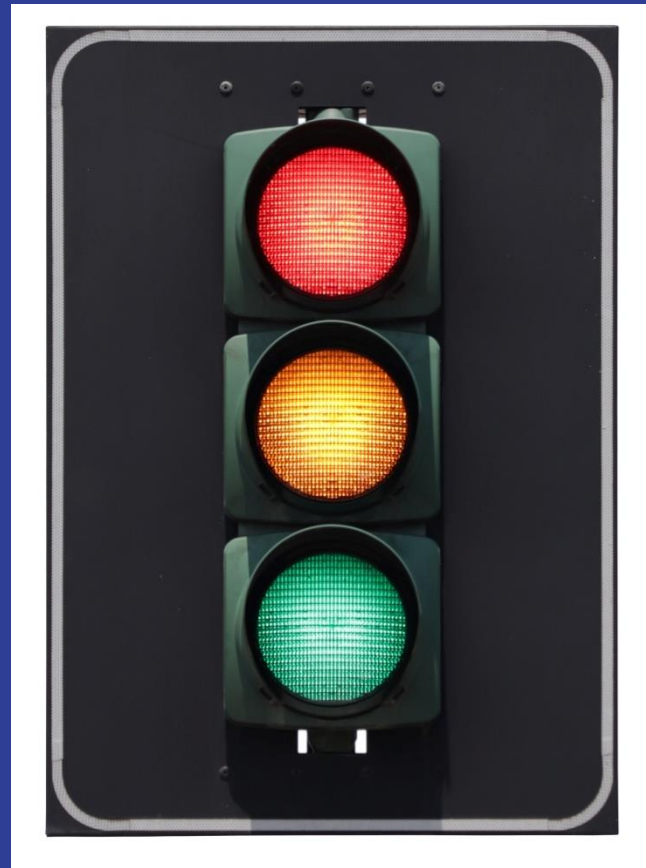
- Supported Decision-Making
 - “FERPA” Release of Information Form
- Shared Educational Decision-Making
- Delegated Educational Decision-Making

Scenario

Arun just turned 18. He has an intellectual disability and will receive special education services through his school until he turns 22. Although his parents want him to get experience making his own decisions, they are concerned the school will stop sharing information with them, because Arun is now a legal adult. They need that information in order to help him understand how he is doing in school and whether he needs to ask for more educational services. Arun trusts his parents and wants their help.

What legal tools should Arun and his family consider?

Knowledge Check-In 3



True or False?

After a student turns 18, schools and teachers can only talk to the student's parents if they have guardianship.

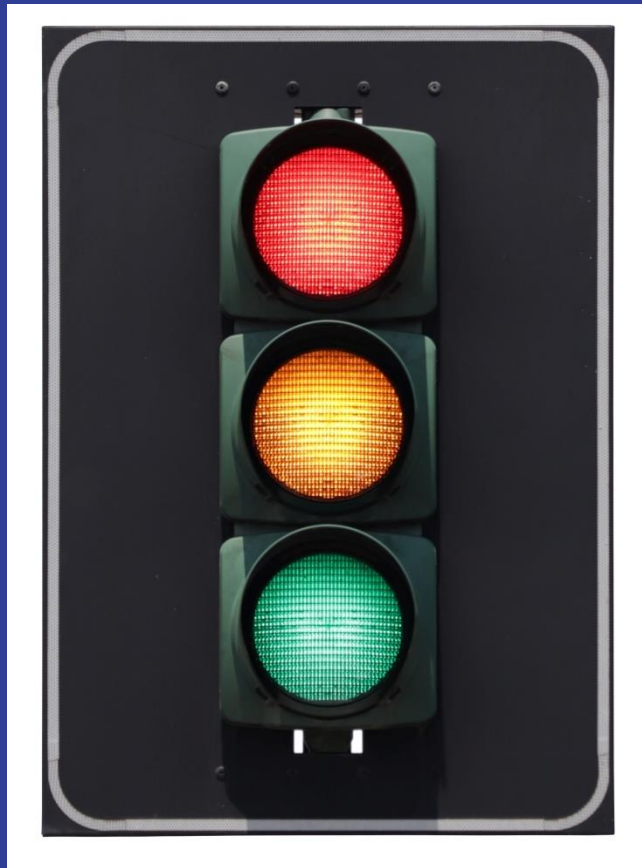
Knowledge Check-In 3



False

Truth – After a student turns 18, schools and teachers can talk to the parents with the permission of the student. Students can use “FERPA” release-of-information forms to give that permission, which can be helpful when using Supported Decision-Making in School.

Knowledge Check-In 4



True or False?

An adult student can choose to share educational decision-making with trusted people, including the student's parents.

This means that the student and the parents make decisions together about the student's IEP and educational services.

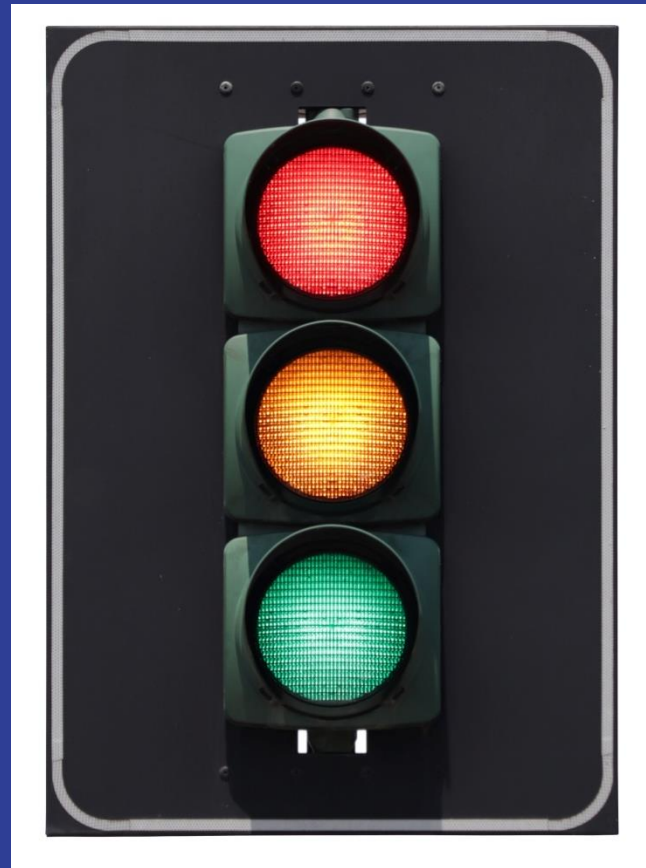
Knowledge Check-In 4



True

Shared educational decision-making means that the student and parents make educational decisions together. If the parent and the student do not agree on an educational decision, the student's choice wins.

Knowledge Check-In 5



True or False?

If an adult student in special education decides to delegate educational decision-making to a parent, the student cannot cancel the arrangement. The parent gets to make educational decisions for the student for as long as the student remains in school.

Knowledge Check-In 3



False

Truth – With delegated educational decision-making, the parent or chosen adult makes educational decisions for the student only because the student picked them to do so. The student can cancel the arrangement at any time and get back the right to make educational decisions.

Resources

- <https://supporteddecisions.org>
- <https://www.wearemass.org/supported-decision-making>
- <https://www.dlc-ma.org>
- Handouts



Questions Now or Later

- **Center for Public Representation**
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 - 413-586-6024, SDM@cpr-ma.org

