

Information for STUDENTS and FAMILIES About Alternatives To Guardianship For Education Decisions

After a student turns 18, who gets to make decisions about their education?

When a student turns 18 they get to make their own decisions. This includes school decisions. But, sometimes a student with a disability has difficulty making decisions. They may have a hard time saying what they want to do. A family member may want to ask a court to appoint a guardian to make decisions for the student.

Before asking for a guardian, it is important to consider other options.

Guardianship is a significant loss of liberty. It limits or denies a person the right to make their own decisions. Once a guardianship is put in place it can only be removed by a court order. There are times when guardianship may be necessary. However, the law requires that alternatives to guardianship be considered before asking a court to appoint a guardian.

Here are ways a student can get help from others in making school decisions without having a guardian:

Supported Decision-Making: Supported decision-making is an alternative to guardianship. The student selects people to help them make and communicate choices. The student gets help to understand information, but they make the decision.

Release of Information: The student signs a form that says who to invite to school meetings. The form says who can get information and records from the school.

Education Power of Attorney: A student uses this document to give someone the power to make school decisions for them. It also describes how the student will help make those decisions. Here are a few things you need to know about an education power of attorney:

- You do not have to go to court to establish a power of attorney
- The power of attorney needs to be signed by a Notary Public
- The student decides who they want to make decisions for them
- The student can cancel the agreement at any time

Here are a few tips for students and their supporters on how to prepare to effectively participate in an IEP or 504 meeting:

- Before a meeting ask the school to send an easy to understand (plain language) version, in writing, of:
 - any reports
 - evaluations and assessments
 - Individual Education Plans (IEPs)

Ask the school to send these documents to you at least a week before the meeting.

- Think about who you want to be at the meeting and find out if they can be there.
- Make a list of what works and what is not working at school.
- Make a list of questions and practice asking them.
- Practice what to do and say if you disagree with others during the meeting.
- Plan for what to do if you are upset or confused. You can always leave the room to talk with your supporters or if you just need a break.

Here are a few tips on what to do during a school meeting:

- Speak up!
- Ask people to introduce themselves. Make sure you know why they are in the meeting. Are they part of the student's team?
- Ask people to speak clearly, use words that everyone understands, no abbreviations or alphabet soup.
- Stop frequently and make sure you understand what is going on.
- Ask others to break down information into smaller parts.
- If any written information was not sent out ahead of time, ask someone to read it aloud at the meeting and ask them to explain the information.
- Ask questions.
- Remember, take your time to make decisions. You do not have to decide during the meeting. You do not have to agree with the team's decisions.
- You should take papers home and get help reading them.
- You can ask your family member or a friend to make a point during a meeting.

For more information on alternatives to guardianship and supported decision-making go to gmsavt.org

The Vermont Supported Decision-Making Partnership

Green Mountain Self-Advocates, the Vermont Agency of Education, the Vermont Office of Public Guardian, Vermont Family Network, the Vermont Developmental Disabilities Council, and the Disability Law Project of Vermont Legal Aid, Inc.

This handout was developed with support from Green Mountain Self-Advocates, Vermont Developmental Disabilities Council and Disability Rights Vermont