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Colt Gill

Deputy Superintendent of Public Instruction

HB 2105 A: Supported Decision-Making
Senate Education Committee
May 10, 2021

Chair Dembrow, Vice-Chair Thomsen, and members of the committee, I am Nicole Peterson, Legislative Coordinator for the Oregon Department of Education (ODE). Thank you for the opportunity to provide testimony in support of HB 2105 A.

What the Bill Does

HB 2105 A would ensure youth with disabilities have access to information, training, and resources on supported decision-making during the important years leading up to turning the age of 18 and becoming an adult. This is a critical time for youth to practice and develop decision-making skills and prepare for adulthood. People who are supported to increasingly make their own decisions are more self-determined and have better post-school outcomes. They are better employed, live more independently, and better able to recognize and resist abuse.

Similar legislation has already been passed in a growing number of states. Without a statute to recognize supported decision-making as a formal accommodation, it can be challenging to ensure the information is shared with individuals and families.

HB 2105 A gives the direction for schools to share information, training, and resources regarding supported decision-making at the time when it is most important for individuals and their family to receive this information.

We have reviewed HB 2105 A and feel this bill is necessary as too frequently guardianship is presented as the default path when a child with a disability approaches adulthood. The Individuals with Disabilities Education Act (IDEA) requires what is commonly known as “notification on transfer of rights.” This notification is intended to let the individual and family know that the youth is about to be 18, when they will have the right to make their own decisions. Research shows that unfortunately this notification from schools plays a key role in people being ordered into overbroad and undue guardianships. The bill would ensure that this notification is received with additional information and context required to make an informed choice about the decision-making support options for a young person with a disability.

It is important to note that guardianship will still be available and is a good option for some individuals. Supported decision-making can be used as a support tool alongside guardianship,

where a guardian fulfills their existing obligations to continue supporting a person to be as independent as possible by using supported decision-making and supporting the person to make their own decisions as much as possible.

Impact to the Oregon Department of Education

It is helpful to have a definition in place for “supported decision-making” for implementation purposes and understanding what the expectations are. Note that ODE is planning on establishing this definition via the rulemaking process. There is no fiscal impact to ODE.

Thank you for the opportunity to provide comments, and we welcome any questions you may have. We urge your support of HB 2105 A.

Respectfully submitted,

Nicole Peterson

Legislative Coordinator