

Factors That Influence Transfer of Rights Discussions in Special Education: Results From Expert Interviews

*Jaimie Timmons, M.S.W., Allison Cohen Hall, Ph.D.,
Daria J. Domin, M.S.W., Esther N. Kamua, Ph.D., and Jennifer Bose, B.A.*
University of Massachusetts Boston

Matthew S. Smith, J.D.
Harvard University Law
School

- **Limited research exists about transfer of rights conversations between students with intellectual and/or developmental disabilities, their parents, and educators within special education.**
- **Through key informant interviews with 14 experts in the field of transition and transfer of rights, we sought to understand the factors that influence how such discussions occur. Experts described a set of influential factors.**
- **Influential factors included (a) limited knowledge of school-based professionals about alternatives to guardianship and transfer of rights, (b) that school personnel may have presumptions about student competence, (c) limited student engagement in transition planning and decision making, and (d) the fact that schools are often guided by inadequate district and state policies.**
- **We offer a set of implications to school administrators that focus on promoting early and ongoing parent and youth engagement in transition planning that emphasizes decision-making awareness and skill building as well as shifting from the outdated paradigm to better align with best practice.**

Key words: Transfer of Rights, Alternatives to Guardianship, Transition Planning, Special Education, Age of Majority, Supported Decision Making.

The Individuals with Disabilities Education Act (IDEA) requires schools to notify both students receiving special education services and their parents that educational decision-making rights will transfer from parents to students when students reach their state's age of majority unless their state does not allow this transfer (Smith & Stein, 2022). Because the IDEA specifically does not allow transfers to adult students subject to guardianship orders, the way parents of students with intellectual and developmental disabilities (IDD) are notified may prompt them to initiate guardianship proceedings. Indeed, in addition to prompts to seek guardianship from service providers and family members, some special educators may encourage parents to do so during the IDEA-mandated transition planning process (Jameson et al., 2015; Millar, 2007; Payne-Christiansen & Sitlington, 2008) though the

prevalence of this practice warrants further empirical exploration (Landa et al., 2023).

Guardianship, however, can undermine core special education aims, such as students' self-determination (Millar, 2007; Rood, Kanter, & Causton, 2015), and has implications beyond educational decision making (Millar, 2014). Early commentators on the IDEA transfer of rights requirements warned that special educators may inadvertently make parents "feel compelled to obtain guardianship or other legal decision-making status over their son or daughter when they might not otherwise do so" (Lindsey, Guy, Wehmeyer, & Martin, 2001, p. 13).

Educators are now being encouraged to provide information to parents about the growing number of available formal and informal alternatives to guardianship, such as supported decision-making

practices (Millar, 2013). Indeed, some states require them to do so, including Texas; Washington, D.C.; and Wisconsin (Smith & Stein, 2022). The growing transfer of rights literature offers numerous recommendations for improving transfer of rights processes, ranging from reframing transfer of rights as an opportunity for student growth, leveraging transition planning to build students' decision-making skills, creating ample opportunities for students to practice decision making before the age of majority, raising awareness of guardianship alternatives, and considering guardianship as a last resort (Bose et al., 2021). Yet, in their recent research with special education administrators, Plotner and Walters (2021) found widespread agreement among study respondents that there is a disconnect between what schools are doing and what they should be doing with respect to effective and robust transfer of rights conversations during transition planning. C. Walters, Plotner, Mojica, and Allison (2022) argue that, although special education staff are uniquely positioned to have these conversations with students and families, they are largely ill-equipped to do so. As noted by Decker and Brady (2016), educators are underprepared in special education law making the need for increased legal literacy a priority.

As a result, schools' transfer of rights practices may instead impede students' progress toward postsecondary goals (Millar, 2003; National Council on Disability, 2018). At the same time, much about schools' transfer of rights practices remains underexplored given the limits of relevant empirical research (Landa et al., 2023). Thus, understanding the factors that may influence schools' practices from the perspectives of experts in the field of transition and transfer of rights becomes paramount to identifying effective interventions aimed at promoting positive postsecondary outcomes. In this context, we sought to answer the following questions:

- What are the different ways of providing information on transfer of rights and guardianship and/or its alternatives according to a range of experts in the field?
- What are the influential factors that affect how special educators provide information on transfer of rights and guardianship to parents and transition-age students with IDD?

How Did We Gain Information From Experts in the Field?

Talking With the Experts

Expert interviewing has widely been regarded as a qualitative methodology that can contribute to a deeper understanding of a phenomenon (Döringer, 2021). We used purposive sampling and then snowball sampling for recruitment (Tongco, 2007; Valerio et al., 2016). Once our institutional review board granted approval, we developed inclusion criteria. We defined an expert as a person who had either extensive personal or extensive professional experience with having or studying transfer of rights conversations during transition planning. In compiling our initial list, we asked for nominations from our project advisory panel, staff at the Institute for Community Inclusion, and others in our professional networks, including family and transition networks and disability rights advocacy groups. We added nominations to a central list that was reviewed weekly to ensure a broad representation of expert perspectives.

We sent potential interviewees an invitation email and a project information sheet explaining the purpose of the study, the duration of participation, and the risks and benefits. A member of the research team then followed up with each nominee by email and phone to schedule an interview. Following their interviews, students with IDD and parents of students with IDD each received a \$25 gift card for their participation. As we began interviewing, we also asked respondents to nominate other experts.

How Did We Gather This Information?

Data collection began with an accessible consent process and continued with a 45- to 60-minute interview conducted by a member of our team over Zoom. When beginning interviews with students, we reviewed the project information sheet and asked if they understood or had questions. We also reviewed a plain language consent script that emphasized that, at any time during the study, participants had the option to end their participation without consequence. We recorded the interview with the respondents' permission. We then sent recordings to

Table 1*Expert Demographics (n = 14)*

Groups with whom experts identified	Number of years working in the field	Region of the country where experts worked
Youth with IDD 2	Less than 10 years 1	National 1
Parent 4	10–15 years 4	Mid-Atlantic 2
Special education/transition 5	15–20 years 4	Southeast 6
Self-advocate 5	More than 20 years 3	Midwest 3
Policy/research 2		Northwest 1
		Southwest 1

Note. In column one, experts could identify themselves as being part of more than one group. Tallies in column two do not include youth with IDD.

a third-party service for transcription. We conducted interviews over the course of a 4-month period.

During the interview, we covered various topics, including (a) the expert's perspective and knowledge of practice in the area of transfer of rights; (b) the expert's perceptions about the quality of current transfer of rights processes; (c) what the expert perceived as influential factors that account for why these discussions occur the way they do; and (d) the expert's knowledge of promising practices, evidence of implementation of such practices, and recommendations for the field. Although a semistructured protocol guided each interview, we encouraged a free-flowing discussion.

We interviewed 14 experts in total with diversity in terms of their professional and personal roles. Three of the 14 could be described as nonprofessionals (youth with IDD or a parent without an additional professional role), and 11 could be described as having professional expert roles. Of the three nonprofessionals, two young adults with IDD were interviewed and one parent. The young adults were 24 and 26 years of age, both were attending postsecondary education, one lived in the South and the other in the Midwest, and both were users of augmentative and/or alternative communication. One was interviewed independently and the other in collaboration with a parent.

We defined experts as established professionals (Trevelyan & Robinson, 2015; C. B. Walters & Plotner, 2023) in transfer of rights discussions, particularly with students with IDD. Experts in the professional category met the following criteria: (a) has advocated, trained, provided school-based transition planning or conducted research related to transfer of rights, supported decision making,

transition planning, or alternatives to guardianship and (b) has performed this work at the state or national level within the United States for at least 5 years. Experts in the nonprofessional category needed to have lived experience related to transfer of rights discussions during transition planning within the past 5 years. Therefore, experts had a strong grasp of transfer of rights issues at the individual, practitioner, and systems levels and understood the special education policy landscape (C. B. Walters & Plotner, 2023).

All 14 experts were asked to choose the group with whom they identified, and they could pick more than one group. All but one of our experts in a professional role had worked in their field for at least 10 years, and three had worked in their field for more than 20 years. Nine of the 14 experts reported that their work was in either the Southeast or Midwest regions of the United States. See *Table 1* for additional demographic information, including more detail on the groups with whom experts identified, the number of years working in the field, and the regions of the country where the experts worked.

Experts in the professional group held previous roles in the areas of vocational rehabilitation counseling, transition consulting, assistive technology, supported decision making, and more general family support. Additionally, several held roles on prominent national committees and advisory boards.

How Did We Analyze This Information?

We used elements of comparative and thematic analyses (Glaser & Strauss, 1967). Thematic analysis

allowed us to identify and describe patterns that emerged from the data. We began analysis by reading transcripts in preparation for coding. Coding is an early and ongoing way of labeling data to sort it and assign meaning (Miles & Huberman, 1994). We developed operational definitions for each of the 10 codes. This was imperative given that there were four team members who engaged in coding. However, we adapted these definitions as new cases emerged, and we met weekly to ensure shared understanding. As we modified coding definitions throughout the coding process, we regularly returned to the data set to ensure that the coded text matched the evolving definitions. We used a qualitative software program (Atlas.ti) to code, store coded transcripts, and sort data. We simultaneously coded and analyzed the data, often meeting as a team to compare specific passages, improve our understanding of the data, and explore the similarities and differences among participant experiences (Charmaz, 2000). Once all transcripts were primary coded, a second coder reviewed them to ensure consistency. We used Atlas.ti to generate query reports for memo writing. Memo writing helped to organize themes from the data, which allowed us to further develop, interpret, and analyze the data (Creswell, 1998).

What Did We Learn From Experts?

Findings from experts confirmed those of our scoping literature review, in which we described the current practices in administration of transfer of rights in special education and how they might lead to choosing guardianship at the age of majority. We used a scoping literature review to generate knowledge through an iterative, systematic approach to synthesizing an existing body of literature (Thomas, Lubarsky, Durning, & Young, 2017), in this case transfer of rights discussions. Expert interviews added depth to the knowledge gained in the scoping interview through elucidation of the range of factors that influence the current approach. In the following findings section, we (a) summarize how the expert interview data validated our scoping literature review findings and (b) provide insight into the reasons why transfer of rights discussions currently occur the way they do.

When presenting guardianship as an option, conversations occur in such a way that school personnel can imply that guardianship is the only option for parents to be meaningfully involved in special education or other decisions related to their children's lives, and therefore, they steer parents toward this option without exploring the alternatives.

Confirmation of Scoping Literature Review Findings

Findings from experts validated those that emerged from our scoping literature review. First and foremost, many special educators either do not understand or are not aware of the range of alternatives and how and when they might be used, so they may inadvertently encourage guardianship. Furthermore, experts agreed that discussions around transfer of rights are often oversimplified, procedural, and regulatory in nature or that school personnel can subconsciously pass on misinformation. When presenting guardianship as an option, conversations occur in such a way that school personnel can imply that guardianship is the only option for parents to be meaningfully involved in special education or other decisions related to their children's lives, and therefore, they steer parents toward this option without exploring the alternatives. Experts also validated scoping literature review findings that found schools are not having planning conversations about early decision making in preparation for transfer of rights, and because of this, parents and youth are unable to make a truly informed choice and are rushed to come to a decision as they approach the age of majority. Finally, experts agreed with findings from the literature that found limited school personnel understanding related to the negative, long-term implications of guardianship.

Expert interview findings were also consistent with the literature showing that parents form trusting relationships with teachers and other school-based professionals. Parents rely on advice from teachers and other school-based professionals when considering transfer of rights and making decisions around guardianship, compounding the concern

about school-based professionals' inadequate knowledge with the subject matter. Parents often come to the decision with either no prior knowledge or preconceived notions about either the need to protect their child or fear of not being included in educational and other decisions.

Review of Factors That Influence How Transfer of Rights Discussions Currently Occur

Experts described a set of influential factors that occur within special education that impact how transfer of rights discussions occur. These are (a) limited knowledge of school-based professionals about alternatives to guardianship and transfer of rights, (b) that school personnel may have presumptions about student competence, (c) limited student engagement in transition planning and decision making, and (d) that schools are often guided by inadequate district and state policies.

Limited Knowledge of School Personnel About Alternatives to Guardianship and Transfer of Rights

Experts shared that lack of teacher capacity to facilitate transfer of rights discussions is a key factor influencing how the conversations are conducted and what gets discussed. In most cases, it was felt that capacity was related to a lack of training or knowledge. Experts shared that most teachers do not receive training on special education law, so they are not familiar with the actual statute. Furthermore, one expert noted that even teachers who took a special education law course most likely do not understand how the law translates into transfer of rights discussions. This was corroborated by another expert who shared that higher education in the field of special education includes very little on alternatives to guardianship. As she says, "a lot of times, [transfer of rights] conversations come from a place of just lack of education, and it's not something you learn about in college as a preservice teacher." Yet another expert noted, "I can say emphatically that they're not being trained on anything to do with alternatives to guardianship or age of majority."

In addition to limited training on the range of guardianship alternatives and special education law,

experts believed that most educators recommended guardianship simply because they did not fully understand the range of negative long-term impacts. For example, one expert shared that "school personnel don't really necessarily know much about the impact of guardianship beyond the fact that it makes their paperwork a lot easier." Similarly, another expert attributed guardianship recommendations to "the ignorance of schoolteachers and school administrators concerning the lifetime consequences of guardianship." Yet another expert recalled a conversation with a special educator who explained,

I didn't know what I didn't know. I didn't know that there were alternatives. I didn't know how this would impact a person's human rights and what this would mean for the person going forward ... I was not trained in any way, shape, or form to have these conversations.

Experts also noted that limited teacher knowledge is compounded by a special education teacher shortage, which has led to lowering licensing requirements. They explained that this has resulted in minimally licensed or even untrained teachers providing direct transition planning guidance. As one expert noted, "In schools all over the country, you have long-term subs or teachers with very minimal licensing who may have never had any kind of special ed course, much less a special ed law course." Furthermore, teachers are overburdened in general, and thus, transfer of rights can get addressed as a matter of efficiency. Experts shared that being overburdened inhibits their ability to work with students to build decision-making skills and practice supported decision making over time. This can inadvertently steer the transfer of rights conversation toward guardianship as the only viable option in part because students have not had the opportunity to demonstrate decision-making skills over time.

School Personnel May Have Presumptions About Student Competence

Transfer of rights discussions are also negatively influenced by the fact that many school personnel might continue to have presumptions about student competence and fail to recognize the benefits of

supporting students to be part of important decisions about their lives. Experts shared that stereotypes and low expectations of teachers can influence their representations to parents, that students with certain diagnoses or labels cannot or should not be involved in decision making. For example, an expert noted that the presumption of a student's inability to make decisions based on communication or behavior challenges can lead to the assumption that guardianship is the most appropriate option, thus influencing transfer of rights discussions in that direction. As this expert said, "We're suffering because people with intellectual and developmental disabilities aren't actually being trusted" to make their own decisions. Experts noted that school personnel's low expectations, particularly as they relate to students' decision-making capacity, work in opposition to best practices in transition, emphasizing autonomy and self-determination, and can lead to a reinforcing loop that results in youth not getting the opportunity to develop decision-making skills.

Some experts noted that students needing support to communicate are especially vulnerable. They shared that parents made the decision, mostly out of fear or an instinct to protect, about whether to get guardianship based on their youth's ability to speak regardless of their decision-making skills. For example, an expert shared that parents are still outright being told by some school personnel, "If they're nonverbal, you need guardianship" or if the young adult "could speak, then they would do power of attorney. And if they couldn't, it was guardianship and it was not even a question." Similarly, another expert shared that some parents assume that guardianship is necessary for youth needing support to communicate, and they say, "... my son has autism and doesn't speak; of course, I'm going to be making decisions for him."

Some experts also shared that paternalistic attitudes can influence how transfer of rights discussions are held. As a result, school personnel, perhaps even unknowingly, believe that, by offering guardianship as the default option, they are, in fact, "doing what is best" for the students and families. One expert pointed out that school-based personnel are "using paternalism as our excuse," noting that, the alternatives are person-centeredness and individualization of supports, two key tenets of transition planning.

Limited Student Engagement

Experts shared that most students with IDD only become engaged in discussions around transfer of rights at the age of majority, and even then, some are not engaged at all. They noted that this may be because the students are often viewed as not being capable of making decisions for themselves. One expert noted that, [by] "sixth grade, some parents and educators have already decided that students should have a guardian based on a decision-making choice they've seen at that point. . . then it's just always assumed."

Yet many students with IDD find themselves being minimally involved in transfer of rights discussions in the first place because of their limited involvement in transition planning (Sanderson & Goldman, 2022), and this includes transition planning around decision making. Experts noted that students with disabilities are often not given opportunities early on to practice decision making and self-determination, which they need as adults to be successful. This puts youth in a paradoxical situation. It is hard for youth to make their own decisions and elicit confidence in the adults in their lives that they are capable if they have not been set up to practice these skills and given opportunities for growth for most of their lives. As one expert stated, "[It] just makes it so much harder to exercise your rights. . . in an informed way. You're trying, but you're hampered by the fact that you're being asked to make decisions you don't really know how to make." Another expert noted, "Ideally, I guess there would have already been activities happening so that an individual was familiar with choice making, familiar with decision making, and that. . . it was discussed."

Experts agreed that best practices in transition planning, such as developing autonomy and building self-determination skills, are not being implemented within special education. Students with IDD have had limited opportunities for decision making and advocacy and have been left with a lack of awareness when it comes time for transfer of rights discussions and an exploration of alternatives to guardianship. Experts noted that it is hard for students to make and participate in decisions about transfer of rights if they haven't had any practice or experience prior to the decision itself. As a result, limited student engagement appears to be a

significant missed opportunity in terms of positively impacting transfer of rights discussions.

State and Local Policies About Transfer of Rights

Experts suggested that the policies and procedures states and districts adopt to implement the IDEA's transfer of rights affect school practice. Whereas two experts attributed positive practices to specific state or district rules, another indicated that these provisions missed an opportunity to promote alternatives to guardianship. Other experts believed that local-level rules are more impactful than the IDEA and that teachers failed to connect educational decision making with the IDEA's clear policy goals.

Several experts highlighted the potential state or district-level policies to influence schools' transfer of rights practices, observing that, among "districts who probably facilitate the conversation the best, they have procedures for how that happens." Similarly, another expert observed important changes in school practices in her state following the passage of a state law expressly obliging teachers to educate parents and students about supported decision making as part of the transfer of rights process. She said,

I've kind of heard more and more stories about the conversation broadening, but I've also heard a lot of teachers come up to me and say, "I need to learn more about this spectrum of options, and I don't have a lot of background in this." [I'm currently] working on changing that script for teachers and really help them very simply understand what their role is.

Experts also noted that there is a reliance on the information specifically shared by their school administrators and/or their state special education departments. Experts shared that, in some states/districts, as a matter of policy, special education teachers are handed "guardianship packets" to share with families, and because they were not trained on holding transfer of rights conversations, they then present only one option offered in the packet. As one expert noted, teachers are only "given tools to describe one option" instead of being equipped to provide "the full picture of all the different ways to support somebody." Similarly, another expert pointed out that

"for teachers. . . they may not even have an intimate knowledge of the special ed[ucation] law. They know what school administrators choose to tell them in trainings." Furthermore, several experts referred to educators' tendency to treat transfer of rights discussions as a checkbox or "as a sort of compliance thing that needed to be done and be checked off the list." Another indicated that transfer of rights was largely seen as a "compliance requirement" focused on simply having "to do these forms." Although one legal expert attributed this checkbox mindset directly to the IDEA's provisions, the others did not similarly discern a clear causal connection.

Through an understanding of what influences the current approach to transfer of rights discussions, researchers can identify the malleable factors or those factors that can be changed to create more promising future practices.

What Did We Learn? Best Practices in Transfer of Rights

The goal of this study was to interview experts in transfer of rights discussions and experts in the transition of students with IDD to adult life to seek agreement about what constitutes "best practice" in facilitating discussions of transfer of decision-making rights. The goal in interviewing experts with a wide range of perspectives was to produce themes that can be triangulated with existing and ongoing project research to support the development of the project's theoretical model for transfer of rights discussions. Through an understanding of what influences the current approach to transfer of rights discussions, researchers can identify the malleable factors or those factors that can be changed to create more promising future practices.

Findings from our expert interviews showed four important, influential factors that affect how school personnel discuss transfer of rights with parents and students with IDD. Special education staff have limited knowledge about how to facilitate robust transfer of rights discussions, how to prepare for them, and the long-term implications of inadvertently promoting guardianship as echoed

throughout the literature (e.g., Plotner & Walters, 2021). How transfer of rights discussions occur can also be attributed to outdated ways of thinking that can promote a paternalism that hampers self-determination and authentic informed choice.

Raley, Shogren, Martinis, & Wehmeyer (2023) discuss the intersection of transfer of rights and self-determination, noting that there is a critical need to combat harmful effects of schools assuming incompetency by providing opportunities for students to be supported within a strengths-based model. Contrary to best practice in transition planning around promoting youth involvement, leadership, and self-determination, our experts agreed that youth engagement in transfer of rights discussions was limited at best, and that federal, state, and school district policies and procedures can greatly impact how guardianship and the discussion of alternatives occurs within special education. Great variation, particularly at the school district policy level, leads to disparities in how transfer of rights discussions occur. As a result, we offer the following recommendations to special education administrators to create more efficient and productive transfer of rights discussions. Special education administrators can consider (a) promoting early and ongoing parent and youth engagement in transition planning that emphasizes decision-making awareness and skill building and (b) shifting from the outdated paradigm to better align with best practice.

Ensure Early and Ongoing Youth and Parent Engagement

Our findings showed that many students with IDD only become engaged in discussions around transfer of rights at the age of majority, if at all, and their engagement in transition planning is limited at best. This remains consistent with research that describes the transfer of rights notification as an event that prompts school staff to discuss guardianship (Kanter, 2015; Leuchovius & Ziemke, 2019; Raley et al., 2023; Theodorou, 2018). Having transfer of rights discussions only one year prior to the age of majority sets up the discussion to be one of compliance versus one in which the student and parent have had ongoing opportunities for meaningful dialogue and exploration. This is consistent with recent literature that confirms early opportunities for youth

autonomy can provide core skills for more complex decisions later in life (Francis & Stanley, 2022). Schools need to start preparing students and families for transfer of rights much earlier than 1 year prior to turning 18. This will enable more time for thoughtful discussions about decision making as a tool for meaningful growth. Schools must start having early and ongoing conversations that promote young adult and parent familiarity and comfort with youth choice making as well as conversations about how to support young adults based on the types of decisions being made (Francis & Stanley, 2022). Rather than a procedural discussion, school staff must build a sense of competence through regular practice in decision making to counteract a paternalistic paradigm (Timberlake, 2020). With early and ongoing decision-making practice, schools ultimately may reduce the chances that guardianship will become necessary because the groundwork will have been laid in advance to prepare them for alternatives. Furthermore, building in accountability measures, such as student goals around self-determination and decision making as part of the transition plan, will support all parties to commit to the process.

Rather than operating under a paradigm of protection of people with disabilities, school administrators can work to shift toward a model in which schools build student autonomy, freedom, and choice.

Shift the Paradigm to Align With Best Practice in Transition Planning

Experts shared that, if not changed, assumptions around incompetence and other stereotypes and prejudices about students with disabilities continue to paint the picture of a person with a disability as unable to make decisions, which then shapes transfer of rights discussions. All too often within special education, decisions involving students with IDD happen behind closed doors without the student meaningfully involved. Instead, beliefs about the value of interdependence; presumption of competence; and presumption that all people with disabilities should maintain self-control, experience self-worth, and have opportunities to develop self-determination are factors

that can lead to alternatives, such as supported decision making (MacLeod, 2017).

Rather than operating under a paradigm of protection of people with disabilities, school administrators can work to shift toward a model in which schools build student autonomy, freedom, and choice. As previously noted, students need the time it takes to learn how to make decisions, weigh the pros and cons of such decisions, know when and how to get support for making decisions, and experience the dignity of risk. Francis and Stanley (2022) encourage teachers and families to design opportunities for “failure and feedback” so that students can practice problem solving and decision making with varying levels of support. Such experiences should not be impeded by even the most well-intentioned educators. Creating a school culture that promotes self-determination through student-led individualized education programs and implementation of specific curricula can support students to take responsibility, advocate for themselves, communicate their needs, and drive their own educational and life decisions. Furthermore, schools must consider situating discussions around alternatives to guardianship and transfer of rights within the larger context of inclusion. Schools must understand the importance of building social capital and meaningful community engagement, driven by the constitutional principles of liberty, choice, and consent. Lindsey et al. (2001) said that, if schools implement transfer of rights rules poorly, then age of majority will be perceived as an alarm rather than an opportunity.

Limitations

This study’s sample included family members, youth with IDD, special education professionals/transition coordinators, and attorneys with expertise in transfer of rights. Whereas the range of professional and personal experiences was diverse, the sample did not include any persons from communities of color. This is of concern because experiences of Black, Indigenous, and People of Color (BIPOC) youth, family members, and professionals could differ significantly from those in the current sample. Youth and families may have cultural concerns and preferences that influence how they view decision making, interdependence among family members, and the significance of professional expertise (Francis & Stanley, 2022).

Regarding special education professionals, data shows that both teachers and administrators in schools across the United States are predominantly white (Fish,

2019). The concerns of this study’s homogenous sample reflect the problems in the field. Research suggests that only 18% of special educators are BIPOC teachers, whereas almost half of students with disabilities are from communities of color (Bettini, Billingsley, Walraven, & Williams, 2018). Many studies document the benefits of having teachers that reflect the students’ own backgrounds (Nevarez, Jouganatos, & Wood, 2019). Other research has identified important differences among white teachers and teachers of color, including that teachers of color tend to hold higher academic expectations for all students (Pigott & Cowen, 2000) and are more likely to adhere to a “growth mindset” that is linked to greater student outcomes (Blazar, 2021). Thus, having the perspectives of BIPOC teachers and administrators would yield important insights into the issues identified and conclusions of future research in this area.

Conclusion

A disconnect remains between what school personnel are currently doing and what they should be doing with respect to effective transfer of rights discussions with students with IDD and their families. Whereas special education staff are well-positioned to have these conversations, several factors appear to be having an influence, including the limited knowledge of school-based professionals about alternatives to guardianship and transfer of rights, the existence of presumptions about student competence, limited student engagement in transition planning and decision making, and inadequate district and state policies. Those in special education leadership positions can focus on promoting early and ongoing parent and youth engagement in transition planning that emphasizes decision making as well as shifting toward a new paradigm that includes a presumption of competence, opportunities to develop self-determination, and experiencing the dignity of risk will better align with best practice in transition planning.

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About the Authors

Jaimie Timmons, MSW, is a research associate III and program manager at the Institute for Community Inclusion, 100 Morrissey Blvd., University of Massachusetts, Boston, MA 02125. Email: jaimie.timmons@umb.edu ORCID 0009-0004-5746-2211

Allison Cohen Hall, PhD, is a senior research associate III and program manager at the Institute for Community Inclusion, 100 Morrissey Blvd., University of Massachusetts, Boston, MA 02125. Email: Allison.hall@umb.edu ORCID 0000-0003-3799-2499

Daria J. Domin, MSW, is a research and knowledge translation manager at the Institute for Community Inclusion, 100 Morrissey Blvd., University of Massachusetts, Boston, MA 02125. Email: daria.domin@umb.edu ORCID 0009-0005-5799-8216

Esther N. Kamau, PhD, is a policy and research associate at the Institute for Community Inclusion, 100 Morrissey Blvd., University of Massachusetts, Boston, MA 02125. Email: esther.kamau@umb.edu ORCID 000-0001-7574-1776

Jennifer Bose, BA, is a research data coordinator at the Institute for Community Inclusion, 100 Morrissey Blvd., University of Massachusetts, Boston, MA 02125. Email: Jennifer.bose@umb.edu ORCID 0000-0003-0647-8614

Matthew S. Smith, JD, is the director of advocacy initiatives at the Harvard Law School Project on Disability, 1515 Massachusetts Avenue, Harvard University, Cambridge, MA 02138. Email: msmith@law.harvard.edu ORCID 0000-0001-7261-4149

Conflict of Interest Disclosure. The author(s) declare no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

Funding Disclosure. This is a product of Guardianship, Alternatives, and Transfer of Rights (GATOR) at the Institute for Community Inclusion, University of Massachusetts Boston, and is supported in part by the Institute of Education Sciences, U.S. Department of Education, grant R324A190114.