**Supported Decision Making**

**School District Requirements:**

Provide information and resources about supported decision-making agreements to all students per the transfer of rights. (Recommended – The Right to Make Choices…Supported Decision-Making Toolkit from Disability Rights) – On the district website, district services, special education tab, select transition services

It is not the responsibility of the district to get the supported decision making agreement signed or to participate in witnessing or notarizing the form.

This is the responsibility of the individual and their supporters. Once the adult student completes a supported decision making agreement, the school should keep a copy of the agreement on file.

We are not required to use the form that is showing up in eSped.

Separately is the transfer of rights at age of majority requirements **(For ALL students):**

[TEC Sec. 29.017.](https://statutes.capitol.texas.gov/Docs/ED/htm/ED.29.htm#29.017)  TRANSFER OF PARENTAL RIGHTS AT AGE OF MAJORITY.  (a)  A student with a disability who is 18 years of age or older or whose disabilities of minority have been removed for general purposes under Chapter [31](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=FA&Value=31), Family Code, shall have the same right to make educational decisions as a student without a disability, except that the school district shall provide any notice required by this subchapter or 20 U.S.C. Section 1415 to both the student and the parents.  All other rights accorded to parents under this subchapter or 20 U.S.C. Section 1415 transfer to the student.

**(c)  Not later than one year before the 18th birthday of a student with a disability, the school district at which the student is enrolled shall:**

(1)  provide to the student and the student's parents:

(A)  written notice regarding the transfer of rights under this section; and

**(B)  information and resources regarding guardianship, alternatives to guardianship, including a supported decision-making agreement under Chapter** [**1357**](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=ES&Value=1357)**, Estates Code, and other supports and services that may enable the student to live independently; and**

(2)  ensure that the student's individualized education program includes a statement that the district provided the notice, information, and resources required under Subdivision (1).

(c-1)  In accordance with 34 C.F.R. Section 300.520, the school district shall provide written notice to the student and the student's parents of the transfer of rights under this section. The notice must include the information and resources provided under Subsection (c)(1)(B).

**(c-2)  If a student with a disability or the student's parent requests information regarding guardianship or alternatives to guardianship from the school district at which the student is enrolled, the school district shall provide to the student or parent information and resources on supported decision-making agreements under Chapter** [**1357**](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=ES&Value=1357)**, Estates Code.**