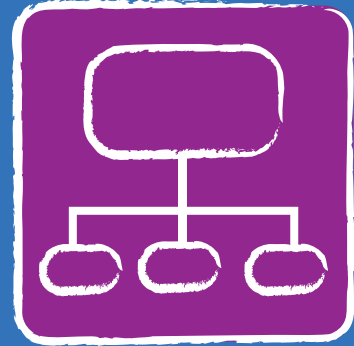


# YOUR RIGHTS



DisabilityRights  
TEXAS

# YOUR VOICE

*A guide for youth with mental health concerns transitioning to adulthood*

# About Disability Rights Texas

Disability Rights Texas (DRTx) is the protection and advocacy agency for people with disabilities in Texas. Our mission is to help people with disabilities understand and exercise their legal rights, ensuring their full and equal participation in society. Our attorneys and advocates fulfill our mission by:

- ⑥ Providing direct legal assistance to people with disabilities whose rights are threatened or violated
- ⑥ Protecting the rights of individuals and groups of people with disabilities through the courts and justice system
- ⑥ Educating the public, media, lawmakers, and other concerned groups on issues and trends that effect the rights of people with disabilities
- ⑥ Informing people with disabilities and family members about their rights
- ⑥ Making referrals to programs and services

Our work is focused in the following areas:

- ⑥ Accessibility
- ⑥ Community Living
- ⑥ Education
- ⑥ Employment
- ⑥ Healthcare
- ⑥ Housing
- ⑥ Protection and Civil Rights
- ⑥ Transportation
- ⑥ Voting Rights

**To request services from DRTx, contact us at:**

**Voice Call: 1 (800) 252-9108**

**Video Call: 1 (866) 362-2851**

**Intake Hours are Monday - Friday, 9 am – 4 pm**

**Online: [intake.DRTx.org](http://intake.DRTx.org) (available 24/7)**

**For self-advocacy resources and more information about what we do, visit us at: [www.DRTx.org](http://www.DRTx.org)**

*Your Rights, Your Voice: A Guide For Youth With Mental Health Concerns Transitioning Into Adulthood*

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# YOUR RIGHTS

# YOUR VOICE



*A guide for youth with mental health concerns transitioning to adulthood*

## Introduction

Disability Rights Texas thanks the youth and families who contributed to the creation of this guide and acknowledges the Hogg Foundation for Mental Health whose generous funding made this endeavor possible.

This resource was written to help transition age youth learn about their rights and provide a tool to help them successfully move into adulthood.

If you are the loved one of a transition age youth, thank you for reading this guide. Please pass these materials along to the young person you are supporting so he/she can also benefit from the information it contains.

While this guide was specifically created to help youth living with a mental health concern, the information presented is beneficial for all youth with a disability transitioning into adulthood.



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*\* On September 1, 2016, services under the Texas Department of Assistive and Rehabilitation Services (DARS) vocational rehabilitation programs moved to Texas Workforce Solutions – Vocational Rehabilitation Services (TWS-VRS). The Independent Living Program at DARS remains under the Texas Health and Human Services Commission (HHSC).*



# 1. Educate Yourself:

## THE RIGHTS OF STUDENTS RECEIVING 504 OR SPECIAL EDUCATION SERVICES



### In this section:

- What are 504 and special education services?
- How do I know if I need these services?
- What if I don't agree with the services being provided?

### LILLY'S STORY

I used to make the honor roll, had a good group of friends, and was well liked by all my teachers. High school was different. I would often get the blues and wouldn't want to talk to anyone, so I skipped school. I was smart, after all, and could always catch up later.

My junior year was terrible. I didn't want to go to school, so I never did. When I did, everyone bothered me. I would get into fights and would get punished – as if I was the one who started it. They expelled me to an alternative school – one place I was not about to go.

My parents yelled at me when they found out, so I went to stay the night at my friend's house. When I got home the next morning, my parents took me to see a counselor. I didn't want to go, but I wasn't given a choice. It ended up not being too bad. It was nice having someone who actually listened for a change.

I had to go back a couple of more times before I was given a bipolar diagnosis. My parents told the school, but the school said I was too smart for special education or 504. For once they got it right. I didn't need to go to some special classroom.

We learned, however, special education is a service, not a place, so my mom wrote a letter requesting a school evaluation. It was a couple of more months before my evaluation was complete, and when it was, I had to start going to these confusing ARD meetings.

At first I was embarrassed but soon learned that the more I spoke up at my ARD meetings, the better things at school were. My parents also learned more about my rights and started speaking up for me, too. Things at school are much better.







# 1. Educate Yourself:

## THE RIGHTS OF STUDENTS RECEIVING 504 OR SPECIAL EDUCATION SERVICES

All students with disabilities are entitled to legal rights in public schools. To best protect their rights, students with disabilities need either a 504 or special education plan.

### What is Section 504?

Section 504 of the Rehabilitation Act of 1973 protects all students with disabilities. Asking the school to establish a 504 plan protects the student in school discipline and informs the school about a student's possible need for more support.

Once a student has a 504 plan, if there are problems or if the student or parent believes different supports are needed, a 504 committee meeting should be requested to discuss any concerns. If 504 supports are not enough to help the student make adequate progress on academic and functional goals, then it may be time to ask for special education services.

### What if the school is not in compliance with Section 504?

If you believe the school is not offering you the right 504 services, not following the student's 504 plan, or discriminating against a student with a disability, consider filing a complaint with the U.S. Office of Civil Rights (OCR). An OCR Complaint has to be filed within 180 days after the act of discrimination you are complaining about occurred.

For more information about how to file a complaint or to file a complaint online:

1. Go to **www.ed.gov** then scroll down, look for the "Laws and Guidance" menu on the bottom section, then click on "Civil Rights."
2. Or go to:  
**www.ed.gov/about/offices/list/ocr/complaintintro.html**

### What is special education?

When a student's disability keeps him or her from accessing a free and appropriate public education (FAPE), then the student should be eligible for special education and related services.

#### 504 committee

A group of school professionals (your teacher, the vice-principal, a counselor, etc.) that meets together and helps develop a 504 plan to make sure your disability does not interfere with your success at school.

#### Functional goals

Meant to address disability related behaviors interfering with a student's success in school. Includes things like learning appropriate interactions with others, developing coping mechanisms to control anxiety.

#### Compliance

When a school is following the rules and doing everything it is supposed to do under the law.

#### OCR

The U.S. Office of Civil Rights (OCR) addresses claims of discrimination and makes sure that organizations receiving federal funding are in compliance with federal and local civil rights laws.

Remember, special education is a service, not a place. If a student qualifies for special education services, the school should try to keep the student in regular classrooms whenever possible.

### **Evaluation**

Tests schools use to decide if you need special education services and what those services could look like.

### **What does the special education evaluation process look like?**

Some signs a student needs a special education evaluation include failing classes, being held back, or getting in trouble for disability-related behaviors. If a student is struggling with these or similar issues and the school has not evaluated the student, parents should request an evaluation in writing from the school.

After a written request is submitted, under Texas law, the school has 15 school days to decide whether or not they will evaluate the student.

### **What happens once I qualify for special education services?**

After a student is found eligible for special education services, the school brings together a group of people called an ARD (Admission, Review and Dismissal) committee.

### **ARD committee**

An Admission, Review and Dismissal (ARD) committee is a group of school professionals, your parents, or you (if appropriate).

The ARD committee's job is to decide what special education services the student needs. It must hold meetings at least once a year, and as often as needed, to review and use evaluations to establish annual goals and determine any related services a student may need in order to make progress in academic and functional goals.

The plan the ARD committee develops is a student's Individualized Education Plan (IEP). This committee determines where the student will receive special education services and also makes important decisions about school discipline. Some examples of special education services are: transportation, counseling and job training.

### **Meaningful progress**

When a student is learning skills and gaining knowledge to reach his or her future goals.

### **What about behavior and discipline in special education?**

If a student's disability-related behavior isn't allowing them to make meaningful progress in school, the school should conduct a Functional Behavioral Assessment (FBA) and use it to develop a Behavioral Intervention Plan (BIP) to improve behavior. When

behavior worsens, an ARD meeting is called to request a new FBA and make revisions to the BIP.

In most cases, schools are not allowed to suspend, expel, or send a student to a disciplinary placement for more than 10 days if the behavior is a direct result of the student's disability or because of the school's failure to follow the student's plan.

### **What is transition planning in special education?**

Starting at age 14, ARD committees must begin transition planning for students in special education.

It is important for students to participate in this process. Students should share their hopes, dreams, and fears so the committee can work with them to establish goals, provide services and supports, and refer them to places to help the students achieve their goals after graduation.

When a student's goals are unclear and the committee is unsure of what transition services are needed, the committee should rely on evaluations to decide how to best support students with their transition out of school.

Examples of transition services a school can provide are vocational training, supported employment opportunities in the community, interview practice, and resume development skills. The ARD committee should also invite other agencies, like the Texas Workforce Solutions - Vocational Rehabilitation Services (TWS-VRS) or a mental health agency, to attend and participate in the process. Ultimately, it is the parent and student's responsibility to make sure they are connected to these agencies.

Students in special education can remain in school until age 22 to work on their transition goals. Many students can benefit from staying in school beyond 18 even if they could graduate earlier.

Before students receiving special education services graduate from high school, it is important to make sure they have up-to-date evaluations because:

#### **BIP**

After a school conducts a Functional Behavioral Assessment (FBA), they will use it to develop a Behavioral Intervention Plan (BIP) to address and prevent behavior that keeps a student from making meaningful progress in his or her education.

#### **Vocational training**

Vocational training is the preparation you need to be able to perform a job.

- Testing companies can use them to determine what accommodations a student will receive during college entrance examinations.
- Colleges use them to determine what reasonable accommodations they will provide the student.
- Agencies like TWS-VRS use them to decide what services they are going to provide a student.

### **What if I don't agree with the IEP?**

It's okay to disagree; you have options. At the end of every ARD meeting, the parent or student (if 18 or over) can either agree or disagree. While working with the school is important, sharing any concerns about the plan offered by signing "disagree" is just as important.

If the parent or student disagrees, the school will offer to come back together for another meeting to try to work out the disagreements. Even if you sign agree and the plan is not working the way it was intended, asking for another ARD meeting to discuss concerns is an option.

### **How are disagreements resolved?**

Options include:

#### **1. Individualized Education Program (IEP) facilitation**

A parent or student can ask for an impartial facilitator contracted by the Texas Education Agency (TEA) to assist at another ARD meeting. The facilitator is someone familiar with special education law whose job is to make sure the ARD meeting goes as smoothly as possible.

#### **2. Texas Education Agency (TEA) complaints**

These complaints are filed by submitting a simple written letter to TEA. Then TEA will investigate by requesting and reviewing records. You must file your complaint with TEA within one year of the act for which you have a complaint.

#### **3. Mediation**

You also have the option to request an impartial mediation from TEA at no cost to you. Mediation is voluntary and both sides (you and the school district) must agree

to participate. If the school district agrees to participate, a TEA mediator will work with you and the school staff to try to encourage a voluntary agreement to settle a dispute over the student's needs.

#### **4. Due Process Hearing**

You also have the right to file a request for a due process hearing. This legal proceeding is similar to a court hearing but is conducted before an administrative hearing officer rather than a judge. You can represent yourself, but the proceeding is complicated and lawyers are helpful with the process.

Please note that you must file a request for a due process hearing within one year of the date you learned about the matter about which you have a complaint.

#### **Where can I find more information on special education?**

1. Disability Rights Texas – [www.DRTx.org/resources/education](http://www.DRTx.org/resources/education)
2. Texas Education Agency (TEA) – [www.tea.state.tx.us](http://www.tea.state.tx.us)
3. TEA Transition Guide – [www.transitionintexas.org](http://www.transitionintexas.org)
4. Texas Project First – [www.texasprojectfirst.org](http://www.texasprojectfirst.org)
5. SpedTex - [www.spedtex.org](http://www.spedtex.org)

#### **My next steps:**

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## 2. School After High School

### COLLEGE, TRADE SCHOOL, AND OTHER POST-SECONDARY OPTIONS



#### **In this section:**

- **Can I request accommodations for college entrance exams?**
- **What accommodations can I request in my post-secondary program?**
- **What can I do if I'm having trouble getting program accommodations?**

#### *DAVID'S STORY*

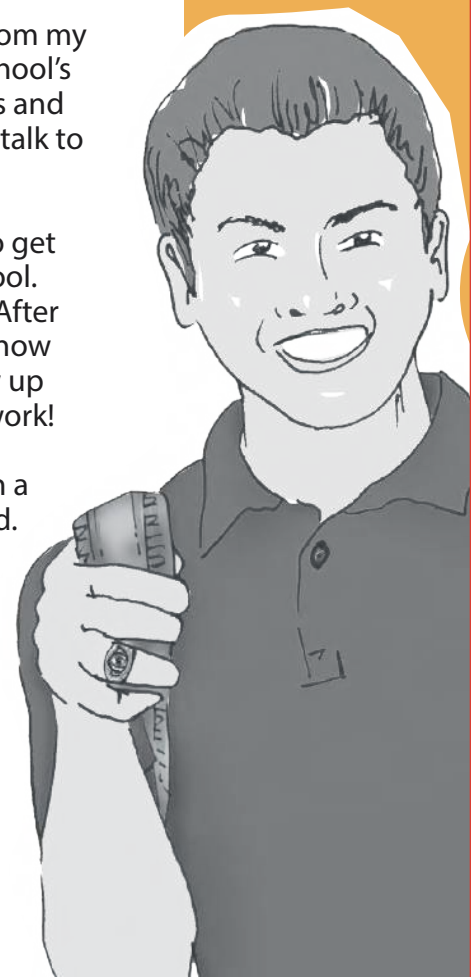
I loved being on my own for the first time ever. I was in a brand new city, having a blast with new friends and passing my classes, but the stress of everything was beginning to get to me. In high school I was on a 504 plan for an anxiety disorder – but I thought I was over that, so I didn't plan ahead to get 504 accommodations at my college.

I knew college was different but didn't know exactly how. I told my mom my anxiety attacks were starting to come back, and she sent me to my school's counseling center. When I told my counselor about my anxiety attacks and the problems they were creating in my academic life, she suggested I talk to Veronica at the Office for People with Disabilities.

I emailed Veronica to set up a meeting. When we met she asked me to get a note from my psychologist and to bring my 504 plan from high school. What a pain. Luckily mom pulled together all that paperwork for me. After I turned everything in, Veronica said she would let all my professors know I qualified for accommodations but made it very clear I need to follow up with each of my professors individually. Great, I now had even more work!

Most of the professors were cool and agreed to let me take my tests in a room by myself and gave me extra time on assignments when needed. Well, all except for one. My econ professor was the worst. He said I was an adult and needed to start acting like one. When I mentioned this to Veronica, she offered to help, but I decided I didn't want to see that jerk anyhow.

I dropped his class and transferred to Professor Bauer's class – I had heard really great things about her. She and I actually became close. I considered her a mentor, and she even hired me as her teaching assistant my junior year. I'm graduating this May!







## 2. School After High School:

### COLLEGE, TRADE SCHOOL, AND OTHER POST-SECONDARY OPTIONS

#### Am I allowed accommodations for college entrance exams?

You have the right to ask for any accommodations you may need for the SAT, ACT and other college entrance examinations. To request accommodations, contact the testing agency and let them know what you will need.

You will need to provide written proof of your disability and need for accommodations from your doctor or any other health care provider you are working with (such as a psychologist).

Some examples of accommodations are:

- More time to complete the test.
- More breaks.
- A separate room for testing.
- Some assistive devices.

#### What are my rights in post-secondary educational programs?

Federal laws prohibit discrimination based on disability in post-secondary education programs.

You are not required to disclose your disability to your post-secondary education program. Applications cannot ask if you have a history of mental illness or any other disability. You can choose to keep your disability private. However, if you want to ask for accommodations, you need to disclose your disability to your program.

#### What if I need accommodations?

If you need accommodations because of your disability, remember to: **disclose, request** and **supply**.

First **disclose** your disability and **request** the accommodations you need by contacting the program's Office for Persons with Disabilities or Offices of Services for Students with Disabilities. If the program does not have one of these, find out who the ADA/504 Coordinator or Disability Service Coordinator is for your program is. Every program receiving federal funds is required

#### Post-secondary education program

Any program you participate in after high school meant to prepare you for a career. Examples include, but are not limited to: nursing school, a 4-year college or university, or a community college. Throughout this section we will refer to postsecondary education using the word "program."

#### Federal funds

Money the government gives to programs so they can provide things such as scholarships or other forms of financial aid to students.

to have an ADA/504 Coordinator. You must advocate for yourself and let the program know what your needs are as soon as possible.

### **ADA**

The Americans with Disabilities Act (ADA) is a federal law passed in 1990 requiring public spaces be made accessible to individuals with disabilities. The ADA also prohibits employment discrimination based on disability in companies with 15 or more employees.

### **Undue financial or administrative burden**

Requiring your program to make an addition or change that would cost them too much money or demand too much time and effort on their part.

To ensure you have the most appropriate accommodations, you should **supply** professional documentation from your doctor or health care provider describing your disability and the need for the requested accommodations. Your program can request medical information but only if it is specifically about your disability. The more specific your doctor can be, the better.

### **What makes an accommodation reasonable?**

Your program does not have to provide accommodations for you that change the nature of the services, program, or activity. The program also does not have to provide accommodations placing undue financial burden on the institution.

Some examples of reasonable accommodations are:

- Allowing service animals anywhere on campus
- Providing written summaries and outlines of lectures
- More time for tests
- More time for some assignments
- Providing a distraction-free space for tests

Your program cannot ask you to pay more money for the cost of providing an accommodation.

### **What if I am not receiving accommodations requested?**

If you are not receiving needed accommodations, you have the following options:

1. Contact the program's ADA/504 Coordinator at the Office of Services for Students with Disabilities and ask them to help you resolve the issue.
  2. Submit a formal grievance or complaint following the program's grievance procedure.
  3. File a complaint about possible discrimination at the national level with the Department of Education Office of Civil Rights (OCR).
- Typically, you have to file a complaint with the OCR 180 days from the date of the disputed discrimination.

### **ADA/504 Coordinator or Disability Service Coordinator**

The person who is usually in charge of making sure the program meets all of the requirements the government has set up through the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973.

- If you have already filed an internal complaint within your program, you have 60 days from the completion of your program's complaint process to file a complaint with OCR.
4. You also have the option to file a lawsuit. If you want to file a lawsuit about these issues, many laws require you to file a lawsuit within 2 years of the date of discrimination. Please note that the ADA only requires the program provide injunctive relief. In other words, the program has to provide the access denied and attorney's fees.

### **What if I need help paying for school?**

As a student who has graduated from high school and is now pursuing a post-secondary degree, you are no longer entitled to a free and appropriate public education. However, you can still receive financial aid from the federal government. You can access this program by filing a free application for federal student aid (FAFSA) at [www.fafsa.ed.gov](http://www.fafsa.ed.gov).

Apart from filing your FAFSA, you can also apply for scholarships based on your achievements in academics, sports, music, etc. As a student with a disability, if you are working with the Texas Workforce Solutions - Vocational Rehabilitation Services (TWS-VRS), they may be able to pay for school. TWS-VRS would only provide funding for your schooling if it fits within the employment program you are developing with your TWS-VRS Counselor. Learn more about TWS-VRS in Section 3 of this guide.

### **Where can I find more post-secondary education resources?**

1. College Entrance Exams – one of two of the following tests may be required:
  - The SAT: [sat.collegeboard.org](http://sat.collegeboard.org)
  - The ACT: [www.act.org](http://www.act.org) – then click on “I’m a high school student” or “parent”
2. Free Application for Federal Student Aid (FAFSA) – [www.fafsa.ed.gov](http://www.fafsa.ed.gov)
3. Office of Civil Rights
  - Go to: [www.ed.gov](http://www.ed.gov)
  - Scroll down and look for the “Laws and Guidance”

menu on the bottom

- Click on “Civil Rights”
- Or go to: **[www.ed.gov/about/offices/list/ocr/complaintintro.html](http://www.ed.gov/about/offices/list/ocr/complaintintro.html)**

4. Bazelon Center for Mental Health - Campus Mental Health Guide

- Go to: **[www.bazelon.org](http://www.bazelon.org)**
- Click on “News & Publications” on the top menu
- Click on “Publications” on left menu, then click on “Civil Rights and the ADA”
- Click on “Educational Rights”

**My next steps:**

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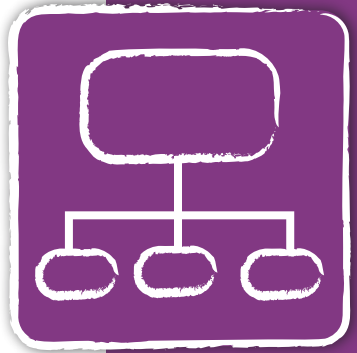
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# 3. Getting Ready for Work:

## APPLYING FOR VOCATIONAL REHABILITATION SERVICES IN TEXAS\*



### In this section:

- What is TWS-VRS, and how do I apply for services?
- What services does TWS-VRS provide?
- How does TWS-VRS help with transition planning?

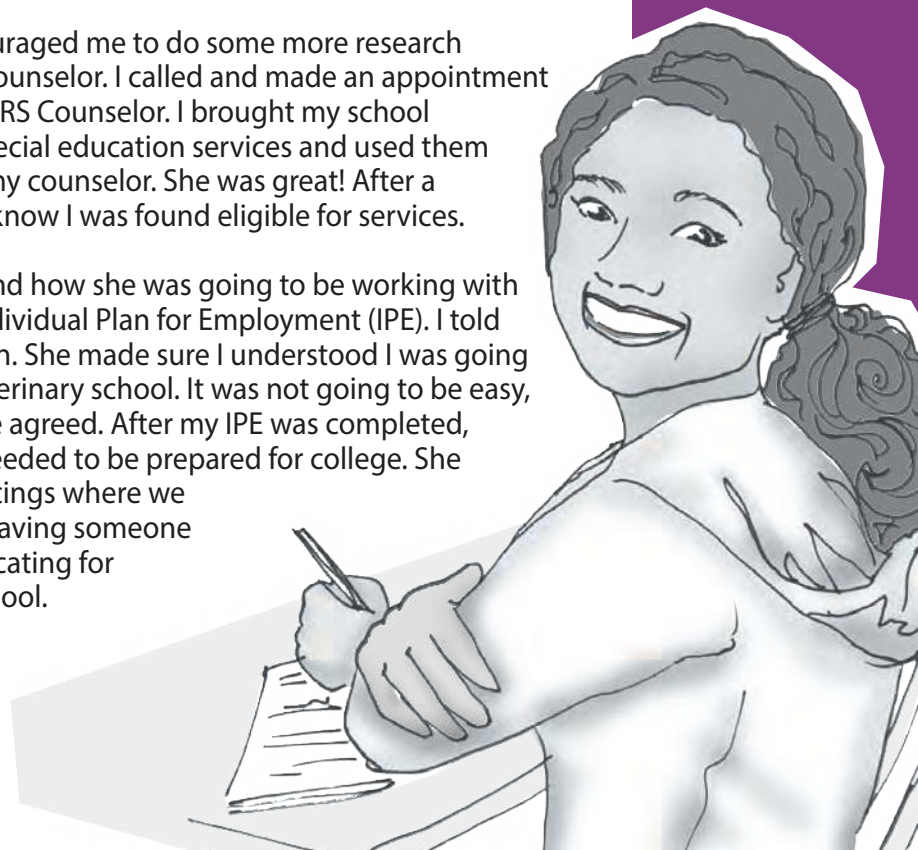
### MARIA'S STORY

After receiving my diagnosis of General Anxiety Disorder, I was enrolled for special education services at school. It was tough at first since I was trying to get the hang of being a freshman in high school as well as trying to understand all of my special education services. My dad was on top of things and made sure I was getting everything I needed. He knew the school was supposed to invite people from other agencies like the Mental Health Authority and Texas Workforce Solutions – Vocational Rehabilitation Services (TWS-VRS). Which is why, after turning 16, he made sure a TWS-VRS counselor would be at our next meeting.

When my dad explained all of the services TWS-VRS provided, I couldn't wait to meet the counselor who was going to be there. Unfortunately, the counselor who showed up didn't know anything about me and couldn't provide much input other than telling me what TWS-VRS does and how I could apply for services.

After the ARD meeting, my dad encouraged me to do some more research on TWS-VRS and follow up with the counselor. I called and made an appointment to fill out an application with a TWS-VRS Counselor. I brought my school evaluations used to determine my special education services and used them to fill out my application with Janie, my counselor. She was great! After a month or so, I got a letter letting me know I was found eligible for services.

Janie explained what TWS-VRS was and how she was going to be working with me to develop this thing called an Individual Plan for Employment (IPE). I told her I really wanted to be a veterinarian. She made sure I understood I was going to need to go to college and then veterinary school. It was not going to be easy, but I knew I could handle it, and Janie agreed. After my IPE was completed, Janie made sure I got the services I needed to be prepared for college. She was also a great help in the ARD meetings where we talked about transition. It was great having someone else on my side besides my dad advocating for me to get the services I needed in school.



\*see note on next page regarding this organization



### **3. Getting Ready for Work:**

#### *APPLYING FOR HELP FROM TEXAS WORKFORCE SOLUTIONS – VOCATIONAL REHABILITATION SERVICES\**

*On September 1, 2016, services under the Texas Department of Assistive and Rehabilitation Services (DARS) vocational rehabilitation programs moved to Texas Workforce Solutions – Vocational Rehabilitation Services (TWS-VRS). The Independent Living Program at DARS remains under the Texas Health and Human Services Commission (HHSC).*

#### **What is TWS-VRS?**

Texas Workforce Solutions – Vocational Rehabilitation Services (TWS-VRS) helps people with disabilities to be prepared for jobs and become more independent.

#### **How do I receive TWS-VRS services?**

You must be at least 14 years old to be eligible to apply for TWS-VRS services.

As part of your transition plan, you can request to speak with the TWS-VRS Counselor assigned to your school to discuss how TWS-VRS can help you accomplish your employment goals.

The TWS-VRS Counselor can give you better information about their programs and the transition services TWS-VRS can provide outside of the services you may be receiving through your school.

#### **How does the eligibility process work?**

Everyone who wants to complete a TWS-VRS application has the right to do so.

TWS-VRS will typically use evaluations you already have from school. If TWS-VRS decides you need new evaluations, they should pay to have them done.

Typically, TWS-VRS has to determine your eligibility for services within 60 days. The eligibility process can take longer, but only if you and your counselor agree to extend the 60-day timeline.

TWS-VRS requires information regarding a family's income, health insurance and student income be provided at the time of the application. Different rules apply for a person who is receiving Social Security benefits.

## What happens after the eligibility process?

Your TWS-VRS Counselor will work with you to develop an Individualized Plan for Employment (IPE) and research different employment fields while you are still in high school to help you decide what kind of job you would like to have after high school.

Your Individualized Plan for Employment (IPE) will be based on what you want to do after you graduate, and any services needed to reach your goals should be listed on your IPE. The IPE should be developed 90 days after you were determined eligible unless you and the counselor agree to extend that time frame to a specified date.

### Vocational goals

This is a term often used by TWS-VRS counselors to describe the job you are working to qualify for.

## What are some examples of services TWS-VRS can provide?

- Vocational testing
- Assistive devices
- Job placement
- Job training
- Medical treatment needed to participate in school or employment
- Paying for equipment or tools for employment

## What other assistance does TWS-VRS provide?

To help individuals with disabilities be better prepared for independent living and job readiness, TWS-VRS will consider providing help with expenses incurred to reach vocational goals outside of everyday living expenses. Some examples of expenses incurred could be the tuition of a post-secondary program, clothes for a job, or tools needed for a job.

### Everyday living expenses

Money you spend on groceries, gas, or at the movies is considered an everyday living expense.

Before TWS-VRS decides to provide financial assistance, they apply a financial needs test to determine if TWS-VRS is the appropriate source to pay for certain services.

## What are some of the ways TWS-VRS is changing in 2016?

- **Higher Education** - Individuals with disabilities applying for TWS-VRS services should be given full opportunity to participate in job-driven training to pursue high quality employment. This means TWS-VRS should provide services to help people advance in employment, including graduate school.



- **Pre-Employment Services** - TWS-VRS should now be working with school districts to provide or arrange pre-employment transition services to eligible or potentially eligible students who are in need of services.
- **Supported Employment** - TWS-VRS will now be providing supported employment services to qualified individuals.
- **Sheltered Workshops** - Individuals with disabilities can no longer be sent to a sheltered workshop setting without first applying and being evaluated for vocational rehabilitation services.

**How do I receive services from TWS-VRS?**

You need to qualify for their services before you are able to receive any assistance. While TWS-VRS is a great program, it does have limited resources. TWS-VRS will only pay for any services preparing you for employment or independent living.

You and the TWS-VRS counselor assigned to your case are a team working together to reach your employment goals. Demonstrating a willingness to work with your counselor to develop an IPE will help your case.

**Where can I get more information about TWS-VRS services?**

Visit [www.twc.state.tx.us/jobseekers/vocational-rehabilitation-services](http://www.twc.state.tx.us/jobseekers/vocational-rehabilitation-services) or call the Houston TWS-VRS office at : (713) 866-7735..

**My next steps:**

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## 4. On the Job

### WHAT YOU AND YOUR BOSS NEED TO KNOW

#### In this section:

- What is a reasonable work accommodation?
- How do I ask for a work accommodation?
- What if I experience discrimination at work because of my disability?

#### ALICIA'S STORY

After graduation I was offered my dream job at a consulting firm. I was so excited!

Once I started working I didn't know how to explain my weekly therapy sessions to my boss. I wasn't embarrassed by my diagnosis of major depression, but I didn't want it to jeopardize my job. Things were going well, so I decided I didn't need to see my counselor or continue taking my medications. After all, what was the worst that could happen?

Things were good for a couple months, but then they started going downhill at work, and I was feeling really down. I didn't want to tell my boss about my struggles with depression, but I needed to start my mental health treatment again.

I set up an appointment with my counselor and took a day off. I told my counselor things were not okay, and we agreed I needed weekly sessions. However, I didn't think my office would let me take time off every week. When I expressed this concern to my counselor, she told me about the ADA and section 504. She told me how I could request that my employer provide a reasonable accommodation.

We did a role-play exercise where my counselor pretended to be my boss so I could feel prepared. She also provided a letter describing my need for weekly therapy sessions.

The next day I met with my boss. When we sat down in her office, I informed her I had a mental health diagnosis and wanted to discuss setting up an accommodation in the work place. She didn't want to know anything about it and immediately sent me to the Human Resources Department. I wondered if I had made a mistake.

The HR guy was nice, but I couldn't tell if he was trying to help me or fire me. He asked a ton of questions, looked at my letter, and asked me to get my doctor to fill out the company's preferred form. He ended up approving a more flexible schedule, and things feel like they are back on track.





## 4. On the Job:

### WHAT YOU AND YOUR BOSS NEED TO KNOW

#### What are my rights in the workplace?

Employers with 15 or more employees, under federal law, cannot discriminate based on disability.

#### What does that mean for me?

If you have a disability and are qualified to do a job, federal law protects you from job discrimination based on your disability.

#### What is a reasonable accommodation at work?

A reasonable accommodation is any change to the work environment or a device used on the job that would help a person with a disability:

- 1) apply for a job;
- 2) do the essential part of a job; or
- 3) enjoy the benefits of a job, all to the same extent as a person without a disability.

An employer must provide a reasonable accommodation if needed unless the employer can show the accommodation would be overly difficult or expensive to provide.

#### Do I need to disclose my disability while applying for a job?

When applying for a job, you do not have to disclose your disability to your employer. An employer cannot ask you about any disability in an application or interview, but they can ask whether you can do job-related tasks and ask you to show them how you perform them. The only time you have to talk about your disability is if you are requesting an accommodation.

#### How do I ask for accommodations once I am in a job?

You need to disclose to your employer that you have a disability and request a reasonable accommodation be provided. After you request an accommodation, your employer should engage in an “interactive process” with you to determine if there is a reasonable accommodation your employer can provide to enable

#### Qualified

You are capable of doing the essential functions of the job with or without a reasonable accommodation.

you to perform the essential functions of your position. It is always a good idea to put all your requests in writing and to keep copies. This way you have a record of asking for an accommodation at work for your disability.

**Essential function**

Something you have to do as part of your job. For example, if you are a receptionist, an essential function of your job would be answering phone calls and greeting people.

**What is the “Interactive Process?”**

The “interactive process” is what helps your employer decide if there is a reasonable accommodation they can provide to allow you to perform the essential functions of your job.

This process should include discussion and exchange of information between you, your employer, and sometimes even medical professionals, or others. Important information that should be discussed could include your job description, medical records about your disability, and your job performance.

**What do I have to do during this process?**

During this process you should only talk about any barriers keeping you from performing your job’s essential functions. Your employer may also ask you to provide documents about your disability to explain the need for an accommodation. Your employer can only ask for medical records related to your disability.

Your employer is allowed to ask you to be examined by a doctor, but only if the examination is needed for your employer’s business and is related to you performing your job.

Ultimately, your employer is going to be the one to decide what reasonable accommodation they are going to provide.

**What if I experience discrimination because of my disability?**

First, speak to your employer to try to resolve the issue. If you can’t resolve it on your own through self-advocacy, you should contact an attorney to help you address the issue.

The next step would be to file a Charge of Discrimination which must be filed before you have the right to file a lawsuit. You should file a Charge of Discrimination with both the U.S. Equal Employment Opportunity Commission (EEOC) and the Texas Workforce Commission-Civil Rights Division (TWC-CRD).

### **What are the deadlines for filing a Charge of Discrimination?**

- You have 300 days from the date the discrimination occurred to file your charge with the EEOC.
- You have 180 days from the date the discrimination occurred to file your charge with the TWC-CRD.
- If you work for the U.S. Government, you must make a complaint to an Equal Employment Opportunity Counselor within your agency within 45 days.

#### **Discrimination**

When you are treated differently than everyone else because of your disability.

### **What are the deadlines for filing a lawsuit?**

Before you can file a lawsuit, you have to get a “right-to-sue” letter from the EEOC or the TWC-CRD, depending on whether you are going to file the lawsuit in federal or state court.

- If your lawyer is planning to file the lawsuit in federal court, then he/she must do so within 90 days of receiving the letter from the EEOC.
- If your lawyer is filing a lawsuit in state court, then he/she must do so within 60 days of receiving the letter from the TWC-CRD or within two years of filing the charge, whichever comes first.

### **Where can I find other employment resources?**

1. [www.eeoc.gov](http://www.eeoc.gov)
2. [www.twc.state.tx.us](http://www.twc.state.tx.us) and then click on “Civil Rights and Discrimination” on the “Community and Workforce” Menu on the right hand side.  
Or go to:  
[www.twc.state.tx.us/customers/cwp/civil-rights-discrimination.html](http://www.twc.state.tx.us/customers/cwp/civil-rights-discrimination.html)
3. [www.askjan.org](http://www.askjan.org)

**My next steps:**

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## 5. Mind Your Health

### ADULT HEALTHCARE, MENTAL HEALTH HOSPITALIZATION, AND MEDICAID

#### In this section:

- How does my healthcare change once I turn 18?
- What are my rights when I am hospitalized for mental health?
- How do I know if I am eligible for Medicaid?

#### TERRELL'S STORY

As my 18th birthday got closer, Dr. Martinez started preparing me to switch doctors. He offered to be a continued support but said I needed to start looking for a psychiatrist who worked with adults. I didn't really get why I needed to find a new doctor.

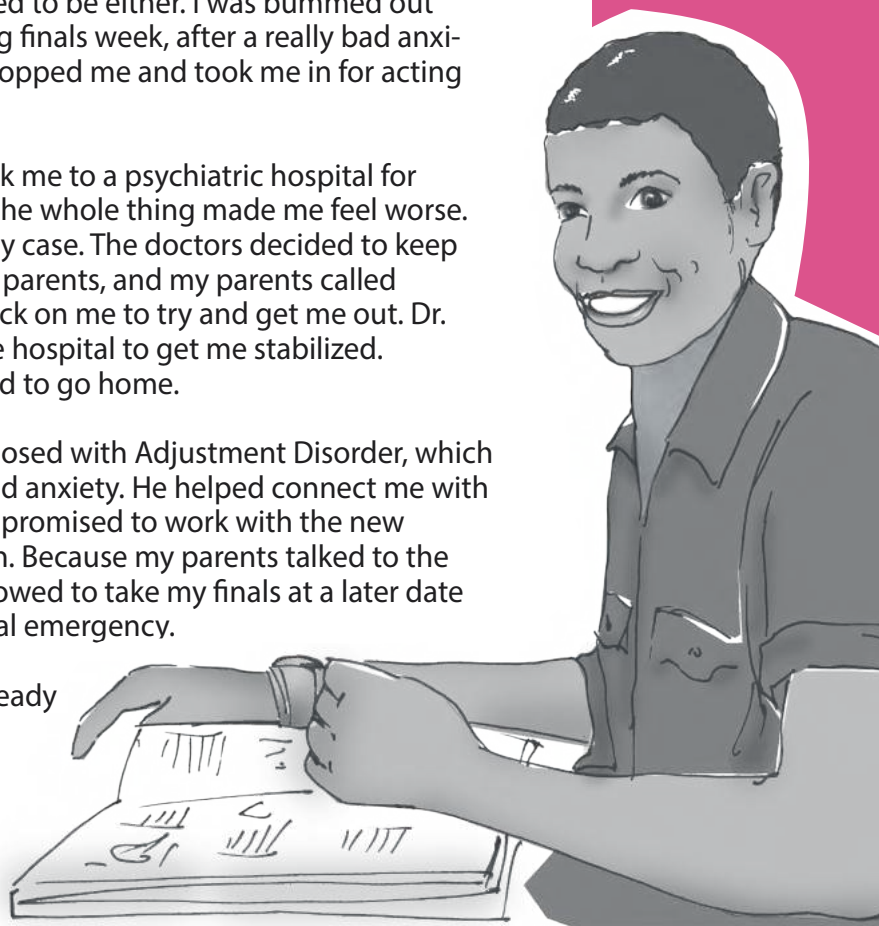
He referred me to a Dr. Jones, or something like that, and I made an appointment for the first week of September. Since I was so caught up with school, I accidentally missed my appointment but didn't make a big deal of it. I figured I could keep my ADHD under control. Besides, I didn't want to start over with some new psychiatrist.

Things were alright, but keeping up with my school work started getting harder. My grades weren't what they used to be either. I was bummed out and started experiencing anxiety. During finals week, after a really bad anxiety attack, I went for a walk and a cop stopped me and took me in for acting "strangely."

He didn't take me to jail, though. He took me to a psychiatric hospital for observation. I was really confused, and the whole thing made me feel worse. I started acting out, which didn't help my case. The doctors decided to keep me involuntarily. The hospital called my parents, and my parents called Dr. Martinez. They all came down to check on me to try and get me out. Dr. Martinez worked with the doctors in the hospital to get me stabilized. After a couple of long days, I was allowed to go home.

Dr. Martinez explained I had been diagnosed with Adjustment Disorder, which is why I was experiencing depression and anxiety. He helped connect me with a psychiatrist who worked with adults. I promised to work with the new doctor to avoid being hospitalized again. Because my parents talked to the dean of students on my behalf, I was allowed to take my finals at a later date since I had missed them due to a medical emergency.

Things are better now, and I'm getting ready to start my sophomore year of college.





## **5. Mind Your Health:**

### *ADULT HEALTHCARE*

#### **How does my healthcare change once I turn 18?**

Transition in healthcare occurs on your 18th birthday. In the medical world, after you turn 18, you move from child-centered care to adult-oriented healthcare.

#### **How can I make sure my transition is successful?**

It is important to learn about your healthcare needs, your diagnosis, and your medications by asking your current doctor. This way you can begin preparing for the transition.

Any plans you make, even if they are not for sure, should also take your disability and treatment into consideration. For example, if you are planning on attending college in a different city, you need to find a new doctor and make sure you have transportation to get to your appointments.

You are going to want to find a new doctor or service provider in advance. This way you won't have a pause in your treatment.

#### **How can my family help?**

Being in charge of your healthcare can be challenging. Your parents or guardians can be a great resource when you have questions about filling out medical forms, applying for benefits, or scheduling appointments. Make sure to ask them for help and use their knowledge and experience.

For more information on transition in healthcare visit:

**[www.gottransition.org](http://www.gottransition.org)**.

### *MENTAL HEALTH HOSPITALIZATIONS*

#### **What's the difference between voluntary and involuntary mental health hospitalization?**

There are two different ways you can be admitted into a mental health facility: voluntarily and involuntarily. The rights you are allowed vary depending on the circumstances leading to your hospitalization, so knowing the difference between the two is important.

## 1. Voluntary Admission

If you are 16 or older, you can voluntarily admit yourself into a mental health facility by submitting a written request to the director of the mental health facility. You must agree to stay in the facility's care for diagnosis, observation, and treatment until you are discharged or request to be released in writing.

Even if you go into the hospital voluntarily, if your doctor believes you meet the criteria to be held involuntarily, you can still be held for court-ordered mental health treatment.

## 2. Involuntary Admission

While you can refuse treatment, you can still be held by a court-ordered hospitalization if a judge determines your mental illness has impaired your ability to make decisions for yourself or you might be an imminent threat to yourself or others.

Individuals are often involuntarily committed in two ways:

- When an adult files an application in court and the judge agrees, the judge can issue a warrant ordering the individual with a mental illness to be taken to a mental health facility.
- If a police officer believes someone is in need of mental health care, the officer can take the individual to a mental health facility without a warrant or court order.

The decision to detain someone on an emergency basis must be based on the personal observation of a police officer or another person's reliable observation of the individual's recent behavior. For an individual with a mental illness to be detained, the police officer or person needs to believe the individual with a mental illness is an imminent threat to themselves or others.

### **Imminent threat**

When a patient is at risk of physically harming oneself or others. Patients are typically only considered an imminent threat for minutes at most.

## **What are my rights while in a mental health facility?**

During mental health hospitalization, you have the right to:

- Communicate with anyone outside of the facility in person through visits, over the phone, or through mail.
- Keep personal possessions.
- Have the opportunity for physical exercise and going outside.
- Have “suitable interactions” with individuals of the opposite sex.

Only the doctor in charge of your care can restrict these rights, but only if the restriction is necessary for your physical and emotional well-being.

Additionally, anyone receiving treatment also has the right to:

- Unrestricted visits from attorneys, advocates, private doctors, and other mental health professionals.
- Have the facility inform a person outside the facility about your admission and discharge.
- Receive written information about any prescription medication the individual is taking.
- Receive a list of medications prescribed within four hours of the patient submitting a written request for the information.
- Have a facility staff person assist with drafting a written request to leave the facility.
- Have a periodic review of need for continued inpatient treatment.

If you voluntarily admit yourself into a mental health facility, you also have the right to:

- Request discharge.
- Be discharged within four hours of requesting discharge, unless a doctor determines you meet the conditions for emergency treatment.

This list is only partial – for a complete list visit **[www.drmtx.org](http://www.drmtx.org)**, click on “Resources” and then on “Protection and Civil Rights” to get information about inpatient hospitalization rights.

You should also ask your hospital to provide you with a Patient Handbook which will list all of your rights and give you the contact information of agencies that take complaints if your rights are violated.

### **What about school if I am in a mental health hospital?**

If you are in a mental health hospital for 10 days, you are entitled to homebound services. This means the school is required to send a teacher to where you are so you can keep up with your schoolwork. You do not need to be receiving 504 or special education services to receive homebound services.

If you are still in high school and hospitalized, you or your parents should consider submitting a written request to your school for special education services if you do not already receive them. For more information, refer to the first section of this guide.

### **What can I do if I feel my rights are being violated?**

If you are in a private hospital in Harris County, you can write or call:

Health Facility Licensing and Compliance Division,  
Texas Department of State Health Services (DSHS)  
1100 West 49th Street  
Austin, Texas 78756  
1-888-973-0022

If you are at a state hospital in Harris County, you can write or call:

Consumer Rights for Mental Health,  
Texas Department of Mental Health  
P.O. Box 12668  
Austin, Texas 78711-2668  
1-800-252-8154

Another option is to write or call the protection and advocacy agency for the state of Texas (the agency that produced this transition guide):

Disability Rights Texas  
1500 McGowen Street, Suite 100  
Houston, Texas 77004  
1-800-252-9108

## What other rights do I have while in a mental health hospital?

Once you are 18 or older, you can set up an Advanced Directive that allows you to choose what mental health treatments you agree to if you become unable to make informed medical decisions for yourself during a mental health hospitalization.

## What is included in an Advanced Directive?

An Advanced Directive has three sections:

1. **Psychoactive Medications:** You can state whether or not you consent to the use of psychoactive medications in your mental health treatment. You can even get as specific as listing out which medications you do and do not want to be used in your treatment. You can also allow for medications which may not exist at the time you wrote your Advanced Directive to be used.
2. **Electroconvulsive Treatment (ECT):** One form of treatment sometimes used for mental health issues is ECT. If you do not want ECT to be a part of your treatment plan, you can state this choice in your Advance Directive.
3. **Emergency Mental Health Treatment:** You receive this type of treatment to prevent you from harming yourself or anyone else and in situations where mental health care providers need to act quickly to address a crisis. When it comes to an Advanced Directive, emergency mental health treatment is limited to restraint, seclusion, and medication. You have the option to list the order in which you want them used, if you have a gender preference for who provides the emergency treatment, and to list out any alternatives, like being taken to a room by yourself and allowed to take a nap.

## How do I get doctors to follow my Advanced Directive?

You must make sure your Advanced Directive is official by writing it out, signing it, and having two other witnesses sign it who can acknowledge you were of sound mind when you wrote it and were not forced to sign it.

### Consent

Permission you give for specific types of healthcare treatment to be used for your care.

### Psychoactive medications

Used to treat mental health symptoms. Examples of psychoactive medications would be anti-depressants, anxiety medication, and sleeping pills.

### Electroconvulsive treatment (ECT)

A procedure performed by doctors that sends electric currents through the brain. This treatment seems to cause brain chemistry changes that can quickly reverse symptoms of certain mental illnesses.

### Sound mind

When it comes to your healthcare, "sound mind" means you understand everything around you and can make decisions for yourself.

After your two witnesses sign it, it becomes official and it will be used to determine your mental health care if a judge determines you cannot make mental health treatment decisions for yourself.

Anytime you receive mental health treatment, it is your responsibility to inform your providers you have an Advanced Directive set up so you can make sure they follow it.

### **How long does my Advanced Directive remain valid?**

Your Advanced Directive expires after 3 years. You will have to write and sign a new one after your old one expires.

The only time an Advanced Directive would stay valid for longer than 3 years is if at the time it expires you are found to be unable to make decisions for your mental health treatment. In such a case, it would stay valid until you are able to make decisions for your mental treatment again.

You can also cancel an Advanced Directive whenever you want.

For more information on Advanced Directives and a sample form, visit [www.DRTx.org](http://www.DRTx.org) and click on “Resources” then “Protection and Civil Rights.”

## **MEDICAID**

### **What is Medicaid, and how do I find out if I am eligible?**

Medicaid is a jointly funded state-federal healthcare program that covers critical and long-term services and supports. People served by Medicaid include, but are not limited to, low-income families, children, related caregivers of dependent children, pregnant women, people age 65 or older, and adults and children with disabilities.

Here are some of the ways that an individual can be eligible for Medicaid:

- By applying for Social Security Supplemental Security Income (SSI) - see Section 6 of this guide for more information



- Temporary Aid to Needy Families (TANF)
- Participation in the Foster Care Program
- Medicaid Buy-In Programs
- Medicaid Waiver Programs

### **What is a Medicaid Waiver Program?**

A state can apply for a waiver of federal Medicaid law to expand health coverage beyond mandatory groups. A Medicaid waiver allows the state to be more flexible in who qualifies and how it spends money to provide long-term services to a designated group of people with disabilities or elderly citizens who are eligible for Medicaid. However, there can be a wait list for certain programs.

### **Are there Medicaid Waiver Programs I should know about?**

If you are under 18 years of age, need significant mental health services, and live in a county offering Youth Empowerment Services (YES) Waivers, this could be a good way to receive the supports and services you need. The YES Waiver pays for types of therapy Medicaid usually does not pay for.

To sign up for the YES Waiver in Harris County, call 1-713-970-7212.

To sign up for any other waiver, call the Texas Department of Aging and Disability Services (DADS) at 1-855-937-2372.

For examples of other DADS waiver programs, please visit: [www.dads.state.tx.us/providers/waiver\\_comparisons/](http://www.dads.state.tx.us/providers/waiver_comparisons/)

### **What if I am denied Medicaid eligibility?**

If you are applying for Medicaid services and get denied, Medicaid should issue a written denial notice within 90 days from the date you submitted your application. The notice should inform you about:

- Your right to appeal the denial
- How to request a Medicaid Fair Hearing
- Your right to represent yourself, hire an attorney, or have anyone else represent you at the hearing
- The specific rule the state is using to deny your application

### **What if I have Medicaid but am denied a service or treatment?**

If Medicaid is denying you a specific service or request, they should mail you a “notice of action” ten days before the action is taken. This notice should:

- Describe what actions the agency is taking and why
- List the specific rules the agency is relying on for their decision
- Give information on how to appeal the decision and the deadlines for submitting the appeal

Submitting your appeal in writing is the best way to ensure your appeal request is received. Your appeal request can be as simple as “I want to appeal the denial notice dated 5/14/15.”

Good record keeping is an essential self-advocacy skill to develop. For example, keep a log of all telephone conversations you have about an issue, being sure to document names of people you talk to, dates and times of those conversations, and the content of the conversations.

### **What is a Medicaid Fair Hearing?**

A Medicaid Fair Hearing is a process a state must provide when an adverse action is taken (a denial, reduction, or termination of a program or service) and a person appeals. A Fair Hearing allows your side to be heard in front of an impartial hearing officer. You can present evidence and have witnesses.

### **What if I need legal help with a Medicaid Fair Hearing?**

Disability Rights Texas is available to assist people who may need legal representation at a Medicaid Fair Hearing. You can submit a request for services by calling the DRTx Intake Line at 1-800-252-9108 or by completing a request online at: [intake.DRTx.org/](http://intake.DRTx.org/).

**My next steps:**

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## 6. Money Matters:

### SOCIAL SECURITY BENEFITS

#### In this section:

- What programs are available that can help me have enough money to live on my own?
- How do I know if I am eligible for these programs?
- Can I work and not lose benefits from these programs?

#### CHRISTINE'S STORY

I had always struggled with depression, but after my grandmother died, I had a particularly hard time coping with her death. In the past I had been able to manage my symptoms, but this time around they were just too overwhelming. I didn't want to leave my house, so I stopped going to work and eventually lost my job.

As time passed, I wasn't getting better and used most of my savings. I needed help to get better, but after I lost my job, I also lost my benefits and didn't have any medical insurance for the doctor or medicine. My family was becoming more and more worried about me, but there was little they could do to help me. My mom suggested I apply for Social Security benefits. I didn't want to because I thought I didn't need it, and I still wanted to work. My mom said that Social Security would help me pay my basic living expenses and qualify me to get some healthcare coverage. It took a while but eventually I was approved for Social Security and healthcare coverage which allowed me to see a psychiatrist and get the help I needed.

After some time, I wanted to go back to work. The money that I was getting from Social Security just wasn't enough but I was worried about losing my medical benefits. My mom found out about TWS-VRS and its vocational rehabilitation program. We found out I could receive help from TWS-VRS and keep my Social Security benefits for some time while I tried to go back to work. We learned there are Social Security work incentives and protections and that TWS-VRS was a qualified Ticket to Work program.

With the help of my TWS-VRS counselor I was able to receive better services to prepare for returning to work and eventually found a part-time job. It was great having the support of TWS-VRS, and because of the Social Security work incentives I was able to keep my medical benefits. Things aren't perfect, but I've been offered a full-time job and am on my way to being independent once again.





## 6. Money Matters:

### *SOCIAL SECURITY BENEFITS*

Once you turn 18, if your disability keeps you from being able to earn enough money to live independently, you may qualify to receive benefits from the federal government through the Social Security Administration (SSA).

If you are under 18 and currently receiving Supplemental Security Income (SSI) benefits, it's important to know that when you turn 18, the SSA will review your eligibility for continued SSI benefits based on disability rules for adults.

#### **What does the SSA consider a disability?**

The Social Security Administration (SSA) definition of a disability is medically-determinable physical or mental impairment(s) that:

- Is/are expected to result in death OR
- Has/have lasted or expected to last for a continuous period of at least 12 months

When determining if you qualify for disability benefits, the SSA also looks to see if your disability keeps you from participating in a Substantial Gainful Activity (SGA).

#### **What is an SGA?**

As defined by the SSA, a Substantial Gainful Activity (SGA) is any work performed, or typically performed, for pay or profit. Whether or not you make any money from the activity does not matter.

So if your disability does not keep you from participating in an SGA, then the SSA will not consider it severe enough for them to provide assistance.

Whether you make money or not, if you can participate in an SGA when you apply for assistance, you will not qualify for social security benefits.

#### **Medically-determinable**

A condition a doctor can diagnose.

#### **Gainful work activity**

Something you get paid to do. However, even if you don't get paid, the SSA may conclude your work is gainful if it is an activity other people usually get paid to do.

Some examples of Substantial Gainful Activities are:

- Volunteering at a museum
- Working a part time job
- Going to school

So it's important to be as honest as possible when filling out your application for Social Security benefits. For instance, if your depression keeps you from being able to leave the house, you have to state in your application something like, "My depression makes me feel so sick, most days I can't even get out of bed and go to work."

### **What benefits does the SSA offer?**

The SSA offers two programs people with disabilities can qualify for:

- Supplemental Security Income (SSI)
- Social Security Disability Insurance (SSDI)

### **What is Supplemental Security Income (SSI)?**

To qualify to receive SSI benefits from the SSA, you must meet certain disability criteria and have limited income and resources. Through SSI you will receive an income maintenance check and also qualify for Medicaid. Some things to note about SSI:

- You cannot receive more than \$733 a month as an individual (in 2015) in cash benefits
- You must be a US Citizen or have been a resident before August 22, 1996
- Your SSI check is sufficient enough to pay for board and care if you are at risk of homelessness.

### **What is Social Security Disability Insurance (SSDI)?**

In order to qualify to receive SSDI from the SSA, you need to have worked and contributed to the Federal Insurance Contribution Act (FICA). Typically, contributions to FICA (called work credits) are made by your employers through taxes that help pay for Social Security and Medicaid.

If your disability has kept you from ever being able to work, you could still qualify for SSDI benefits if your parents or spouse have made FICA contributions.

#### **Income and resources**

Income is the amount of money you make and bring home, and resources are things such as a car or health insurance.



**What is a work credit, and how do I earn it?**

A work credit is the FICA contribution made by your employer through taxes. You can earn a maximum of 4 work credits in one year based on your income. To earn one work credit, you will need to earn \$1,220.

**How many work credits do I need to qualify for SSDI?**

If you are under the age of 24, you qualify if you earned 6 work credits in the 3-year period ending when your disability started. Or, as mentioned before, you may be eligible for disability benefits if your parents or spouse have made contributions to FICA.

**Can I still work without losing my Social Security benefits?**

It is possible to work and not lose Social Security benefits. The SSA wants people to be independent and supports any effort you want to make towards that goal. An example is their Ticket to Work (TTW) program that allows people with disabilities who receive Social Security to test their ability to work and gradually become more self-sufficient and independent. For example, TWS-VRS is considered a TTW program.

If you are receiving SSDI benefits, you are given a time period of around nine years working at SGA level to test your ability to work. During this time you will still receive continued Medicare coverage while testing out your ability to work. If you find you are still unable to work, the SSA has programs which would allow you to re-enroll for benefits.

If you are receiving SSI benefits, the incentives for employment include continued Medicaid coverage even if your earnings reduce your cash benefit to zero. You are also able to begin receiving benefits again if you lose your job or are unable to continue working.

## Where can I find more resources about Social Security?

1. Social Security Administration: **www.ssa.gov**
2. Social Security Disability Insurance (SSDI): go to **www.ssa.gov** and click on “Benefits” and then “Disability”
3. Supplemental Security Income (SSI): go to **www.ssa.gov** and click on “Benefits” and then “Supplemental Security Income”
4. You can call the Social Security Administration toll-free at 1-800-772-1213. For those who are deaf or hard of hearing, call 1-800-325-0778.
5. For those under 18 currently receiving SSI benefits, go to **www.ssa.gov/pubs/** and read the publication, “What You Need to Know About Your Supplemental Security Income (SSI) When You Turn 18.”

### My next steps:

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## 7. On the Move:

### LIVING IN THE COMMUNITY

#### In this section:

- What are my rights regarding housing?
- What can I do if I am being discriminated against regarding housing?
- What housing assistance is available?



#### JAFAR'S STORY

I used to never be able to go into crowded places without having a panic attack. I also struggled to remember to take my medications on time every day. If I forget to take my medications, then the next couple of days are really rough for me.

My service dog, Poncho, is trained to remind me to take my medications and alert me to use my coping techniques when a situation seems overwhelming. Since I've had Poncho, I've been doing really well and able to hang out in public with my friends more.

My grandmother and I live in an apartment. My grandmother sent a letter to our landlord requesting a reasonable accommodation for Poncho because he is a service animal. Last month, our landlord told us that we have to move because our lease prohibits pets. My grandmother tried to explain that Poncho is a service animal that helps me, but the landlord wouldn't listen. A week later, a sheriff handed my grandmother an eviction notice that said we had to go to court for an eviction hearing.

We started researching and learned that what our landlord was doing was a type of discrimination. We filed a Housing Discrimination Complaint. Our landlord dropped the eviction suit, and we were able to stay in our apartment with Poncho.





## 7. On the Move:

### LIVING IN THE COMMUNITY

#### What are my rights regarding housing?

Federal law requires any multi-family dwelling (for instance, an apartment building) constructed after 1991 to be accessible for individuals with disabilities. If the building was constructed before 1991 you are allowed to make physical modifications to your dwelling at your own expense.

The law also states a housing provider is not allowed to refuse to rent or sell to you because of your disability. In addition, a housing provider cannot require you to pay a different price, have you go through a different application process, or set different rental terms than those of people who do not have a disability.

Also, federal law requires spaces of public accommodation (like the lease office, or a clubhouse) be accessible.

Examples of reasonable accommodations include:

- Allowing you to keep a service animal, even if the building doesn't allow pets.
- Providing you with a reserved parking spot.
- Having your mail delivered to a different, more accessible area so long as it is okay with the Postal Service.

Under federal law you are also allowed to make any reasonable structural modifications you may need at your expense (like adding grab bars in your bathroom).

#### What should I know about renting?

If you are going to rent, always read the lease carefully and get all agreements in writing. Keep copies of all agreements and paperwork.

Before you sign a lease, decide if you really want to live there and make sure it is within your price range. A good rule of thumb to follow is that your monthly rent should not exceed 30 percent of your monthly income.

#### Federal laws regarding housing

The three main federal laws that pertain to the housing rights of people with disabilities are the Americans with Disabilities Act (Title II and Title III), the Fair Housing Act, and Section 504 of the Rehabilitation Act.

### **What do I do if I am experiencing housing discrimination?**

Different laws apply to different buildings depending on when they were built and whether or not they accept federal funds. If you believe you have experienced discrimination because of your disability, you should file a complaint with the Department of Housing and Urban Development (HUD).

Each complaint to HUD must contain:

- Your name and address
- The name and address of the landlord or seller
- The description and address of the dwelling
- A brief statement of what happened

A complaint to HUD must be filed one year after the discrimination occurred or within one year from the date you learned of the discrimination.

You can file a complaint at the HUD Field Office in Houston:

1301 Fannin St # 2200  
Houston, TX 77002  
Phone: (713) 374-6150  
Email: TX\_Webmanager@hud.gov

You also have the option to file a private lawsuit in court within two years of the discrimination or the date you learned of the discrimination.

### **What housing assistance programs are available?**

#### 1. HCS and CLASS Waiting List

If your disability began before you turned 22 years old, then you can sign up for the Community Living Assistance and Support Services (CLASS) Waiver Interest List by calling 1-877-438-5658.

If you have an intellectual disability, you should also sign up for the Home and Community Services (HCS) Waiver Interest List by calling MHMRA at 713-970-7799.

## 2. Public Housing Assistance

- HUD Section 8 Vouchers

You may qualify for housing assistance from the U.S. Department of Housing and Urban Development (HUD) under a program called Section 8, also known as Public Housing or the Housing Choice Voucher Program.

- HHA Public Housing Developments

The Houston Housing Authority (HHA) operates 25 public housing developments. You can apply in person Monday through Thursday from 8:00 am – 4:00 pm or by fax at 713-260-0820. The wait period is two years.

More information on Section 8 vouchers or public housing in Houston is available at:

**[www.housingforhouston.com](http://www.housingforhouston.com)** or the HHA Office at 2460 Fountainview Drive, Suite 230, Houston, Texas 77057. Or you can call the HHA Customer Service Hotline at 713.260.0600 or 713.260.0547 TTY for the hearing impaired.

## 3. Houston Center for Independent Living (HCIL)

HCIL promotes full inclusion, equal opportunity, and participation of persons with disabilities in every aspect of community life. It provides information and referrals, peer support, independent living skills training, and more. HCIL is located at 6201 Bonhomme Drive, Suite 150, Houston, Texas 77036.

Call (713) 974-4621 or (713) 974-2703 TTY or visit **[www.hcil.cc](http://www.hcil.cc)** for more information.

**My next steps:**

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## 8. Taking Charge:

### PROMOTING INDEPENDENCE

#### In this section:

- What is supported decision making?
- What is guardianship?
- Are there alternatives to guardianship?



#### JOHN'S STORY

Right before my senior year of college started, I began hearing voices. One night, a cop arrested me and instead of taking me to the jailhouse, he took me to a hospital where I spent two weeks. I was diagnosed with schizophrenia and put on medications.

I no longer felt like myself because of my medication, so I stopped taking it. I dropped out of school a month later. The stress was too much, and I didn't feel like I belonged anywhere. I didn't go back home because I knew my parents would get mad. Instead, I drifted around. I'd work whatever job I could get and crashed on friends' couches.

Eventually, I ended up back in jail. My parents helped get me out but only if I agreed to go to the hospital. I had no other choice. They sent me to a nice hospital, and I had some good doctors there. I was able to reconnect with my parents. I saw how sad my life choices were making them, so I decided to commit to my treatment this time around and get better.

Things were going well, but I got really upset when I found out my parents wanted to get guardianship over me. I knew I wasn't well, but I was getting better. I lashed out and fell back into my old patterns. I was about to check out of the hospital when my counselor asked if I was willing to sit down and talk things out with my parents before things got worse.

I told my parents my mental illness shouldn't be the reason I lose my freedom. Sure, I wasn't well, but I was making good progress. They said they just wanted to make sure I was okay because they loved me.

My doctor told us about Advanced Directives and Durable Powers of Attorney. We set all this up without a problem. My parents now have some peace of mind, and I still have my freedom. I feel safe knowing I've prepared for the worst. I'm planning on going back to school, and my parents are really proud of all the progress I've made.





## **8. Taking Charge:**

### *PROMOTING INDEPENDENCE*

Most people with disabilities can make everyday decisions about their lives by themselves or with the help and guidance of a person they trust. Even if a person with a disability needs extra help to make life decisions, this does not necessarily mean that a person's right to make those choices should be taken away through a court-appointed guardianship.

Recognizing this, Texas is the first state in the nation to pass a law making supported decision making an legal recognized alternative to guardship. The law went into effect September 1, 2015.

#### **What is a guardianship?**

When the courts grant a guardianship, they remove a person's freedom of choice, self-determination and independence. The court then assigns a guardian who will make decisions for the person with a disability, including decisions about things like medical care, finances, and housing. For example, a person with a guardian can lose the right to vote, drive, or marry.

#### **What can guardianship not do?**

When a person with a disability is assigned a guardian, it doesn't mean he is going to change his conduct. He also would not be immune from criminal prosecution. Additionally, under guardianship, a person with a disability does not have opportunities to learn about good decisionmaking or how to become more independent.

#### **Why would someone want a guardianship over me?**

The purpose of a guardianship, as established in Texas law, is to promote and protect the well-being of the person under the guardianship. The Court should design a guardianship to encourage the development of a person's self-reliance and independence. However, that does not always happen.

Parents may think that guardianship is the best thing to keep a child with a disability safe and help them lead the best life possible. Parents may also believe guardianship is the only solution available to help their child handle finances or connect them to adult services, but there are many other options.

Decision making is a learned skill. People with disabilities need opportunities, experience, and support to make good decisions just like their peers who do not have disabilities.

The law presumes all legal adults (18+) have the capacity to make their own decisions – even adults with disabilities.

### **What is a supported decision-making agreement?**

Supported decision making is a process of supporting an adult with a disability to make their own life decisions instead of taking away the individual's right to make their own choices.

Using a supported decision-making agreement, an individual with a disability chooses someone they trust to serve as their supporter. This supporter can help an individual with a disability:

- Understand decisions, responsibilities and possible outcomes
- Obtain information relevant to decisions
- Communicate decisions to appropriate people

Supporters cannot make decisions for an individual with a disability.

### **Who can enter into a supported decision-making agreement?**

An individual with a disability who is able to:

- Understand specific decisions
- Choose a trusted friend or family member who is over 18 to be her supporter
- Make decisions with the help of supporter

The individual with a disability must be over 18 and must voluntarily enter the agreement.

### **Can a supported decision-making agreement be used along with other alternatives to guardianship?**

A supported decision-making agreement can be used along with other alternatives like a durable power of attorney. These alternatives to guardianship help an individual with a disability become more independent.

## What are other alternatives to guardianship?

If someone is considering a guardianship, there are other legal ways to assist people with decision making without restricting, limiting, or removing a person's individual rights. Some examples are:

- Supportive and trusted individuals, family members, and friends who support and assist with explaining potential benefits and risks when making decisions about everyday issues like money management, cooking, hygiene, health care, and relationships.
- Person-centered planning allowing a person with a disability to be involved in decision making and supporting them to be as self-sufficient as possible.
- Durable Power of Attorney gives an individual with a disability the opportunity to choose someone to attend school ARD meetings, negotiate services, apply for and coordinate services, challenge and appeal denials, or change benefits.
- Technology such as smart phones and tablets can help individuals with disabilities become and remain independent.

Where can I find more information on living independently?

1. **SDM.DRTx.org**
2. **Supporteddecisionmaking.org** – check out “Stories of Supported Decision Making” and “Education” sections  
Section

### My next steps:

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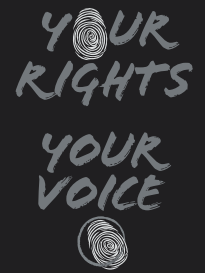
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# Favorites Toolbar



## **Disability Rights Texas (DRTx)**

[www.DRTx.org](http://www.DRTx.org)  
Service requests –  
Online: [intake.DRTx.org](http://intake.DRTx.org)  
Toll free: 1 (800) 252-9108  
Toll free Video/ASL: 1 (866) 362-2851

## **Harris County Center for Health and IDD**

[www.mhmrahharris.org](http://www.mhmrahharris.org)  
1 (713) 970-7000  
1 (800) 735-2988 (TTY)

## **Houston Council for Independent Living (HCIL)**

[www.hcil.cc](http://www.hcil.cc)  
1 (713) 974-4621  
1 (713) 974-2703 TTY  
[hcil@neosoft.com](mailto:hcil@neosoft.com)

## **Houston Housing Authority (HHA)**

[www.housingforhouston.com](http://www.housingforhouston.com)  
1 (713) 260-0600  
1 (713) 260-0547 TTY  
[info@housingforhouston.com](mailto:info@housingforhouston.com)

## **Texas Department of Disability and Aging Services (DADS)**

[www.dads.state.tx.us](http://www.dads.state.tx.us)  
1 (855) 937-2372

## **Texas Department of Health and Human Services (DSHS)**

[www.dshs.state.tx.us](http://www.dshs.state.tx.us)  
1 (888) 963-7111  
1 (800) 735-2989 (TDD)  
[customer.service@dshs.state.tx.us](mailto:customer.service@dshs.state.tx.us)

## **Texas Department of Health and Human Services (DSHS) – Mental Health Division**

[www.dshs.state.tx.us/mhsa-rights](http://www.dshs.state.tx.us/mhsa-rights)  
1 (800) 252-8154  
1 (800) 735-2989 (TDD)  
[customer.service@dshs.state.tx.us](mailto:customer.service@dshs.state.tx.us)

## **Texas Education Agency (TEA)**

[www.tea.texas.gov](http://www.tea.texas.gov)  
1 (512) 463-9734  
Transition guide: [www.transitionintexas.org](http://www.transitionintexas.org)

## **Texas Workforce Solutions – Vocational Rehabilitation Services (TWS-VRS)**

[www.twc.state.tx.us/jobseekers/vocational-rehabilitation-services](http://www.twc.state.tx.us/jobseekers/vocational-rehabilitation-services)  
1 (800) 628-5115  
[customers@twc.state.tx.us](mailto:customers@twc.state.tx.us)

## **U.S. Department of Education – Office of Civil Rights (OCR)**

[www.ed.gov/ocr](http://www.ed.gov/ocr)  
1 (800) 421-3481  
1 (800) 877-8339 (TTY)

## **U.S. Equal Employment Opportunity Commission (EEOC)**

[www.eeoc.gov](http://www.eeoc.gov)  
1 (800) 669-4000  
1 (800) 669-6820 (TTY)  
[info@eeoc.gov](mailto:info@eeoc.gov)

## **U.S. Department of Housing and Urban Development (HUD)**

[www.hud.gov](http://www.hud.gov)  
1 (713) 718-3199  
1 (800) 877-8339 (TTY)

## **U.S. Social Security Administration (SSA)**

[www.ssa.gov](http://www.ssa.gov)  
1 (800) 772-1213  
1 (800) 325-0778 (TTY)

# YOUR RIGHTS YOUR VOICE

*A guide for youth with mental health concerns transitioning to adulthood*

## **What's Inside?**

Know your rights regarding:

- 504 and special education services
- Post-secondary education
- Vocational rehabilitation
- Employment
- Healthcare
- Social Security benefits
- Living in the community
- Living independently

**DisabilityRights**  
TEXAS

**www.DRTx.org**  
**1-800-252-9108**