



**“I HAVE A CHOICE,
I HAVE A VOICE!”**

Information for Youth and Young Adults with
Disabilities

disABILITY LAW CENTER **dcv**
OF VIRGINIA
Protection & Advocacy for Virginians with Disabilities

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Letter from dLCV Executive Director

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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,

A handwritten signature in blue ink, appearing to read 'V. Colleen Miller', is written in a cursive style.

Colleen Miller

Executive Director



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 with the Department of Elections](#).
- 👉 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 with the Selective Service](#); 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, on our [Supported Decision-Making](#) webpage.
- 👉 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.

Wait! One last thing, did you know we are here to help?



Transition Services: Bridging the Gap Between High School and Adulthood

Transition Services are supports that help students with disabilities prepare for life after high school. Services should be about what you want and need to succeed after high school. Examples of these services are:

- ◆ Looking at jobs that match your interests and exploring possibilities;
- ◆ Evaluations to decide what help you may need to get a job or go to college;
- ◆ Opportunities for developing job skills by working;
- ◆ Looking at college programs or career training schools; and
- ◆ Discussing supports you may need for independence in daily living skills (examples include using a telephone, getting a driver's license or taking public transportation, and self-advocacy).



Transition Services need to be written into your **Individualized Education Program (IEP)**. This is called a Transition Plan. A Transition Plan must include your goals and what you need to meet those goals. It must also include the agencies that will provide services for you to meet your goals. When developing a Transition Plan, the IEP Team must think about your education, work, and living needs.

Agencies that may be identified in your Transition Plan to help you after high school include:

- ◆ **Department of Aging and Rehabilitative Services (DARS);**
- ◆ **Department for the Blind and Vision Impaired (DBVI);**
- ◆ **Community Services Board (CSB); and**
- ◆ **Center for Independent Living (CIL).**

Transition Services do not have to be provided on school grounds. For students who are thinking about college, Transition Services might happen at a community college. For others, a job site might work best.

If you disagree with the school about your Transition Services, you may ask for mediation, request due process or file a complaint with the Virginia Department of Education. You can also call dLCV for assistance.



Pre-Employment Transition Services (Pre-ETS)

What are Pre-Employment Transition Services (Pre-ETS)?

Pre-ETS are services that are provided by vocational rehabilitation agencies to help high school students learn job skills necessary for the work force.



What are the eligibility criteria?

- The student is at least 14 years old but not over 21 years of age;
- The student must be still enrolled in education; and
- The student must have a disability



How much do these services cost me?

These services are free for students. Under the Workforce Innovations and Opportunities Act of 2014, the state provides funding for these services.

Will these services take time out of my school day?

The agencies that provide Pre-ETS will often schedule appointments with students during free periods. Students may also have the option to enroll in a specific class where a professional will guide them through the five core services of Pre-ETS. This course can last one semester or an entire school year.

What if I am not receiving these services?

If you have an IEP and you want these services, speak to your IEP team and tell them you want to add these services. You can also reach out directly to your local DARS office. If you have any problems getting these services, call the disAbility Law Center of Virginia at 804-225-2042 or 1-800-552-3962 on Monday, Wednesday, or Friday, and ask to speak with the Intake Specialist.

FIVE Core Services of Pre-ETS



Job Exploration Counseling: You work with a counselor to determine what careers interest you and what careers you may be good at.



Work Based Learning Experiences: You will have the opportunity to observe different jobs or work environments to determine what skills are necessary for specific jobs.



Counseling on Training and Educational Options: You will meet with a counselor or instructor to discuss education or training after high school. This can consist of college, on the job training, or vocational school.



Workplace Readiness Training: You will work with a counselor or instructor to determine the skills necessary for success in the workplace including social skills, resume development, computer skills, and advocacy skills.



Self-Advocacy Skills: You will learn how to speak up for yourself including asking for accommodations at work or college, and learning independent living skills.



Education Accommodations After High School

Education Accommodation: 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 Program (IEP) plan no longer applies, but it is possible to get the accommodations you need

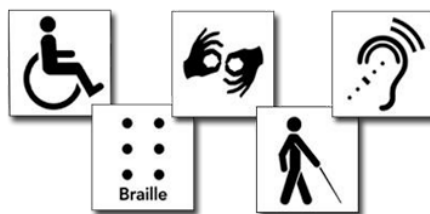
to succeed!

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. If you have difficulties receiving accommodations, call DSS or the disAbility Law Center of Virginia (804-225-2042).

Possible accommodations include:

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





I Don't Want to Go to College or Get a Job Right Now....

If you don't 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 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 isn't 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 isn't 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?



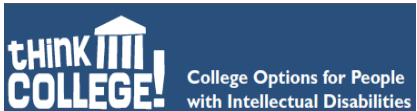
If you need help or support to do any of these things, that is okay!! We all need help sometimes. This is a part of learning to be an adult. You may need someone to go with you to an activity and you may need support to learn how to do things by yourself. You may choose to take a family member for support 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!



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](#).
- 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.
- **Think College** provides information on colleges that provide [programs for individuals with disabilities](#).
- **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.
- **U.S. Department of Education** offers a guide entitled [Students with Disabilities Preparing for Postsecondary Education: Know Your Rights and Responsibilities](#). They also offer resources on [Adult Education](#).

Center on
transition
innovations

- **VCU Center on Transition Innovations** offers a wealth of information on many topics relevant to [individuals transitioning into adulthood](#).

- **Vocational Rehabilitation Services:** At times, Vocational Rehabilitation Agencies such as the [Department for Aging and Rehabilitative Services](#) (DARS) and [Department for Blind and Vision Impaired](#) (DBVI) may be able to assist students in getting needed accommodations and support. For more information, please contact them directly.

Information about Specific Programs for Individuals with Disabilities

- **Wilson Workforce and Rehabilitation Center** provides training for people with disabilities to assist them in obtaining employment and to live more independently. They have two programs, [Pre-employment Readiness and Education Program](#) (PREP) and [Postsecondary Education Rehabilitation Transition](#) (PERT), specifically for students transitioning from high school.
- **Virginia Rehabilitation Center for the Blind & Vision Impaired** collaborates with the University of Richmond to provide a two-week course called [STEPS to Success](#) (Strategies & Techniques for Enhancing Performance & Skills). This program introduces valuable skills, techniques, and strategies to help maximize success in preparing for college or a career.
- **George Mason University** has a program called [Learning into Future Environments](#) (LIFE) that offers a supportive academic university experience for individuals with ID and DD seeking a four-year curriculum.
- **Virginia Commonwealth University (VCU)** offers a program called [ACE-IT](#) in College, an inclusive, on-campus college experience for young adults with intellectual disabilities, traumatic brain injuries, or autism.
- **Northern Virginia Community College (NVCC)** has partnered with the national organization [College Steps](#) to provide individualized college support for students with social, communication or learning challenges.
- **J. Sargeant Reynolds Community College** offers a two-year vocational training program called [Program for Adults in Vocational Education](#) (PAVE).
- **United Methodist Family Services** offers a 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.



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 deciding 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.

- **If you receive Medicare**, you can reach the **Medicare Helpline** at 1-800-633-4227.
- **Medicaid:** If you receive Medicaid, you can reach **Department of Medical Assistance Services Recipient Helpline** at 804-786-6145. If you get **Medicaid Waiver** services, AT may be a covered service.
- 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 Vision Impaired (DBVI)** www.vdbvi.org
- **Virginia Department for the Deaf and Hard of Hearing (VDDHH)** www.vddhh.org
- **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.



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 whom 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 wouldn't want.
- You can choose a second person to help you if the first person you chose can't do the job or can't be reached when needed.

How Do I Do It?

Here are some ways you can make an Advance Directive:

- You can write it yourself using sample forms. dLCV has forms and detailed instructions on its [Supported Decision-Making](#) Resource Page:
- 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, but 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](#). If you have any questions about registering your Advance Directive, call the registry's Help Line at 800-224-0791.

What If I Need Help with Other Tough Decisions?

If you need help making decisions about school, you can choose someone to help you with those decisions. dLCV has [information and a form](#) you can use in this situation.



If you get checks from Social Security, you can ask Social Security for a [Representative Payee](#) to receive the checks for you and help you pay your bills and budget your money on your behalf.



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. dLCV has created an [Educational Power of Attorney form](#) you can use to appoint an educational representative.



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 studies 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 can't afford it. Eligibility for SSI usually qualifies you for Medicaid, but

applications for both must be completed. [Learn more about Virginia's medical assistance programs.](#)

Apply for the appropriate Medicaid Waiver to get your name on the waiting 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.

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.



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.



At 18 or beyond: Applying for Supplemental Security Income (SSI) and/or Disabled Adult Child (DAC)

Applying for SSI for the first time as an adult:

If you did not receive Supplemental Security Income (SSI) as a child because of your family's income and resources, you can apply for SSI after age 18 as long as YOU have less than \$2000 (such as cash, life insurance, burial policy, or an inheritance) and you cannot earn more than Social Security allows. For more information on earning limits to prove disability see the current [Substantial Gainful Activity \(SGA\)](#) limit.

If you have a disability but received a social security benefit as a child because a parent was retired, on social security disability, or deceased, to continue a social security benefit after age 18 you will have to apply for SSI and meet the adult definition of disability and the income and resource limits. In other words, your child benefit on a parent's record ends when you turn 18 or up to age 19 if you are still in school.

Applying for Disabled Adult Child benefit on a parent's record:



You can also apply for the Disability Adult Child benefit any time after age 18 if 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 may replace an SSI benefit which is often less but you may be able to keep your Medicaid insurance.

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



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. You will automatically get a form requesting information.

Adult Definition of Disability

Social Security bases the new decision on the adult definition of disability. Some conditions are assumed to be disabling and are automatically approved, others are not. In general, in order to qualify for SSI as an adult, your disability must:

- | | | |
|---|---|---|
| <ol style="list-style-type: none">1. Significantly limit your ability to work2. Be expected to or has lasted a year or more3. Prevent Substantial Gainful Activity (SGA)* | } | If medical and vocational reports fully support this, then SSI should continue. |
|---|---|---|

*[Substantial Gainful Activity](#) is Social Security's limit on how much you can earn and still be considered disabled. This amount changes every year.

What if my benefits are denied?

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



Actions You Can Take Immediately to Disagree With This Decision

After a denial, if you believe your disability limits your ability to work, you must act quickly if you want to try to keep your benefit.

- To disagree you must **APPEAL within 60 days**. Follow the instructions in the denial letter to appeal or call Social Security's toll free number 800-772-1213 to request an appeal form; **and**
- You may also **CONTINUE YOUR SSI CHILD BENEFITS DURING THE APPEAL PROCESS** if you go to a Social Security office **WITHIN 10 CALENDAR DAYS of the date on the letter**. Be aware, you can appeal several times but 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.
- Keep in mind: if all appeals are denied and your SSI stops you can re-apply later when you have more proof that you can't work.



What Can I Do to Avoid a Denial at the Age 18 Re-determination?

MAKE SURE EVALUATIONS ARE CURRENT: Before you turn 18, be sure to get updated medical, educational and/or psychological evaluations that clearly tell how the disability affects you and how it will limit your ability to work. Be sure Social Security knows how to collect this information by adding the evaluators' contact information to the form you receive from Social Security.

TELL SOCIAL SECURITY YOUR SCHOOL OR VOCATIONAL PLANS: In the Remarks Section of the form that you receive from Social Security, state if you plan to remain in high school and/or if you are a client of DARS or any other work or training assistance program. If you continue your education or are getting help to work, Social Security may continue your SSI benefit while you complete these programs even if they decide you do not meet the adult definition of disability.

EXPLAIN ANY WORK EFFORTS: In the Remarks Section of the form, list each work effort, even those that only lasted a few days, weeks, or months. List the title of the job, # of hours a week you worked, your hourly wage, difficulties you had on the job, and why the job ended. Include all assistance you needed to get and keep the job such as a special work program or even if it is a parent finding the job or setting up an interview.

Keeping Medicaid and Your Waiver Services

Once you turn 18, keeping your waiver services under Medicaid depends on you receiving SSI. If you do not receive SSI benefits as a child you will have to undergo disability determination 90 days before turning 18. Your Medicaid eligibility worker should contact your parent or responsible person to start this process so your Medicaid benefits remain in place as you apply for SSI at age 18. A parent can also start this process to be sure it happens on time.



When SSI Age-18 Redetermination is Denied – Use the “Section 301” Rule to Continue SSI Benefits

If your Supplemental Security Income (SSI) age 18 re-determination is denied, 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 Section 301 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.

If Social Security denies the age-18 re-determination you can disagree by appealing. Call Social Security for the appeal forms (800-772-1213). In the Remarks Section of the appeal form tell Social Security you are entitled to continued benefits under Section 301. Be sure to provide the contact information of the school or vocational program so Social Security can collect proof of your participation in a program.

Examples of educational or vocational programs 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 sponsored by DARS or other employment program
- PAVE – Program for Adults in Vocational Education
- Wilson Workforce and Rehabilitation Center’s Post-Secondary Education Rehabilitation Transition (PERT)





How to Avoid the “One-Third Reduction” to SSI– Pay your way!!

Social Security will reduce an adult SSI benefit by one-third if you live with family or friends and don't assist with household expenses. This is called the “One-Third Reduction” and it will greatly reduce your monthly benefit. For example, in 2020, the maximum SSI benefit is \$783*. A one-third reduction would mean about \$258 less in your pocket or only \$516! *[See the current SSI maximum benefit](#).

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 the maximum SSI rate, otherwise, Social Security will decide you cannot afford to assist and will reduce your SSI by one-third.

Methods to Avoid the One-third Reduction in SSI

The fair share method: Add up the monthly household expenses: food, rent or mortgage, and utilities (electricity, water, and sewer). Then divide the total monthly expenses by the number of people in your household and that amount is your “fair share”. If your “fair share” comes to over the maximum SSI rate, consider using the “flat rate rental method” instead. Keep in mind the family you live with must be prepared to prove these household expenses to Social Security.



The flat rate rental method: 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/month. The amount must be affordable and, therefore, under the current maximum SSI rate.

Tell Social Security of your Intent to Assist with Family Expenses

Give a signed statement (typed or handwritten) to Social Security informing them of your intent to pay your fair share or flat rate. You should submit this when you undergo the age 18 re-determination or when you are apply for the first time as an adult. If Social Security denies this you can ask to appeal.



SSI's Resource Limits and How to Protect Your Savings

To qualify for SSI you cannot have more than \$2000. This is called a resource limit. Resources include cash, life insurance or burial policy, an inheritance, college savings including 529 accounts etc. One way to protect some of these assets is to create a **Special Needs Trust** or to open an **ABLEnow** account.



Special Needs Trust

A special needs trust can be set up for a person with a disability. Its purpose is to protect that person's resources, provide for their special needs, and to make sure they can access government programs like SSI, Medicaid, and SNAP benefits. For information on Special Needs Trusts in Virginia, contact an attorney who is knowledgeable about them or [check out these websites](#).

ABLEnow Account

An ABLEnow account allows you to save and invest excess money over the resource limit for programs like SSI, Medicaid, or SNAP benefits. The account will not affect your eligibility for these programs. In fact, you can place up to \$100,000 in the account without it counting as a resource for SSI. Medicaid has no limit on the account. To qualify for an ABLEnow account your disability must have begun before the age of 26.

An [ABLEnow account can be set up online](#).



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 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, 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

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 vision 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

The Individuals with Disabilities Education Act (IDEA) 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's 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.



Americans with Disabilities Act

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 (state and local government offices and services)
- ◆ **Title 3** Protections in privately owned public places

How does it help me?

The ADA can be very helpful in protecting people who have disabilities against discrimination, whether they are in 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 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).
- ◆ Contact the disAbility Law Center of Virginia: 800-552-3962 or info@dlcv.org.





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's 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. 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 for 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

Or you can contact dLCV!



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 have the right to speak to anyone providing services to you, including your doctor, teacher, therapist...well, everybody! When you turn 18, all that changes because 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 (which stands for **H**ealth **I**nsurance **P**ortability and **A**ccountability **A**ct) 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.

Privacy of Education Information

FERPA (which stands for **F**amily **E**ducational **R**ights and **P**rivacy **A**ct) 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.

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 would not want everyone you know and even people you don't know to see it, do not post it! Employers often look at social media websites when considering new employees.



Community Services Boards

Every county and city in Virginia has a Community Services Board (CSB) that provides many types of services for people with developmental disabilities, mental health needs and substance use disorders. In some places, they are called Behavioral Healthcare or Behavioral Health Authority, but they offer the same types of services. They provide these services in your local community. Many of these services are paid for by Medicaid.

We'll list some of the services below, but first, let's look at one of the most important services they offer: Case Management (also called Service Coordination or Care Coordination). A Case Manager helps you apply for and coordinate many or all of the services you need to live in the community. If you do not have a Case Manager, contact your local CSB and ask to do an intake to see if you qualify for their services.

Here are some of the other services CSBs may offer:

- Residential programs such as group homes, supported and supervised living
- Mental health services, including emergency response, outpatient treatment, crisis stabilization, psychosocial rehabilitation, medication management
- Day support programs
- Supported employment
- Treatment for substance use disorders
- Access to Medicaid Waivers

[Find the CSB for your locality.](#)



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 www.bit.ly/dlcvcva
- ✓ 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).
- ◆ Online at vote.elections.virginia.gov/VoterInformation



When do I need to register?

- ◆ General/Primary Election: 22 days before election
- ◆ Special Election: 14 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 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](#).

“This is dLCV; How May We Help You Today?”

If you have a disability-related concern, the disAbility Law Center of Virginia (dLCV) is only a phone call or email away! You can call to speak with a staff member on Monday, Wednesday, or Friday from 8:30am until 4:00pm to request assistance.

How to Reach dLCV:

- Call us at 804-225-2042 or toll-free at 800-552-3962;
- Email us at info@dLCV.org;
- Request help through our online portal on our [website](#)
- Make an appointment or stop by during our on-call hours (Monday, Wednesday, or Friday from 8:30am until 4:00pm) and ask to meet with a staff member.

When you call dLCV:

- When you call, you will initially speak with a receptionist. If your call goes to the voice mail, leave a message with your name and phone number.
- When you speak with the receptionist, they will ask you to briefly explain your situation, and transfer you to the appropriate dLCV staff member.
- If your call may go to a voice mail, leave a message with your name and phone number, and the staff member will return your call as soon as possible.
- When you speak *directly* with a staff member, you will have the opportunity to tell them about your situation, and they will ask questions to help figure out how dLCV can assist you.
- All calls are confidential! The information gathered will be used to determine what level of assistance dLCV can provide.



Please be aware that not all staff members are attorneys, and our guidance is not to be interpreted as legal advice.

Great Public Resources to Help with Your Transition.....

- **Department of Education (DOE)**
www.bit.ly/dlcvcoa
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)**
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/programs.htm>
 - LEAP (Learning Excellence and Academics Programs)
 - LIFE (Learning Independence, Feeling Empowered)
- **Community Service Boards (CSB)**
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)**
[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)**
(In NOVA 571-339-1305 or toll free (866) 968-7842)
[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**

(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**

www.bit.ly/dlcvcoa

- **Job Accommodation Network (JAN)**

(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**

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
800-949-4232 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
 - www.ssa.gov/pubs/EN-05-11005.pdf - What You Need to Know about Your Supplemental Security Income (SSI) When You Turn 18

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



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!