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March 1, 2021

Chair Williams  
Vice-Chair Leif, Vice-Chair Ruiz  
Members of the House Committee on Human Services

**RE: HB 2105 – Relating to alternatives to protective proceedings**

Chair Williams, Vice-Chair Leif, Vice-Chair Ruiz, and members of the Committee,

FACT Oregon is the US Department of Education, Office of Special Education Programs, designated Parent Training Information (PTI) Center serving families as they navigate Special Education services. Providing peer delivered support, training, and resources, we equip and empower families of youth experiencing disability to have high expectations as they pursue whole, full lives in community.

The core tenets of our work align with those embedded within the Developmental Disabilities Act, appreciating *“disability is a natural part of the human experience that does not diminish the right of individuals with developmental disabilities to live independently, to exert control and choice over their own lives, and to fully participate in and contribute to their communities through full integration and inclusion in the economic, political, social, cultural, and educational mainstream of United States society.”* (Public Law 106-402, 106<sup>th</sup> Congress 2000).

When a family understands the importance of self-determination, independence, and supported decision-making they celebrate their child reaching the age of majority as achievement of a beautiful milestone and not the abrupt presence of a dire cliff. The dire cliff is the occurrence of what has been referred to as the *“school to guardianship pipeline.”* The *Transfer of Rights* is the parental notification requirement within the Individuals with Disabilities Education Act (IDEA) and it typically takes place at an Individualized Education Program (IEP) meeting. It lets parents know that the procedural safeguard rights afforded in IDEA transfer to the student upon their 18<sup>th</sup> birthday – that is all, but families report that it is conveyed to them that they *must* seek guardianship to support their youth with decision making in transition planning. Some shared being handed the contact information of local attorneys that could assist them in the petition.

Data shares that 58% of youth with IDD between the ages of 18-21 have guardians – a guardianship that will likely remain in place for the rest of their life. Sharing of alternatives to guardianship, including supported decision-making, should be part of IEP meetings, as should busting the myth that guardianship is mandatory for parents to continue to support adult children in transition. We all use supported decision-making; it is not a novel concept. Below you can see a handout that we share with families as we encourage them to begin introducing supported decision-making to their child.

There is movement toward student lead IEP meetings, which is a great way to instill self-determination. Add to that instruction in self-advocacy and supported decision-making, and we can ensure that youth have every opportunity to retain their decision-making rights into adulthood. FACT Oregon is not prepared to speak to all the pieces of HB 2105, but wanted to convey appreciation for efforts to recognize supported decision-making and slow the “school to guardianship pipeline.” We are neither in support nor opposition of HB 2105 currently.

Thank you for your consideration,  
Roberta Dunn, FACT Oregon



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#### My Decision Making Worksheet

Step one – *What am I trying to decide?*

I would like to \_\_\_\_\_  
\_\_\_\_\_

Step two – *Consequences*

If I decide to do this \_\_\_\_\_  
\_\_\_\_\_

If I decide not to do this \_\_\_\_\_  
\_\_\_\_\_

I understand the consequences.       I do not understand the consequences.

Do I need to ask for help understanding the consequences?

Who do I need to ask to help me? \_\_\_\_\_

Step three – *My decision*

I decided to \_\_\_\_\_  
\_\_\_\_\_

Step four – *Outcome*

I am *happy* with my decision       I am *not happy* with my decision

A family leadership organization for individuals and their families experiencing disability, working collaboratively to facilitate positive change in policies, systems and attitudes, through family support, advocacy and partnerships.