



**Know
Your
Rights**

**and You Will
Be
FREE**

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STEPS FOR GETTING WHAT YOU WANT

1. Know all about yourself and all about your disability.
2. Be proud of yourself and your disability.
3. Find either people you know or famous people who have the same disability as you and learn from them.
4. Practice talking about yourself, your good points, and especially your disability.
5. Learn everything you can about your goal.
6. Talk to as many people as you can who have already accomplished the same goal.
7. Find at least two people somewhere in the world with your disability who have achieved your goal.
8. Figure out what you need to do to be able to reach your goal. Are there pieces of the task that you cannot do by yourself? Are there pieces of the task for which you will need some special equipment or modification?
9. Find the agencies or people who can help you deal with the parts of the task you can't do by yourself.
10. Ask for what you want using all the information and skills you have learned in the first nine steps.
11. If the answer is “No,” then begin gathering resource people who can help you get a “Yes,” answer. These people might include: friends, doctors, legislators, teachers, people with disabilities, famous people like baseball players or rap singers, ministers, neighbors, etc.
12. Keep asking and encourage all these people to keep asking. Don't give up until you have tried asking in many ways, for at least one year.

DISCLAIMER

The information, materials and technical assistance provided in this handbook are intended solely as informal guidance; this assistance does not serve as determination of your legal rights or responsibilities under the ADA, nor is it binding on any agency with enforcement responsibilities under the ADA.

Know Your Rights and You Will Be Free

Written by Nancy W. Duncan
With help from over 300 Georgia High School Students

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Sarah has a learning disability. She is a good student if she has the accommodations she needs to do her work. She asked her history teacher at the community college if she could turn in her term paper on a cassette rather than type it. The teacher said he didn't like to listen to tapes so she should type the paper. It is very hard for her to put thoughts into sentences and she makes lots of grammar mistakes. Sarah called the ADA Exchange and the Exchange sent the professor a packet of booklets about accommodating students with learning disabilities. Two days later the teacher called Sarah and said she could put her paper on cassette tape.

FREE to LEARN

There are three laws that say students with disabilities must have equal opportunities to learn in public school. These are the Americans with Disabilities Act (ADA), Individuals with Disability Education Act (IDEA) and the Rehabilitato Act of 1973 (Section 504). The ADA says that if students without disabilities get certain classes or sports activities, then students with disabilities should have them too. For example, if the school has a chorus, and a student in a wheelchair wants to be in the chorus, the school must make sure the student can get to, and use the chorus practice room.

IDEA and Section 504 say that the public schools must provide services or changes that a student needs so that the student can get an education. For example, an elementary school student with a learning disability could get a special computer that would help the student do his/her classwork. Students with hearing loss could get a sign language interpreter. Students with diabetes could have special breaks where they could take their medicine or have a small snack.

The ADA says that an individual has to be QUALIFIED in order to claim discrimination. This means that you have to meet the qualifications to be in a program not just say you want to be in the program. You can't say I want to play baseball and, since I am blind, you have to let me be on the high school baseball team. The school requires that baseball players be able to hit an average of 200 to qualify for the team. If you are blind and cannot hit the ball at all then, even with the ADA, you cannot be on the baseball team.

Each year students with disabilities should have an Individualized Education Plan (IEP) that includes all the services and equipment the student needs for his/her education. This IEP meeting is very important and if your parents don't feel able to advocate for you, you can invite as many people as you like to this meeting to help you get the services you believe you need to succeed.

The ADA also covers students with disabilities in technical schools or colleges. If programs are offered to students without disabilities, they must be offered to students with disabilities. The schools must provide ACCOMMODATIONS that give students with disabilities equal opportunities to learn. For example, if students without disabilities are expected to listen to teachers and take notes, the school must provide interpreters for students who cannot listen, and note takers for students that cannot take notes. Students with disabilities must be allowed to participate in all of the college activities. For example, readers must be provided for blind students so they can use the library. Students in wheelchairs who are good musicians must be allowed to play in the band.

All colleges have a staff person who helps students get the accommodations that they need. But you still have to know what YOU need and keep asking for it. Schools cannot have a certain set of accommodations that they give all students with a particular disability. Accommodations must be based on each individual student's needs. For example, one student with a learning disability may need to take tests orally and another student with a learning disability may have a hard time understanding questions that are read to him/her and so should never take a test orally.

For many students with disabilities the Georgia Department of Labor Vocational Rehabilitation Services can provide help with college tuition, personal attendant care, readers, special equipment, etc. in order for the student to attend and succeed in higher education. Part of your "transition plan" should include working out these details.



Abby is a pretty sixteen year old who lost her left leg because of bone cancer when she was twelve. She was a cheerleader in elementary school and wanted to be a high school cheerleader, too. Because of her cancer, she uses a wheelchair. The school officials said there was no way Abby could be a cheerleader since she couldn't do the routines, like cartwheels, that the cheerleaders have to do. Abby and her mother called the ADA Exchange and asked for help in knowing her rights. The Exchange consultant pointed out that the purpose of cheerleading is boosting school spirit and audience participation. Gymnastics is not a requirement for doing those things. The consultant also searched through her resources and found that there is a cheerleader in a wheelchair at the University of Florida. The cheerleading team there has designed routines using the wheelchair. With all this information and some printed booklets from the Department of Justice, provided by the ADA Exchange, Abby again went to the school principal. This time she was allowed to try out. She is now a varsity cheerleader for her school.

SECTION 2

FREE to PLAY

The Americans with Disabilities Act tells state, county, and city government that they must offer people with disabilities every program and service they offer to people without disabilities. So if you want to be in a swim class offered by city parks, they have to let you no matter what your disability. The city parks may offer a special camp for kids with disabilities and that is legal, but they cannot keep you from attending regular summer camp. They cannot say, "We have a special camp and you have to go to that one, not the regular one."

If state and county parks have boat docks for people who can walk, they must also have boat docks for people in wheelchairs.

If the school has after school sports for kids without disabilities, they must either include kids with disabilities in those programs or offer special after school programs for kids with disabilities. Businesses are also required to offer equal opportunities to people with disabilities. Businesses such as Six Flags, cannot keep you from enjoying rides by saying, "You can't do this, you might get hurt." Unless there is some really good reason why the ride would hurt you, you have a right to do the things other kids are doing.

If you cannot read menus in restaurants, or understand applications, business owners must have their staff read and explain these to you.

No matter how small a business is, it has to try to serve people with disabilities. A restaurant can provide curb service for people in wheelchairs, if it is too small to allow wheelchairs to move around in it.

Places like Pizza Hut where you call in orders for delivery, must have TTY's so that deaf people can also phone in their orders.

If you have more questions or think you have been discriminated against because of your disability, call

The Georgia ADA Exchange, 770 451-2340

Or The ADA Resource Center at 800 949-4232.



Josh is a shy young man in his mid twenties. He was always in special education and never succeeded in any school work. He has a label of mental retardation and autism. He hates most of the jobs that young people from his school classes do. Josh and his mom found a creative job placement private agency to work with him to help him find a job he would like to do. When Josh likes an activity, he does it well. Josh likes riding in a car listening to “Today’s Hit Music” on the radio. He cannot drive but he has a Medicaid waiver that pays for a companion to be with him during the day. The state vocational rehabilitation service bought a limo for Josh that his companion drives for him to and from the airport. Josh keeps up with the limo schedule and knows when they should pick up people and go to the airport. He rides in the limo all day listening to the radio. His business is doing very well and it has made enough money for him to have an additional driver/companion.

FREE to WORK

The ADA does not tell employers that they must hire people with disabilities. It says that employers cannot decide to not hire a person just because he or she has a disability.

Many organizations can help you find out about jobs that match your skills and interest. Community colleges, Technical Schools, Department of Labor Career Centers, and a large number of state and private rehabilitation agencies can give you interest and skill tests. You should not wait until you are finishing school to be evaluated for jobs. There are dozens of agencies that offer training and placement services. Talk to all of the agencies in your community and see which ones you feel best about. Remember, you have the last word. You decide what sort of job you want and which type of training works best for you.

An employer cannot ask you questions on the application that give information about your disability. They cannot ask: Do you have a disability that would keep you from doing this job? How many times have you been hospitalized? Have you ever seen a psychiatrist? What accommodations would you need to do this job?

They can ask if you can perform the job. You should never lie on an application even if the employer asks an illegal question. Answer as clearly as you can and call the Exchange and we will send ADA employer materials to that employer. You might also ask your rehabilitation counselor to talk to the employer about legal and illegal questions. You could also file an ADA complaint with the Equal Employment Opportunity Commission explaining about the illegal questions on the job application.

Before you go to an interview, you should know as much as you can about the specific job you are seeking. Think about your skills and experience, what parts of the job you can do well and which parts you might need some accommodations in order to do the job. You should be confident that you can do the job when you go in for the interview. No matter how many agencies you have helping you get a job, you should still insist on having an interview. The Georgia Department of Labor local Career Centers can help you learn interviewing skills.

The ADA requires employers to NOT ask or talk about your disability in the interview. They cannot ask any questions about accommodations either. You can tell them that you have looked at the ESSENTIAL job duties and you believe you can perform them. You may also want to tell them about your specialized training and your years of experience coping with your disability. IT IS YOUR DECISION WHETHER OR NOT TO TALK ABOUT YOUR DISABILITY. If you have a disability that anyone can see, talking about your skills and special training may be very helpful. It is up to you to tell or not. If the employer starts talking about your disability, use polite but firm suggestions to get back to talking about the job duties. If this doesn't work, use the suggestions made in the paragraph above. Once the employer offers you a job, you can begin to talk together about any accommodations you might need to perform the job. ACCOMMODATIONS may include a special piece of equipment, special chair, a larger cubicle, later starting time, sign language interpreters, special software, large print instructions, an amplified telephone, job sharing of some parts of your job that are impossible for you to do, written rather than verbal directions, more time at break, etc. Employers have a right to a forty-hour week, so changes in time or breaks should be made up. You must help the employer find resources (see the last page) to figure out the accommodations that would work best for you. Who pays for the accommodations can be worked out between the rehabilitation agencies, the employer, and you personally. The Social Security Administration has several programs to help you use your payments to purchase accommodations. If you and the employer cannot find workable ways for you to perform the main job duties, the employer can withdraw the job offer. The ADA is clear that you must meet all of the qualifications for the job and be able to perform the main job duties with or without accommodations.

Job qualification requirement must fit the specific job. For example, a job cannot require that you be able to lift fifty pounds if it is a secretary position and you only lift the mail. A job cannot require you to have a driver's license unless the main job duties involve driving. Any time you need special accommodations to perform a job, you should put this request in writing to your supervisor and the correct person in Human Resources. You should also include a letter from your doctor stating that your particular disability makes it necessary for you to have particular accommodations on your job. For example, your doctor might say, "John Smith's diabetes requires that he have a short five minute break every two hours in order for him to check his blood sugar and drink juice if needed." Your doctor only needs to provide information related to your job accommodation needs. The employer can never ask for history, all medications, general health, etc.

If your disability condition changes, you lose more vision, etc., or if you discover you need additional or new accommodations on your job, you can then ask for these accommodations. The employer cannot punish you for not telling about a disability when you were hired, if you did not need accommodations at that time.



Manuel just finished high school. He has several disabilities that keep him from being able to live out on his own without twenty-four hour assistance. He and his parents found out about the “Supported Living Waiver” that provides extra money for people with disabilities to live a “normal” life in their community. Manuel doesn’t want to live at home with his parents like a little kid. He enjoys doing things young people do, not just stuff his parents like. With this special waiver, Manuel and two other guys with disabilities will have their own apartment. They will have paid assistants come in around the clock who will help them dress, fix meals, clean, pay bills, etc. Each will also have his own companions who will help do activities that he especially likes, such as going to concerts, buying cd’s, or going bowling. No one will tell Manuel when to go to bed or how many cokes he can drink in a day. He will be treated like an adult and can choose how he wants to live his life.

FREE to LIVE A FULL LIFE

There are many laws in the U. S. that give people with disabilities the rights they need to live a full life. The ADA says that employers, state or local government, businesses, agencies, and organizations cannot discriminate against people just because they have a disability. We have talked about the ADA in all the sections of this handbook. If an agency or school gets federal money, then Section 504 of the Rehabilitation Act also prohibits discriminating against people with disabilities.

Employers, agencies, businesses, schools etc. must all make accommodations to make sure that people with disabilities can use their services or perform the job.

The Fair Housing Amendment says that people who sell or rent places to live cannot discriminate against people with disabilities. For example, if you inform your apartment manager that you have a learning disability and have trouble reading, the manager should call you and explain any memos that he sends out to apartment renters so that you know what is going on. Or, a real estate agent cannot decide to show you a particular house because she thinks you have a mental disability. That would be against the law. All new apartments must be wheelchair accessible if they are one floor apartments. All new apartments must be able to have special equipment for renters who are deaf, (such as lights that flash when someone knocks at the door).

The Individuals with Disabilities Education Act, IDEA, requires schools to provide accommodations and services that students with disabilities need to get an education. IDEA also requires that students from age 14 on, have an annual TRANSITION PLAN. This plan is to help students and their families make plans for the day when the student will finish school and TRANSITION into the big world. These meetings are very important. You should think hard about what you want to do for a job. These meetings are for figuring out what classes you need to take to go to college, or tech school, or get certain jobs. While you are in school, the school staff must provide you with an education. You should be an advocate for yourself as well. But, when you leave school, you and your family are the only real advocates.

We have already talked in SECTION 1 about college and tech school. In this section we need to talk about other possibilities. One important question to ask in your transition meeting is, "Which regional service board will work with me?" These boards coordinate services for people with disabilities who need extra help to get jobs, live independently, or work in the community. The Board staff can evaluate you and help you apply for Supplemental Security Income, SSI, which is a monthly payment for people with disabilities who are over eighteen. This money comes from the Social Security Administration. You may be able to receive these payments even if you live with your family and they have a good income. The Regional Board staff can also help you apply for MEDICAID WAIVERS which are extra funds that help with supported living or supported work. For example, a twenty two year old woman with several disabilities can receive a Medicaid waiver that will pay for around the clock companions to help her live in an apartment and go to work each day at a library.

The Georgia Department of Labor Vocational Rehabilitation Department can pay for such things as: job training, special equipment that helps you go to work, help in locating a job, special help in learning the job, etc. You should get to know the rehabilitation staff person in your area and this person should come to all of your transition plan meetings.

Learn as much as you can about Social Security benefits. You can work and get Social Security payments if you have the right plan in place. Everyone's case is a little different so don't just rely on what has happened to a friend. You can call the Social Security Administration for specific help on figuring out your benefits and options.

Your ability to lead a full life is limited only by your own imagination and persistence. You must figure out exactly what you want to do and then figure out how you will do it with your particular disability. Then you find all the people you need who can help you get to where you want to be. Finally, you must call or write or visit those people over and over until they give you the help you need. Don't take "no" for an answer until you have asked hundreds of people. Contact everybody you can who has your same disability and ask them who can help you. Some people who are supposed to provide services may treat you like a baby or a useless person. Don't believe them, and don't quit asking them for help. How others treat you only hurts if you believe what they say. Most people who are successful have tried and tried and not stopped trying until they got what they wanted.

Finally, always try to do what makes you happy and proud.



Some Helpful Resources and WEBSITES

Georgia ADA Exchange, Inc.
4164 Admiral Drive
Chamblee, Ga. 30341
770-451-2340
fax: 770-451-2795
nduncan@bellsouth.net
www.gaada.info

South East Disability and Business Technical
Assistance Center
(ADA Resource Center)
490 Tenth Street
Atlanta, Ga. 30318
Toll Free 1-800-949-4232 (v/tty)
www.sedbtac.org

Georgia Advocacy Office
100 Crescent Centre Pkwy.
Suite 520
Tucker, Georgia 30084
404-885-1234
Toll Free 1-800-537-2329
www.thegao.org

Governor's Council on Developmental Disabilities
Suite 210, Eighth Floor
Two Peachtree Street, NW
Atlanta, Ga. 30303-3142
404-657-2126
Toll Free 1-888-275-4233
www.gcdd.org

Parent to Parent of Georgia
3805 Presidential Pkwy.
Suite 207
Atlanta, Ga. 30340
770-451-5484
Toll Free 1-800-229-2038
www.parenttoparentofga.org

Georgia Department of Labor
Vocational Rehabilitation Division
1700 Century Drive
Atlanta, Ga. 30345
1-866-489-0001
www.vocrehabga.org

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