"I HAVE A CHOICE, I HAVE A VOICE!"

Information for Youth and Young Adults with Disabilities
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Welcome!

I hope you will explore the many great resources here in the disAbility Law Center of Virginia’s (dLCV) handbook, *I Have a Choice, I Have a Voice!* Young adults need to know their rights and responsibilities as they approach this new chapter in their lives. Parents and professionals can be of valuable help during this process.

These are exciting and challenging days! Thanks to technology, better education, and increasing social awareness, young people with disabilities have more opportunities for a rewarding future than ever before. However, in order to realize the many opportunities, you need to be prepared!

Here at dLCV, we support full inclusion of people with disabilities into all aspects of our community – work, education, leisure and living. Let us help you to find your choice and speak your voice!

Your bright future awaits you!

Sincerely,

Colleen Miller
Executive Director
This publication was prepared with 100% federal funding.

This information should not be interpreted as legal advice.
**H A P P Y 18th**

Let’s talk about the age of majority  
In case you didn’t know, that age is 18

When you reach that age you know you’ve got a choice  
But to let it be known, you’ve gotta’ use your voice

When you turn 18  
All young men have to register with selective service  
When you turn 18  
Doesn’t mean you’ll be drafted, so man, don’t be nervous

When you turn 18  
Voting’s your civic responsibility and it’s your right  
When you turn 18  
Remember you don’t have to pick your candidate over night

There’s a few more things that we need to say  
About working or college you know there’s a way

You wanna’ work but you’re worried about your SSI  
Just think 301 and it will be alright

When you turn 18  
301 may protect your SSI while you find a job that fits  
When you turn 18  
DARS can help you plan so it doesn’t interfere with your benefits

When you turn 18  
You can follow your dreams and you can go to college  
When you turn 18  
504 provisions can support you while you get your knowledge

When you turn 18 you’ve got a choice  
But to let it be known you’ve gotta’ use your voice X2

*Lyrics by Valerie Slater. Music by Pharrell Williams (song "Happy").*
When you turn 18
Guardianships can take away all of your authority
When you turn 18
The same can be true of a power of attorney

When you turn 18
Advanced directives support you when you need to make healthcare decisions
When you turn 18
Only when you’re incapacitated no long term provisions

When you turn 18
Incapacity means you can’t make decision for yourself
When you turn 18
While you’re thinking clearly you leave advanced directives on the shelf

When you turn 18
If you get in trouble you have the right not to say a word
When you turn 18
Always ask for an attorney before you let your voice be heard

When you turn 18
If you commit a crime you will have to pay the consequence
When you turn 18
Your parents can’t speak for you and they don’t have to give consent

When you turn 18 you’ve got a choice
But to let it be known you’ve gotta’ use your voice X3

You have a VOICE!!

Lyrics by Valerie Slater. Music by Pharrell Williams (song "Happy").
Did You Know…?

…when you turn 18 years old, you are legally an adult and you have many more rights and responsibilities? This self-advocacy guide will explain some of these rights and responsibilities.

- You can register to vote in local, state and federal elections. You can get registration forms at your local library, post office, DMV branch, through your local registrar, or online at www.sbe.virginia.gov.

- You can enter into contracts and sign legal papers including credit card applications, leases, loans and many other legal agreements. Be careful! You can also be sued if you do not meet your obligations under a contract.

- You must register for selective service (males only) within 30 days of your 18th birthday regardless of any disability. There are a few narrow exceptions, but it is safe to assume that you must register. You can register online at www.sss.gov; pick up a form at your local post office; or ask your high school guidance counselor for information and assistance.

- You can make your own decisions about medical care, education, finances and all other life choices. Your parents may not be allowed to continue to do things for you such as make or cancel medical appointments, get information on your prescriptions or talk to an insurance company about you without your consent.

- You can write an advance directive to prepare for the future. You can get more information, including a do-it-yourself form with instructions, at http://dlcv.org/supported-decision-making.

- If you received SSI before age 18, your case will be reviewed near your 18th birthday to decide if you meet the adult rules for disability. If you didn’t have SSI before age 18 because your household income or resources was too high then
at age 18 you can apply on your own income and resources. This may make it easier to meet the financial rules. You also have to meet the adult rules for disability.

If you are charged with a crime, you will be treated as an adult and your criminal record is permanent. You do not have the right to have your parents present when you are questioned as you did when you were a minor, but you do have the right to have an attorney with you. If the police are questioning you about a crime, ask for an attorney and the police have to stop questioning you.

You can get into a lot of trouble if you have sex with someone under the age of 18 because you are an adult and the other person is still considered a child.

You may be called for jury duty. This does not mean you will have to serve on a jury, but you may get a summons to appear in court for duty.

You are responsible for paying taxes and filing your tax return.

AND, did you know that you still CANNOT do these things....

...purchase, possess or use alcohol? If you are caught with alcohol, you may be charged with a Class 1 Misdemeanor and face the possibility of a fine, community service, and suspension of your driver’s license.

...apply for or carry a concealed weapon?
Transition Services

What Are Transition Services?

Transition Services are results oriented services that help students with disabilities prepare for life after high school. Services should be tailored to the individual student’s needs based on strengths, interests and preferences. Examples of these services are:

- Career exploration, guidance and counseling
- Vocational evaluation and assessments
- Job Development and Job Placement
- Post-secondary education and training
- On-the-job training
- Supported employment

When Are Transition Services Required?

By age 14, a student’s IEP must begin to focus on preparing the student for his or her future beyond high school. By 16, a student’s IEP must have a Transition Plan.

What Is a Transition Plan?

Transition Services need to be written into the Individualized Education Program (IEP). This is called a Transition Plan. A Transition Plan must include goals and what the student needs to meet the goals. It must also include the agencies that will provide the services.

When developing a Transition Plan, the IEP Team must think about the student’s education, work, and living needs. However, transition is much more than that. The IEP Team should ask and answer questions about everyday life. For example:

- Will the student be going to college or entering the workforce?
- Will the student be able to travel to and from work or school independently?
- Will the student travel by public transportation or does the student need driving lessons?
- Can the student state his likes and dislikes (advocate) for himself?
- Does the student know how to use a telephone independently?
- Can the student use a telephone to call the doctor?
How Is a Transition Plan Created?

To create an effective Transition Plan, the IEP Team considers what the student needs to be able to know and do when he/she leaves school. They also think about the student’s likes and interests. Students must be invited to attend their IEP meetings if the meeting is related to their transition needs. If a student does not go to the meeting, the school must take other steps to make sure that his/her likes and interests are talked about and made part of the Transition Plan.

Who Ensures That Transition Services Are Provided?

The school and the agencies identified in the IEP have the responsibility to ensure that Transition Services in the IEP are provided. These agencies can include:

- Department of Rehabilitative Services (DRS);
- Department for the Blind and Vision Impaired (DBVI);
- Community Services Board (CSB); and
- Centers for Independent Living (CIL).

Where Are Transition Services Provided?

Transition Services do not have to be provided on school grounds. For some students, Transition Services at a community college might be proper. For others, a job site might be best. For students who have multiple or severe disabilities, a Transition Plan might include an adult day program funded by the school system. This often comes up for 18-21 year-old students. While they are entitled to services, their peers without disabilities are no longer in school. Understandably, these students do not want to receive services in a high school setting with younger students.

What If the Student and the School Disagree About Transition Services?

There are several options if a student disagrees with the school about Transition Services. They may seek mediation, request due process or file a complaint with the Virginia Department of Education. Additionally, dLCV’s Client Assistance Program may be able to help.
Education Accommodations after High School

Education Accommodation

Education accommodation is any change or adjustment to required tasks or the classroom that allows students with disabilities to have an equal opportunity to experience education just like other students.

Are you thinking about continuing your education after high school but worried that you will not be able to get accommodations?

The process to get education accommodations is different than in high school because your Individualized Education Plan (IEP) no longer applies; however, it is possible to get the accommodations you need to succeed!

Before you start your next educational experience, make sure that you have a note from your doctor that identifies your disability and states the accommodations you may need. The accommodations you request need to be reasonable and they must be things you need because of your disability.

A few months before you start school or as soon as you can, meet with staff at the office that supports students with disabilities (often called Disability Support Services or DSS). Share with them the letter from your doctor and talk to them about what accommodations you think you will need. They will help you develop a plan and give you a letter stating that your request for accommodations has been approved. Once you register for classes, speak with your professors about your accommodations and show them the documentation from DSS.

Possible accommodations include:

- Large print textbooks
- Reader (or proctor) for tests
- Note takers
- Preferred seating
- Preferred scheduling
- Extra testing time
- Separate testing room

If you have difficulties receiving accommodations, call DSS or the disAbility Law Center of Virginia.
Introduction to Assistive Technology for Adults

What is Assistive Technology?

Assistive Technology, or AT, is a device that helps a person with a disability perform everyday tasks. It can be any item or piece of equipment that you buy or create that is used to maintain or improve your ability to do tasks you need or want to do. It can also be a service that helps you choose, get and use an AT device.

AT may be very simple or it may be high-tech. It might be as basic as a pencil grip, a cane, or a magnifying glass. High-tech devices could include items like modified computer equipment, a motorized wheelchair, communication devices, or assistive listening devices. AT services include evaluating your needs to decide what AT would help you, adapting a device specifically for your needs, training you on how to use the device, and repairing and maintaining the AT.

Who needs Assistive Technology?

Many people can benefit from AT. If you have problems with communication, mobility or any other daily living task—whether at work, home or in the community—you may want an evaluation to see if AT can help you. Your doctor, physical therapist, occupational therapist, speech therapist, audiologist, or other licensed medical professional can assess your need for AT. Funding sources require this professional assessment and recommendation before paying for AT.

Assistive Technology can be funded in a number of different ways.

- Medicare may cover AT if it is medically necessary and your doctor writes a prescription for the device.
- Medicare Part A provides limited coverage. More information is available at http://tinyurl.com/PartADMAS.
- Medicare Part B covers durable medical equipment like power wheelchairs, orthotics and prosthetic devices. For information on what is covered, see http://tinyurl.com/PartBDMAS.
- You can reach the Medicare Helpline at 1-800-633-4227.
• **Medicaid** covers durable medical equipment as prescribed by your doctor. You can reach the **Department of Medical Assistance Services Recipient Helpline** at 804-786-6145.
  • If you get **Medicaid Waiver** services, AT may be a covered service. Fact sheets on each waiver and its point of contact are available at http://tinyurl.com/waiverfacts.
• Some **private Insurance** policies may pay for AT. They often require both pre-authorization and a Letter of Medical Necessity. Coverage varies; read your policy carefully and talk with your provider before making a purchase.
• **Department of Aging and Rehabilitative Services (DARS)** may be able to assist you if you need AT in order to get or keep a job. www.vadars.org/
• **Department for the Blind and Visually Impaired (DBVI)** assists individuals who are blind or have vision loss and need AT for work or to help you live safely at home and in the community. www.vdbvi.org
• **Virginia Department for the Deaf and Hard of Hearing (VDDHH)** assists individuals who are deaf or who have hearing loss. www.vddhh.org
• **The Technology Assistance Program (TAP)** provides adaptive equipment to qualified applicants whose hearing loss or disabilities prevent them from using a standard telephone. www.vddhh.org/tapabout.htm
• **Virginia Assistive Technology System (VATS)** provides information on AT products, funding, and resources. VATS also contracts to collect, repair and recycle durable medical equipment, and may provide short-term equipment loans. www.vats.org
• **Assistive Technology Loan Fund Authority (ATLFA)** makes low-interest loans and loan guarantees to people with disabilities for equipment and technology that promote independence, quality of life and employment opportunities. http://atlfa.org

Other possible resources are local agencies such as a Community Services Board, Center for Independent Living and Department of Social Services; private AT vendors and providers; and local and national charities.

**If you are denied AT services, the provider should provide you with the reason for the denial and a statement of your appeal rights.**
I am Thinking about Going to College!

That’s great! There are many options out there for continuing your education after high school. Some programs focus on academics and others focus more on vocational skills. Here are some resources to help you get started.

General Information about Education after High School

- **Virginia Department of Education** - offers a College Planning Resource Center
  www.doe.virginia.gov/special_ed/transition_svcs/college_planning/

  Another helpful resource created by Virginia DOE is their College Guide for Students with Disabilities. Although this guide is older (2003), it still offers very useful information as you think about and plan for college.

- Each college will have a staff person or an office that supports the needs of students with disabilities (often called **Disability Support Services** or DSS). This is where you can get information and support as you prepare for college and as you attend classes. You can find your college’s DSS Office by searching online or calling the college. Many of Virginia’s DSS Offices are listed on this website:
  www.collegeacademicssupport.com/virginia.html

- **Think College** - provides information on colleges that provide programs for individuals with disabilities.
  www.thinkcollege.net

- **Greater Richmond Aspirations College Program** (GRASP) - a non-profit organization that assists students and families in obtaining funding for post-secondary education. This service is not geared specifically to students with disabilities. This service is offered at no cost to the family. http://grasp4va.org

- **U.S. Department of Education**: This federal agency offers a guide entitled **Students with Disabilities Preparing for Postsecondary Education: Know Your Rights and Responsibilities**.
  www2.ed.gov/about/offices/list/ocr/transition.html

  They also offer resources on adult education at
  www2.ed.gov/about/offices/list/ovae/pi/AdultEd/disability.html
VCU Center on Transition Innovations: This site offers a wealth of information on many topics relevant to individuals transitioning into adulthood. www.centerontransition.org/transition/postEd/index.html

Information about Specific Programs for Individuals with Disabilities

- **Wilson Workforce and Rehabilitation Center**: This state-operated program provides vocational training for people with disabilities to assist them in obtaining employment and to live more independently. They have two programs, Life Skills Transition Program (LSTP) and Postsecondary Education Rehabilitation Transition (PERT), specifically for students transitioning from high school.
  LSTP: wwrc.net/LSTP.htm  PERT: wwrc.net/PERT.htm

- **Virginia Rehabilitation Center for the Blind & Vision Impaired**: This state-operated program collaborates with VCU to provide rising high school juniors and seniors the opportunity to assess their college-readiness skills in a program called Learning Excellence in Academics Program (LEAP). www.vrcbvi.org/YSprograms.htm

- **George Mason University**: GMU’s Learning into Future Environments (LIFE) Program offers a supportive academic university experience for individuals with ID and DD seeking a four-year curriculum of study. https://masonlife.gmu.edu

- **Virginia Commonwealth University (VCU)**: VCU offers a program called ACE-IT in College, a five semester inclusive, on-campus college experience for young adults with intellectual disabilities, traumatic brain injuries, or autism. www.aceitincollege.org
  VCU also offers a program called Project Search which is a one-year, high school transition program that provides skills training and work experience in a hospital setting for young adults with significant disabilities ages 18 to 22. www.worksupport.com/projects/project.cfm/38

- **Northern Virginia Community College (NVCC)**: NVCC has partnered with the national organization College Steps to provide individualized college support for students with social, communication or learning challenges. www.collegesteps.org/#!college-steps-virginia/c3vn

- **J. Sargeant Reynolds Community College**: Reynolds offers a two-year vocational training program called Program for Adults in Vocational Education (PAVE), www.reynolds.edu/student_services/pave.
  Reynolds Community College has also partnered with United Methodist Family Services to offer a joint program called Courage to Succeed. This program is specifically for individuals with autism and other neurological differences, including learning disabilities, ADHD and traumatic brain injury. www.umfs.org/wp-content/uploads/2015/02/UMFS-CourageToSucceed.pdf
I Do Not Feel Ready to Go to College or Get a Job!

If you do not feel like you are ready to apply for college or a job right now, there are other options.

Post-High School Programs

Some high schools offer a program for students, ages 18-21 who have graduated from high school but need more instruction before deciding what to do in the community. These programs generally offer intensive training on vocational and independent living skills. They will also help you develop academic skills necessary for life after school. You may get a job with a job coach or find a volunteer activity where you can learn new skills. You will also have the opportunity to develop social skills by participating in community activities. Ask your school if they have such a program.

Day Support Programs

Day Support is a place where you can go during the day for structured activities, learning and community activities. Your goal may be to attend one of these programs to get the skills you need to get a job, go to a college or training school, or your goal may be to stay in the day support program long-term. These programs offer you the opportunity to participate in activities that will help you learn self-help skills, social skills, community living skills and decision-making skills. These programs are generally covered by Medicaid Waiver. Contact your local Community Services Board (CSB) for more information.

Volunteer in the Community

What do you like to do? Maybe you can find a volunteer activity in the community where you can do what you like to do and get valuable work experience at the same time. Do you like animals? Maybe you can volunteer at a place that cares for animals. Do you like to talk? How about volunteering at a local nursing home to visit and talk to older people who may not have many visitors? You can find volunteer opportunities in your local newspaper, online and by talking to people in your neighborhood.
Leisure and Fun

Adult life is not all about learning and working! Figure out what it is you enjoy doing and find a place where you can do it with other people. Do you enjoy sports? You can join a gym, the local YMCA or an athletic club or team. Do you enjoy reading? How about a book club? If there is not one you feel comfortable joining, start one and invite your friends! If you have a church you like, find out what activities they offer and join in if it sounds like fun. Other activities might include getting involved in a political campaign, join a club dedicated to an interest you have, take a class in an arts and crafts or cooking, take guitar lessons, start a new hobby and find others in your area who enjoy the same thing…in other words, get involved!

What If I Need Help?

If you need help or support to do any of these things, that is okay!! We all need help sometimes. This is a part of learning to be an adult. You may need someone to go with you to an activity and you may need support to learn how to do things by yourself. You may choose to take a family member for support or you may have a personal aide. You may also find a mentor in your community who can help you as you explore your options. Use whatever help you need to get out there and get involved in an activity that you enjoy. Figure out what you enjoy doing and want to do and then figure out what supports you need to make it happen!
Your Employment Rights under the Americans with Disabilities Act

The American with Disabilities Act (ADA) protects individuals with disabilities from discrimination (being treated differently) in employment. You also have the right to ask for an accommodation to help you perform your job. (An accommodation is a change that is made for someone with a disability so that he or she can do the job.)

How do I know if I’m protected by the ADA?

If you have a disability and are qualified to do the job, you are protected.

What is considered a disability?

The ADA defines disability as a "physical or mental impairment that substantially limits one or more major life activities" (such as seeing, hearing, walking and caring for yourself). You are also protected if an employer treats you differently because he thinks you have a disability or because you had one in the past. If you have a disability that can go away and come back, you are still protected as a person with a disability.

What does it mean to be “qualified” to do a job?

You must have the basic skills, education, training and requirements for the job and you must be able to perform the duties of the job. If you need an accommodation to complete the job, that is okay, as long as you can do the work that is required.

Do I have to tell my boss about my disability?

The decision to disclose information about your disability is yours. The only time you have to disclose your disability is when you need an accommodation to do your job. Even then, you only have to tell your employer as much he needs to decide about the accommodation request. There are other times when you may want to consider talking to your employer about your disability, such as when you have concerns about safety or when side effects from a medicine make you look or act differently or it affects your ability to do your job. You can also call a lawyer for legal advice.

Can my boss ever ask me about my disability?

There are only a few times when your employer may ask about or even bring up your disability.
Before you are offered a job, he may ask you if you can do what is required for the job, with or without accommodations.

After you get an offer, he can require you to have a medical evaluation before you start working but only if all employees have the same requirement.

Once you are on the job, he can only bring up or ask questions about your disability if there is a serious safety concern or there is another job-related reason.

**What if I need an accommodation?**

In order to do the job you were hired to do, you may need a change in the building where you work or a change in the way things are usually done due to your disability. Ask for an accommodation as soon as you know that you need one. Your boss will not assume that your inability to do your job is because of your disability and you could face corrective action or even be fired. Ask for an accommodation as soon as possible because employers do NOT have to take back any disciplinary actions that happened before you asked for the accommodation. If you need an accommodation, you should:

- Ask it in writing.
- Provide medical proof of your disability and explain why you need an accommodation.
- Inform your employer that your request is a confidential medical record.
- Ask for the specific accommodation you need, but indicate you are willing to consider other effective options.

**The ADA gives employers rights, too!**

An employer does not have to:

- Give you the exact accommodation you request, he can offer another effective option.
- Provide an accommodation that poses an "undue hardship" for his business; for example, if it would cost too much or it would be too disruptive to the business.
- Supply personal items you need to accomplish daily activities, even if you need them on the job (for example, a wheelchair or hearing aids).
- Provide an accommodation for anyone who is not otherwise qualified for a position.
- Remove essential job functions, create new jobs, or lower production standards as an accommodation.

**What if I get FIRED?**

For help, if you believe you have been wrongfully terminated, you can contact:

- **Division of Human Rights** 804-786-2071
- **Equal Employment Opportunity Commission (EEOC)** 800-771-2222
- **disAbility Law Center of Virginia (dLCV)** 800-552-3962
Decisions, Decisions, Decisions...
What if I Need Help?

When you turn 18, you are an adult! That means you are legally able to make your own choices about things such as health, school, and money. We all need help sometimes making choices and we all need to think about our future. What would happen if you were not able to make an important choice because you were too sick or the choice is just too hard to understand?

An Advance Directive can help!

An Advance Directive helps you prepare for a future time when you may not be able to make choices or tell people about your wishes for health care. In an Advance Directive, you can:

- choose a person to make decisions for you, if your doctor says that you cannot make a decision.
- tell your loved ones and doctors what kinds treatments are right for you.
- tell others what you think about difficult choices including organ donation and how you would want to be treated if you become so sick you may not get better.

Many people find that naming someone to make decisions for them is all they need. When thinking about who to choose, here are some things you should keep in mind:

- Pick someone you really trust because he or she may have to make important decisions in your future.
- Talk to this person to make sure he or she is willing to do the job.
- Make sure he or she knows what kinds of treatment you would want and what types of treatments you would not want.
- If the first person you chose cannot do the job or cannot be reached when needed, you can choose a second person to help you.
**How Do I Do It?**

Here are some ways you can make an Advance Directive:

- You can write it yourself using sample forms. You can find some sample forms at [http://www.virginiaadvancedirectives.org/picking-an-ad-form.html](http://www.virginiaadvancedirectives.org/picking-an-ad-form.html).
- You can talk to your doctor or a therapist.
- You can hire a lawyer to write it for you.
- You can call us at the disAbility Law Center.

Once your Advance Directive is written, you need to sign it in front of two witnesses. Virginia does not require it to be notarized, however it is a good idea to do so if possible. Once you have the necessary signatures, you should give copies to the agent, doctors, and other trusted family members. Make sure to keep a list of who has copies of your Advance Directive. If you make changes to it later, you will want everyone to have the newest version.

You can also register your Advance Directive online at [www.connectvirginia.org/adr](http://www.connectvirginia.org/adr). If you have any questions about registering your Advance Directive, you can call the registry’s Help Line at 800-224-0791.

**What If I Need Help with Other Tough Decisions?**


If you get checks from Social Security (SS), you can ask SS for a Representative Payee to receive the checks for you and help you pay your bills and budget your money on your behalf. Check out the following website for more information: [www.ssa.gov/payee](http://www.ssa.gov/payee).
Tips for Youth Turning 18 and Their Parents

Talk to your pediatric physicians about transitioning to adult medical care providers.

Many pediatric providers will no longer see individuals with disabilities when they reach the age of majority. Thus, it is important to make this transition with the support of your medical providers.

If you have heard that guardianship is your only option for decision-making, consider other alternatives.

A guardian is a person appointed by a court who is responsible for making decisions for someone who is incapacitated (unable to make decisions). If a guardian is appointed, you lose many rights, including the right to vote, drive, get married, sign any document, decide where you live and work, and make treatment decisions. Alternatives to guardianship can include Powers of Attorney, Advance Directives, and Representative Payees.

Talk to your IEP team about the transfer of rights and consider an educational power of attorney.

This option keeps the student in control of decisions and parents in the information loop in order to assist with decision making. An “educational representative” is a parent, family member or other adult authorized to make educational decisions on behalf of an adult student. More information on the transfer of rights for students with disabilities can be found at www.doe.virginia.gov/special_ed/regulations/state/transfer_rights_students_disabilities.pdf.

Verify with your school counselor your anticipated graduation or exit date from high school. This allows you the opportunity to make plans for additional education or training toward employment including getting connected with appropriate agencies. If you are not working toward a standard or advanced standard diploma, you have the opportunity to remain in school through the age of 21.
Apply for Supplemental Security Income (SSI) at your Local Social Security Office.

SSI is a federally-funded needs-based disability program which provides monthly cash benefits.

Apply for Medicaid at your local Department of Social Services Office.

Medicaid is a program, funded by federal and state government, which pays for medical care for those who cannot afford it. Eligibility for SSI usually qualifies you for Medicaid, but applications for both must be completed. For further information about Virginia’s medical assistance programs, visit www.dss.virginia.gov/benefit/medical_assistance/index.cgi

Apply for the appropriate Medicaid Waiver to get Your Name on the List.

Virginia has several Medicaid Waivers that provide services and supports to assist individuals with disabilities with their needs in the community. Each waiver has a specific process for entering the system, eligibility, and the variety of services available. Individuals can be on one waiting list while receiving services from another waiver. Some waiting lists are very long so it is best to apply as soon as possible. For further information about Virginia’s Medicaid Waivers, visit www.dmas.virginia.gov/Content_pgs/ltc-wvr.aspx.

Discuss Your Family’s Current Estate Plan to determine if Changes need to be made to Protect Benefits.

If you believe that you will require Medicaid, SSI, or other governmental subsidies, discuss a Special Needs Trust (SNT). A SNT allows you to plan for your financial future and prevent being disqualified for benefits due to having too much money or property. Ask other family members if their estate plans include the possibility of you receiving any money or property. Financial gifts from well-meaning family members, upon their death or before, can jeopardize your eligibility for necessary governmental benefits. Further information about Special Needs Trusts can be found at www.commonwealthcommunitytrust.org/index.html and http://thearcofnovatrust.org/.

Thank you

dLCV thanks the Hampton Roads Consortium for Children and Youth Workgroup for allowing us to use information from a document they developed in completing this fact sheet.
Shhh... Your Right to Privacy

Before age 18, your parent or guardian has the right to see all of your records, including health, education, financial...well, everything! They also had the right to speak to anyone providing services to you, including therapist...well, everybody! When you turn 18, as an adult, you have the right to privacy. Let’s look at some of the laws that protect your right to privacy and how you can decide who has access to your private information.

Privacy of Health Care Information

HIPAA (Health Insurance Portability and Accountability Act) is the federal law that protects your health information. When you go to a new doctor, you will get a HIPAA form to read and sign. You will also get one from your insurance company and other organizations that either provide or pay for health care. HIPAA is a long and complicated law, but what you need to know is that it says your health information must be kept confidential and you must give permission for your information to be shared with anyone. HIPAA does allow your doctor to share information with your insurance company so they can pay for your treatment and with other doctors who may also be treating you. If you have any questions about who may see your information, ask your doctor or the staff at the front desk.

If you think your rights under HIPAA have been violated, you can file a complaint with the U.S. Department of Health and Human Services Office of Civil Rights. www.hhs.gov/hipaa/filing-a-complaint/index.html

Privacy of Education Information

FERPA (Family Educational Rights and Privacy Act) is the federal law that protects your education records. Before age 18, FERPA gave your parent or guardian the right to access your education records, but at age 18, that right transfers to you. There are situations in which a school, even a college, can release your education information to a parent or guardian without your consent:
1. If you are still considered a dependent on their taxes;  
2. If there is a health or safety emergency;  
3. If you are under 21 and violate any law or policy concerning the use or possession of alcohol or a controlled substance; and  
4. School officials may talk to your parents about anything they have personally observed.

If you think your rights under FERPA have been violated, you can complain to your school, the county’s Superintendent or school board. You can also file a complaint with the U.S. Department of Education Family Policy Compliance Office.  
www2.ed.gov/policy/gen/guid/fpco/index.html

**Sharing Private Information**

Most of us want to allow someone else to see our information at some point in our lives, especially if we want that person to help us make a choice or help us keep our information organized. You have the right to give anyone permission to see and use your information to help you. You give someone that permission by signing a form called a Release of Information or an Authorization Form. You will see these forms quite a bit as you enter the world of adult decisions. Doctors’ offices often ask if there is someone you would like to have access to your information. Colleges will also have a form you can sign if you want someone else to receive information about your education.

You can also give someone the right to see and use your private information in a Power of Attorney (POA). A POA gives another person or more than one person the right to have access to your information and make decisions for you. You can have a POA for health care, finances, and education.

You have the right to see your own records at any time. You can ask your doctor or your school for a copy of your records or you can ask to look at them in their office. If you get a copy of your records, you can share them with whomever you choose. When considering whether to share your private information, be sure to think about why you want to share it, how it will or can be used and whether there are any risks of it being used in a way you do not want.

**Privacy and the Internet**

NOTHING you put on the internet is private! Anyone can share the information you put on the internet and there is really no way to remove the information you put on the internet. Be careful about posting things on social media, such as Facebook. If you do not want everyone you know and even people you do not know to see it, do not post it! Employers often look at social media websites when considering new employees.
Your Right to Vote

Are you at least 18 years old? Do you want to make your voice heard? Do you want to make an effort to change the world?

To vote in Virginia, you must:

- Be a U.S. citizen and a Virginia resident.
- Provide your social security number.
- Be at least 18 years old.
- Have one valid ID (see http://elections.virginia.gov/casting-a-ballot/in-person-voting/).
- Not be registered to vote in any other state.
- Have your rights restored if you have been declared incompetent or been convicted of a felony.

You must register to vote! You can register at:

- Local voter registration offices.
- Department of Motor Vehicles (DMV).
- Public Libraries.
- Department of Rehabilitation Services (DRS).
- Centers for Independent Living (CIL).

When do I need to register?

- General/Primary Election: 22 days before election
- Special Election: 13 days before election
- Special Election called by the Governor: 7 days before election

How do I know where to vote?

- Check your voter registration card
- Call your local Registrar’s Office
- Call the Virginia Department of Elections (VDE) at (804) 864-8901
- Check online at https://vote.elections.virginia.gov/VoterInformation

What if I cannot access the building where I vote?

- A building must be accessible and provide accommodations for people with disabilities.
- Call the disAbility Law Center of Virginia at (800) 552-3962
- Learn about absentee voting: http://elections.virginia.gov/casting-a-ballot/absenteevoting
Applying for Supplemental Security Income (SSI) as an Adult

If you did not receive SSI as a child because of your family’s resources, you can apply for SSI at age 18 on your resources as long as you have less than $2,000.00 in assets (such as cash, life insurance, or an inheritance etc.) and do not earn more than Social Security allows. For more information on earning limits, see www.socialsecurity.gov/oact/cola/sga.html.

Applying for Child Disability Benefits as an Adult

If you received Child Disability Benefits (CDB) as a child because a parent was retired, on disability or deceased, at age 18 you will have to apply and meet the adult standard for disability to continue these benefits. You do not qualify for this benefit if you are married.

You can apply for the Child Disability Benefit any time after age 18 when a parent retires, begins receiving a disability benefit or dies. You will have to prove your disability began before age 22 and meet all other rules. This benefit will replace an SSI benefit which is often less and you may be able to keep Medicaid insurance.

To apply for any of these programs, call Social Security to make an appointment at your local office (800-772-1213). You will receive a list of things to bring along with forms to complete before your appointment.

Tips and Resources

- Virginia Commonwealth University’s Center on Transition Innovations: https://centerontransition.org/transition/SSABenefits/index.html
- Work Incentives Planning and Assistance (WIPA) Project http://www.vaaccses.org/wipa/ or call 1-877-822-2777
SSI At-a-Glance: What Happens When I Turn 18?

A Supplemental Security Income (SSI) child benefit will go through a review called the Age-18 Redetermination.

Adult Definition of Disability

The new decision will be based on the adult definition of disability. In general, in order to qualify for SSI as an adult, your disability must:

1. Be considered severe which means it significantly limits your ability to work; and
2. Be expected to last a year or more; and
3. Be a medical condition that is automatically considered disabling, or
4. Prevent Substantial Gainful Activity (SGA)* or working a full time job.

*Substantial Gainful Activity is Social Security’s limitation on how much you can earn before they will assume you not disabled. In 2016 it is $1,130.00 gross per month. For more information on earning limits, see www.socialsecurity.gov/oact/cola/sga.html.

What if my Benefits are denied?

If Social Security decides at the Age-18 Redetermination that you do not meet the adult definition of disabled, your benefits will end after two (2) months.

After the denial, you must act quickly if you want to try to keep your benefit.

- You may APPEAL within 60 days. Follow the instructions to appeal in the denial notice or call Social Security’s toll free number 800-772-1213;

AND

- You may also CONTINUE YOUR SSI BENEFITS DURING THE APPEAL PROCESS if you respond to Social Security WITHIN 10 days.
• **Be aware**: If all appeals are denied, your SSI will end and you will have to pay back the benefits paid to you during the appeal process, but you will have a right to appeal this, too.

**What if I Want to Work?**

During the Age-18 Redetermination, feel free to work! Any earnings you have will not be considered. In fact, if you are regularly attending school, you can earn up to $1,780.00 per month or up to $7,180.00 per year. (These figures are accurate as of 2016.) Be sure to tell Social Security about ALL the supports you are receiving to make work possible.

Before you turn 18, be sure to get updated medical and psychological evaluations that will clearly document the disability and how it limits your ability to work.

Seek help from members of your school transition team and get help with all these changes by contacting your local **Work Incentive and Planning Assistance (WIPA)** program at http://www.vaaccses.org/wipa/ or call 1-877-822-2777.

Make sure you write down information about all of your work efforts and include all assistance you needed and used to get and keep work. dLCV has created a form called “Track Your Work History!” to help you keep track of your work. Keep this information updated and submit to Social Security when you apply and again if your benefits are denied.

Check out this resource on the Age 18 Redetermination process: www.worksforme-pa.org/webcast/documents/transitions/Age%2018%20Redetermination%20Handout.pdf.


**And finally, make financial plans in case your SSI stops!**
When SSI Age-18 Redetermination is Denied—Use the “Section 301” Rule to Continue SSI Benefits

If your Supplemental Security Income (SSI) is denied at the redetermination stage at age 18, you may still qualify for continued SSI benefits under Section 301 IF:

- You remain in high school past age 18; or
- You are receiving vocational rehabilitation, training or education.

Payments under the Section 301 Rule support you while you make efforts to work and increase your independence as long as you are involved in an approved program. These programs may qualify you for Section 301 because they will prepare you for work so you will be less likely to need SSI in the future. Once you complete or stop the program, the SSI benefit will end. Be sure to tell Social Security about these efforts when they start your Age 18 redetermination or if you are denied. Tell them you want to “claim Section 301” to continue your benefits so you will not need SSI in the future.

**Examples of educational or vocational efforts that may count:**

- An Individualized Education Program (IEP) in a public or private school between ages 18 and 21
- Department of Aging and Rehabilitation Services (DARS) or other Employment Network that is sponsoring you in a trade program, college, or Ticket to Work
- Job Coaching
- Virginia Commonwealth University’s “Project Search” and similar programs
- PAVE – Program for Adults in Vocational Education
- Wilson Workforce and Rehabilitation Center’s PERT (Post-Secondary Education Rehabilitation Transition)

Be sure to tell Social Security about these efforts in order to claim Section 301!! They will collect proof of your participation in a program.

- For more in depth information about SSI benefits once you turn 18 and Section 301 go to, Virginia Commonwealth University’s Center on Transition Innovations https://centerontransition.org/resources/SSABenefits.html.
• Get help with all these changes by contacting your local Work Incentive and Planning Assistance program at http://www.vaaccses.org/wipa/or call 1-877-822-2777.

How to avoid the “One-Third Reduction” to Supplemental Security Income (SSI) – Pay your way!!

The adult SSI benefit changes each year and can be reduced by earnings. It can also be reduced by one-third if you live with family or friends and don’t pay your share of household expenses. This is called the “One-Third Reduction” and it will greatly reduce your benefit. For example, in 2016, the maximum SSI benefit is $733.00*; a one-third reduction would mean about $240.00 less in your pocket! *For the current SSI maximum see: www.ssa.gov/oact/cola/SSI.html.

If you are living with a parent or other adult, you need to submit a simple statement to Social Security stating you will pay your “fair share” of household expenses or you will rent space in the home at a “flat rate”. Either way, the amount you pay must be under $733.00; otherwise, Social Security will decide you cannot afford it and will reduce your SSI by one-third.

Steps to Avoid the One-third (1/3) Reduction in SSI

The fair share method: To use this method, add up the monthly household expenses: food, rent or mortgage, and utilities (electricity, water, and sewer). The family you live with must be prepared to prove these expenses to Social Security. Then divide the total monthly expenses by the number of people in your household.

As long as you pay your fair share, you should receive the full SSI payment. If not, then it will be reduced by 1/3. If your “fair share” comes to over $773.00, consider using the “flat rate rental method”.

The flat rate rental method: You rent space in the home at a fair and flat rate. For example, a bedroom and bathroom with access to kitchen and laundry could be worth $500.00 a month. The amount must be affordable and, therefore, under your $733.00 benefit. Give your signed statement to Social Security. It can be typed or handwritten. It is best to submit this when you apply or undergo an Age 18 redetermination. If denied, you can APPEAL.

For more in depth information about your SSI benefit, your living arrangement and the one-third reduction go to: https://www.ssa.gov/ssi/text-living-ussi.htm.
Overview of Disability Laws

There are several laws that protect the rights of people with disabilities. You have the right not to face discrimination because of your disability... at work, at school, at home and in public places. Discrimination means being treated differently or unfairly. It also means refusing to make changes that could help you participate, like putting ramps on buildings where there are steps. Most disability laws define disability as having a physical or mental impairment that causes you to have trouble or need help with at least one area of your life, such as work, walking, hearing or learning.

Americans with Disabilities Act (ADA)

The ADA says it is NOT okay for anyone to discriminate against you because of your disability on your job, in government programs and buildings, in public places and transportation and in telecommunications (telephones, television, and computers).

Fair Housing Act

The Fair Housing Act says it is NOT okay for anyone to discriminate against someone because of their race, color, religion, sex, disability, familial status, or national origin. You are protected by this law in private housing and public housing and you are protected if you are buying or renting your home. Under this law, you can make some changes to your home so that you can live there (examples include ramps, wider doorways, visible smoke detectors) and if you live in an apartment building, you can ask to have these changes made to the common areas of the complex. Who pays for these changes depends on the type of housing you live in.

Voting Accessibility for the Elderly and Handicapped Act (VAEHA)

The Voting Accessibility for the Elderly and Handicapped Act requires voting places (called polling sites) to be physically accessible to people with disabilities and requires states to have voting aids for voters who are disabled and elderly. Examples are magnifying glasses and talking voter machines for those with visual disabilities and lower machines for those using wheelchairs.
Section 504 of the Rehabilitation Act

Section 504 protects you from discrimination in any program or activity that receives Federal money (includes schools, public housing and transportation, public libraries).

Individuals with Disabilities Education Act (IDEA)

The Individuals with Disabilities Education Act says that public schools have to provide an education that is free and appropriate for all students with disabilities. Education must be given in what is called the “least restrictive environment,” meaning as close to your home as possible and with your peers, with and without disabilities, as much as possible. If a student has a disability that makes it more difficult to learn, the school must work with the parents and the student to create an Individualized Education Program (IEP).

For help or to get more information about your rights under any of these laws, you can call the disAbility Law Center.
The Americans with Disabilities Act (ADA)

Introduction and History

The Americans with Disabilities Act (ADA) is known as the “equal opportunity” law for individuals who have disabilities. It was passed and signed into law by George H.W. Bush on July 26th, 1990. Previously, the Civil Rights Act of 1964 did not protect people from discrimination based on disability. The Americans with Disabilities Act was modeled after the Civil Rights Act and Section 504 of the Rehabilitation Act of 1973.

Sections

Titles 1-3 are the most pertinent to daily life. Titles 4 and 5 cover miscellaneous provisions, some transportation issues, and communication.

- **Title 1** Protections in employment settings
- **Title 2** Protections in public places (government run)
- **Title 3** Protections in private places (non-government run)

How does it help me?

The ADA can be very helpful in protecting people who have disabilities against discrimination, whether they are in college, community college, employment, or in the community. The ADA makes sure that public and private places are accessible and that everyone can enjoy the services and activities that the community offers. When you are in college, or even at work, or in the community, your IEP does not entitle you to accommodations, but the ADA helps to make sure your rights are protected!

What do I do if I have an ADA issue?

- Call the ADA Technical Assistance Center: 800-514-0301 (voice) or 800-514-0383 (TTY). You can also learn how to file a complaint when you call the Technical Assistance Line.
- Contact the disAbility Law Center of Virginia: 800-552-3962 or info@dlcv.org.
“This is dLCV; How May We Help You Today?”

If you have a disability-related concern or issue, the disAbility Law Center of Virginia (dLCV) is only a phone call or email away! We have an advocate on duty every Monday, Wednesday, and Friday from 8:30am until 4:00pm to talk to you and help you with your questions and concerns.

How to Reach dLCV:
- Call us at 804-225-2042 or toll-free at 800-552-3962;
- Email us at info@dLCV.org; or
- Make an appointment or stop by during our on-call hours and ask to meet with the Advocate on Duty.

Calling the Advocate on Duty
- When you call, you will initially speak with a receptionist. If your call goes to the answering machine, leave a message with your name and phone number. When you speak with the receptionist, she will ask you to briefly explain your situation so that she can decide how to direct your call.
- If the receptionist thinks the issue falls within the work we do at dLCV, she will transfer you to the Advocate on Duty. Your call may go to an answering machine if the Advocate is on another call. Leave a message with your name and phone number and the Advocate will return your call within a few business days. When you speak directly with an Advocate, you will have the opportunity to tell her about your situation and she will ask you questions to help figure out how dLCV may be able to help you.
- All calls are confidential! The information that the Advocate gathers will only be used to determine whether dLCV can open a case to help you directly or whether we will provide you with general information and possibly refer you to other resources.
- After sharing information with the Advocate and answering her questions, the Advocate may decide to complete a request for services. This is NOT a guarantee for services, but it is the first step toward processing a request for services. These questions will cover your basic information such as your contact information and your disability.
- If the Advocate completes a request for services, it is reviewed by a Manager who decides whether your case is opened or not, and you will hear back from us in approximately one week.

Please be aware that the Advocates on Duty are Disability Rights Advocates are not Attorneys! They cannot give legal advice!
Great Public Resources to Help with Your Transition……

- **Department of Education (DOE)**  
  If you have an IEP, know your rights while you are in school beyond age 18.

- **Department of Aging and Rehabilitation Services (DARS)**  
  A DARS counselor should be a part of your school transition team starting at age 14. Get them involved as early as possible to help with your work goals.

- **Department for the Blind and Visually Impaired (DBVI)**  
  http://www.vdbvi.org  
  If you are blind or have a vision impairment a DBVI counselor should be part of your school transition team starting at age 14.

- **DBVI’s Programs (on the Richmond campus that support transition)**  
  Go to: http://www.vrcbvi.org/YSprograms.htm  
  - LEAP (Learning Excellence and Academics Programs)  
  - LIFE (Learning Independence, Feeling Empowered)

- **Community Service Boards (CSB)**  
  www.dbhds.virginia.gov/individuals-and-families/community-services-boards  
  A CSB is the point of entry into the publicly-funded system of services for mental health, intellectual disability, and substance abuse. They offer many services.

- **Centers for Independent Living (CILs)**  
  www.vadrs.org/cils.htm  
  Centers for Independent Living provide services to individuals with significant disabilities CIL’s core services include advocacy, information and referral, peer counseling, independent living skills training, and transition services for youth.

- **Work Incentive Planning and Assistance (WIPA)**  
  www.vaaccses.org/wipa/ (In NOVA 571-339-1305 or toll free (877) 877-2777)  
  WIPA provides access to benefits planning and assistance services to all Social Security disability beneficiaries (including transition-to-work aged youth). WIPA’s goal is to help beneficiaries with disabilities in meeting their work goals.
Great Websites to Help with Your Transition and Beyond

- **Virginia Commonwealth University’s Center on Transition Innovation**
  https://centerontransition.org/
  (804) 828-1851 (Voice) (804) 828-2494 (TTY)

  The Center on Transition Innovation provides information, resources, and demonstration projects that support youth with disabilities to gain access to integrated competitive employment to the fullest extent possible. Their website includes fact sheets on important transition topics, webcasts from state and national experts in the field, informational videos, and a Facebook page with the latest news about transition.

- **Virginia Department of Education’s College Guide for Students with Disabilities**

  This is a useful handbook on many aspects of seeking a college education when you have a disability.

- **Best Colleges Guides for Student with Learning or Hearing Disabilities**
  http://www.bestcolleges.com/resources/college-planning-with-learning-disabilities/
  http://www.bestcolleges.com/resources/college-planning-for-deaf-and-hard-of-hearing-students/

- **Job Accommodation Network (JAN)**
  www.askjan.org
  (800) 526-7234 (Voice) (877) 781-9403 (TTY)

  The Job Accommodation Network is the leading source of free, expert, and confidential guidance on workplace accommodations and disability employment issues. Working toward practical solutions that benefit both employer and employee, JAN helps people with disabilities improve their employability and shows employers how to capitalize on the value and talent that people with disabilities add to the workplace.

- **Disability*Gov**
  www.disability.gov
This government site connects people with disabilities, their families, and caregivers to helpful resources on topics such as how to apply for disability benefits, find a job, get health care or pay for accessible housing.

- **ADA National Network: “Questions about the ADA?”**
  www.adainfo.org/individuals-disabilities
  800-949-4231 V/TTY

  Information, Guidance and Training on the Americans with Disabilities Act

- **Social Security Administration**
  - www.ssa.gov - Homepage
  - www.ssa.gov/pubs/ - Publication page with written and audio formats on a wide range of topics

  Visit the Social Security Administration’s website for information, publications, and online services including applying for benefits.

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**disABILITY LAW CENTER OF VIRGINIA**

**disAbility Law Center of Virginia (dLCV)**
1512 Willow Lawn Drive, Suite 100
Richmond, Virginia 23230
800-552-3962 or 804-225-2042
Fax: 804-662-7057; Email: info@dLCV.org; Web: www.dLCV.org

*dLCV publications are available in alternate format, upon request.*

*The Protection and Advocacy System for Virginians with Disabilities*

This publication was prepared with 100% federal funding.
This information should not be interpreted as legal advice.
You do have a Choice, so let Your Voice be heard!

THANK YOU!