

# ADA Q&A...ADA and Transition

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Parents and advocates agree that high school students with disabilities should learn about civil rights laws, such as the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act, that protect them from discrimination. It is often hard, however, to interest teenagers in learning about these laws. One way to show students the relevance of disability rights is to look at how these laws affect activities in which students have a genuine interest. The categories of Transition Planning provide a helpful framework in which to do this.

Transition Plans and Transition Individual Education Plans (IEPs) are required by law to help students with disabilities prepare for school, work and adult life after high school. Transition Plans identify key categories of life activities such as “Jobs and Job Training,” “Post Secondary Education & Training,” “Community Participation,” “Recreation and Leisure,” and “Home Living.” Students focus on building skills that they need in these areas. Learning about the ADA by applying it to real-life situations can help make the ADA more understandable, show its relevance, and help students to develop self advocacy skills they will need. Here are just a few examples from the category of “Jobs and Job Training.”

## SELF-ADVOCACY

Be prepared. Once a student leaves the public education system, they must begin taking on the responsibility for seeing that their needs are met. Parents can help prepare their children with disabilities for this significant change by gradually giving them an increasing amount of responsibility and independence during their teen years.

### Q. What are reasonable accommodations? How do I know if I will need any?

A. Reasonable accommodations are any change in your work environment or in the way your job has been done in the past that

allow you to perform the essential functions of your job. It could include raising a desk so a wheelchair can fit under it, having your supervisor write down all your instructions so you won't forget something, or letting you schedule your breaks at the times you need to take your medication.

Learning to know the kinds of reasonable accommodations you might need to ask an employer or a teacher for is an important skill for students with disabilities to learn. Get to know yourself and understand your disability. Think about what you need to do your best work in school. Talk to your parents and your teachers to get their opinions. Once you think you have identified what accommodations you usually need, you need to get comfortable asking for the accommodations. Practice this with someone else by pretending you have to ask an employer or a teacher for an accommodation. Ask another person to watch and give you feedback.

## JOBS AND JOB TRAINING

The ADA states that private employers who have 15 or more employees cannot discriminate against people with disabilities in their hiring and firing decisions, or in any other of their employee services or activities. Section 504 has the same requirement for government agencies and businesses receiving federal funds.

The most important things students should do in this area are 1) learn what accommodations they need to be successful in the workplace, 2) practice their interviewing skills, and 3) learn how and when to present a request for accommodations.

### Q. What do I do if an application form asks me for information about my disability?

A. Employers covered by the ADA and Section 504 must not even ask a job applicant or an employee whether or not they have

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a disability so that this information cannot be used to discriminate against you. You don't have to provide this information on an application.

**Q. I really don't want people to know about my disability but I do need an accommodation...what should I do?**

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A. The ADA and Section 504 say that you do not have to disclose your disability at all if it does not affect your job performance. Many people with "hidden" disabilities such as learning disabilities, a seizure disorder, or psychiatric disabilities are afraid they will not be hired if they tell an employer about their disability. However, if you need an accommodation in order to do your job, you will have to disclose both your disability and the accommodation you need. Employers cannot provide you with accommodations if they don't know you have a disability. However, you do not have to do this until *after* the interview and after you are offered the job. Your employer would then have to make that accommodation—so long as it is a reasonable request. Also, your employer must keep this information confidential.

**Q. How will the ADA and Section 504 help me get a job?**

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A. The ADA and Section 504 are civil rights laws that say you cannot be discriminated against by employers, or by job training programs, job banks, or postsecondary schools. These laws do not actually provide job training. However, each state has a vocational rehabilitation (VR) agency authorized and funded by the Rehabilitation Act that provides job related rehabilitation services to individuals with disabilities who meet their eligibility standards. The kinds of services provided by the state VR agency include disability and job skill assessments, career counseling, skills training and job placement. (By the way, a representative of the local VR agency should be a member of a student's transition team.)

**Q. Do I really have to worry about discrimination anymore? Doesn't the ADA guarantee me a job?**

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A. That's a common, but *wrong* assumption held by many young people with disabilities. It is essential that students know that they have to meet the same job qualifications and performance standards as everyone else. Although the ADA and Section 504 require an employer to make reasonable accommodations, they do not automatically entitle every person with a disability to a job.

**POSTSECONDARY EDUCATION**

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**Q. Do the ADA or Section 504 provide funding for my college or technical school tuition and expenses?**

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A. No. However, if you qualify for VR services through

your state VR agency, you may be eligible to receive tuition supports as part of your Individual Work Rehabilitation Program (IWRP). You should discuss this with the VR counselor you work with when you develop your IWRP. Be aware that you will have to apply for financial aid before VR can determine whether or how much they will help with your tuition expenses. VR will not be able to cover all of your expenses, however. You should contact the financial aid office at the postsecondary school you will be attending to see about other grants and student loans.

**Q. How can I afford college tuition? Student loans require full-time student status, and with my disability, I'll never be able to take a full-time load.**

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A. College financial aid officers have the flexibility to modify full-time status requirements when the situation warrants it. This is an example of "modifications in policy, practice or procedure" which are required by the ADA and Section 504.

**Q. Will my high school let my college know what accommodations I need?**

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A. No. Students must be the ones who inform colleges when they need accommodations. You cannot rely on your high school to communicate this information. If the school you will be attending has a Disability Support Services (DSS) Office, you should contact them. Be prepared to bring *recent* documentation of your disability. If your disability has not changed, most postsecondary schools will consider documentation dated within the past three years to be "recent." (You should try to get an assessment of your disability during your junior or senior year of high school that you can take with you to your postsecondary school.)

**Q. My dorm is three miles from campus. The college provides van rides to and from campus in the morning and the afternoon. The van has a lift for my wheelchair, but my problem is that the last van leaves the dorm at 9:00 a.m. and the last van back leaves the campus at 4:00 p.m. My first class is at 10:45 and my last class is at 4:00 p.m. Doesn't the college have to provide transportation when I need it?**

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A. The key question is, "Are you being treated differently than other students?" If the college operates a transportation service for nondisabled students after these hours, it is obligated to see that there is equivalent transportation for individuals with disabilities.

However, if the college provides no additional transportation to anyone, you will have to use your problem solving skills like everyone else. Think about your options. Here are some ideas:

- Perhaps you could just make good use of the time between the 9:00 bus and your 10:45 class, studying in the library for example.
- Or, could you transfer to an earlier section of your 4:00 class in order to catch the 4:00 van back to your dorm?
- Can you drive? (Check with the college to see if they can provide you with a disability parking space.)
- Could you ride to class with a fellow student?
- Is there an accessible city bus that goes from the campus to your dorm?
- Can you make arrangements for paratransit (Metro Mobility) transportation on the days of your late class?
- Do you want to organize other students and collectively ask the administration to operate the van service later in the evening?

**Q. Can I get the same testing accommodations at college that I received in high school?**

A. Your DSS counselor will help you determine what accommodations you need on campus. They will also help schedule interpreters and help the instructors provide their material in alternative formats like audiotape or Braille, if necessary. However, again, *it is the student's responsibility to inform their instructors in a timely way of their need for accommodations* (like needing reading material on audio tape, extra time for tests, or a wheelchair accessible classroom.)

**Q. My college dorm is accessible on the first floor, but the laundry facilities, the TV lounge, and the game room are in the basement. It's not fair that I can't hang with my friends in the lounge or the game room. Doesn't the college have to make the basement rooms accessible?**

A. The college must make all of its programs and services accessible to students with disabilities—when viewed in their entirety. This doesn't mean that they have to install an elevator to the basement though. They must give you access to all of these services, but they might do so in any number of ways. For example, is there another dorm where all of these services would be accessible to you? Could they move the TV lounge and game room to the first floor? Could they make a washer and dryer available to you on the first floor, or (even better!) could they provide you with laundry service? They can be as creative as they want as long as the end result is equal access to these services.

**Q. What do I do if I don't get the accommodations I need?**

A. DSS professionals will want you to learn to advocate for your own needs, but will usually speak with instructors or their superiors if there is a problem. You can also call PACER Center to discuss your situation with a Transition advocate.

If you cannot resolve your disagreement you can file a grievance with the ADA or 504 coordinator at your school, or file a complaint with the US Department of Justice.

**COMMUNITY PARTICIPATION**

Students may not realize all the community activities that are affected by the ADA and Section 504. Programs and services offered by government agencies must be accessible to people with disabilities. Private organizations that do not receive government funds must also do what they can afford to do to try and make their public services available to people with disabilities, as long as it does not fundamentally change the nature of their business. They cannot discriminate against people with disabilities and simply refuse to make any changes to become more accessible. Here are some examples of how community activities are affected by civil rights laws.

**Q. I really want to move out of my parents' home. But I don't know how I will be able to get to work without my parents to drive me back and forth. Does my employer have to provide me with transportation?**

A. Not unless your employer provides transportation for other employees. Try to find an apartment, as well as a job, on a bus line. Public bus systems must be accessible to people with disabilities as dependable transportation is essential for people to hold jobs; attend school; participate in community, recreation and leisure activities; and maintain their own households. Public bus systems must provide wheelchair lifts on buses and information in ways that people who are blind or deaf can understand it. For example, drivers should announce stops, and deaf riders should be able to call for bus route information using their TTY.

Public transportation systems must provide paratransit services (such as Metro Mobility) to people with disabilities who cannot use the regular bus system because of their disabilities, or because the bus company has not yet made all of its routes accessible.

**Q. I will be voting for the first time this year. How can I be sure that the building will be accessible to wheelchairs?**

A. The right to vote (and the privacy of your vote) cannot be denied to you because of your disability. By law, governments are supposed to locate voting booths in wheelchair accessible buildings, and make other needed accommodations for people with disabilities such as allowing them to use mail-in ballots, or providing ballot forms in a format accessible to voters who are blind. However, it is possible that some communities may not have implemented these practices yet. You can find out from the office of the Secretary of State

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where your voting site is and then check into whether it is wheelchair accessible. (For new voters who are blind, two voting judges from differing political parties are allowed to accompany you into the voting booth to record your vote.)

**Q. When I graduate from high school, I won't be able to use the school's gym or swimming pool anymore. How can I find another accessible gym and pool?**

A. Check to see if your school makes its pool and gym available to the public in the evenings. If not, many communities have recreation facilities in publicly funded parks and community centers. All programs offered at these sites should be accessible to you. However, if your community has more than one building providing these services, it may not have to make them all wheelchair accessible. Instead, they could ask people who can't use stairs to use the building that is accessible.

You should also know that community centers that provide community education classes or recreational activities, such as field trips, must be accessible and cannot refuse to serve you because of your disability. This may mean providing an interpreter for the class you want to enroll in, or to provide an accessible bus for that bus trip they are sponsoring to the Vikings game.

**Q. I signed up for a driver education class last summer offered by my school district and they told me I had to go to a special class in the Twin Cities—300 miles away. I can't afford to do this. Shouldn't they serve me in my home district?**

A. If your school has driver training classes, students with disabilities have a right to take the classes too. However, if the school does not have the adapted vehicles or trained instructors you need, the district must pay so you can get the services from another program. You can call Minnesota's Driver Education Coordinator at 651/771-8483 to learn more.

Also, if you have a Division of Rehabilitation Services counselor, you should talk about your driving plan with him or her. If there is a charge, the counselor may help you find ways to pay for training.

**Q. I am learning to drive, but it takes a long time and a great deal of effort for me to get in and out of a car by myself. Can I ask the dry cleaner to provide me with service without having to get out of the car and carry my laundry in and out?**

A. Sure. This is the kind of modification in practice that doesn't cost the business owner anything. It's a good idea to ask them when is the best time to come and let them know when you are coming.

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**Q. I would like to be more involved in my church but it is not very accessible. How can I get them to comply with the ADA?**

A. Actually, churches and synagogues are exempt from the ADA. However, they are covered by the Minnesota Human Rights Act, so they have to do what they can afford to do to make their services accessible to people with disabilities. Since many churches don't have a lot of money, they may not be required to do much legally—unless they are planning a construction project. Nevertheless, many churches and religious organizations want to include people with disabilities and will try to meet your accessibility needs if you let them know what they are.

**Q. Every year my town has a community festival. This year I signed up to volunteer to work in the kitchen, but they think it wouldn't be safe for me to prepare food—everyone in this town knows I have epilepsy. Can they do this?**

A. Although your town has the right to keep its citizens safe, it also cannot discriminate against people with disabilities. Festival organizers must not make a decision based on stereotypes about disabilities, or fears about what they think might happen, but should carefully examine whether their concern is justified in your individual case. For instance, are your seizures currently controlled by medication? They must also consider whether or not an accommodation, such as assigning only specific duties, could address their safety concerns.

**Q. My parents have always helped lift me from my wheelchair to the examining table when I went to the doctor's office. Now that I have been accepted by a college in another state I am wondering what I will do if I have to see the doctor alone. The tables are too high for me to transfer myself without help.**

A. Medical facilities must help patients onto high tables, including lifting them if necessary. Health care personnel should follow your instructions about how you would prefer them to do this. Medical and health care facilities should provide assistance undressing and dressing as needed or requested by patients with disabilities. Or if you prefer, you could arrange to have a friend assist you. If health care providers have a policy prohibiting individuals other than patients in examination rooms, they must modify the policy to allow a friend to accompany a patient when necessary during the examination or treatment.

Also, check to see if the office has an adjustable-height examining table. These tables can be lowered to the height of a wheelchair seat so patients who use wheelchairs can transfer themselves to the table with minimum assistance. The adjustable feature also allows medical or health care

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personnel to elevate the table to a comfortable height to conduct an examination.

**Q. Can my guide dog accompany me into the doctor's office?**

A. Yes, except in circumstances where the presence of an animal would jeopardize health or safety standards, such as in an operating room. Again, remember that since you are responsible for your dog's behavior, don't allow office staff or others to remove the dog or to do anything that would compromise your control over the dog.

**Q. I hate having to depend on my mother to interpret in the doctor's office. I deserve some privacy. In what medical situations can I ask for a sign language interpreter?**

A. If the information to be communicated is simple and straight forward, such as prescribing an X-ray or a blood test, the doctor or nurse may be able to communicate with you by using pen and paper. If a patient usually communicates in sign language, an interpreter should be present in all situations in which the information is lengthy or complex. You must notify the office in plenty of time that you need them to provide an interpreter at your next appointment.

## RECREATION AND LEISURE

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A major achievement of the ADA is that it is the first law that prohibits disability based discrimination by private businesses. Since many of the activities that teens enjoy take place in privately owned entertainment and shopping facilities, it is a good idea for them to think about how their favorite activities could be made more accessible. Can they already participate in everything they want to?

**Q. I am just opening my first checking account. Most of the stores in the mall ask that people show their driver's license when they write a check. Since I can't see well enough to drive, will I always have to bring cash?**

A. No. Store owners can alter their policies to allow an alternative form of identification such as a state ID card. Also, are you aware that checks are available in enlarged tactile formats for people with vision impairments? Check-writing guides are also available for use with regular checks. One more option—automatic teller machines are also being made accessible to people who are blind by incorporating Braille keypads and other features.

**Q. A group of us were planning to attend a concert. When we called to reserve tickets we were told that the only wheelchair accessible seating is in the very back of the auditorium, and our friend who uses a wheelchair would have to sit there by himself. Shouldn't we be able to sit together?**

A. Guidelines for auditoriums with more than 100 seats, constructed after 1992, require wheelchair seating be dispersed throughout all ticket price ranges, and should allow for visitors with disabilities to sit with their friends without disabilities.

For older buildings, it depends on whether the auditorium is owned by the city or by a private business, and whether or not a private owner receives government grants. Remember, if it is owned by the city, the city must make its programs accessible to individuals with disabilities. Private businesses that receive government dollars must also make themselves accessible. Private businesses that do not receive government funds only need do what they can afford to do. However, if they plan to renovate, they must set aside 20% of their construction costs to make improvements to accessibility.

**Q. I'm saving up for a trip to Disney World. Can I expect Florida to be as accessible as Minnesota?**

A. The ADA is a federal law and that means that all states must follow its accessibility guidelines (unless their state laws provide *stronger* protections.) For example, both amusement parks and hotels must make their services and accommodations accessible to people with disabilities. They both should have accessible entrances and bathrooms and provide you with effective communication. Hotels should have rooms with accessible bathrooms and provide you with television captioning, a TTY, or an amplified telephone if you need it. Since hotels are private businesses and only have to do what they can afford to do, larger chains are generally more accessible than small "Mom and Pop" type businesses. In addition, if you are flying to Florida, the airlines must accommodate you under the Air Carrier Access Act.

**Q. I want to get a service dog to help me live independently. Will restaurants allow me to bring my dog in?**

A. Yes, at least they should. Restaurants must allow customers with disabilities to enter with their service animals. Again, however, the dog user is responsible for maintaining control over the dog.

## HOME LIVING

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**Q. I want to rent an apartment with friends after I graduate from high school. Are there laws that require landlords to make apartment buildings accessible to people with disabilities?**

A. The Fair Housing Act (FHA) is the primary law that covers housing discrimination. It prohibits discrimination against a tenant or potential tenant on the basis of disability as well as race. The FHA requires a certain number of accessible units in all multi-family buildings recently constructed. If

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a landlord is renting out an older property, a single family home, or a duplex, they are not obligated to make the building accessible. On the other hand, they must allow you to make accommodations at your own expense, providing that you return the property to its original condition when you leave, when it is reasonable to do so.

**Q. I have a guide dog and I am apartment hunting. Should I just rule out all buildings that have a “no pets” policy?**

A. No. A building with a “no pets” policy must allow a tenant with a disability to keep a service dog. This is also a requirement of the FHA, not the ADA.

**Q. This year I am living in my own apartment for the first time. I am never able to find parking near my unit so I usually have to walk quite a distance to get to my apartment. As my disability makes it difficult for me to walk, I have asked my landlord to create a “reserved” parking spot for me. But she says that their policy is “first come, first served” and will not reserve parking spaces for anybody.**

A. This is another situation covered by the FHA. Like the ADA, the FHA requires reasonable modifications of policies. A building with no procedure for assigning accessible parking must modify its policy and permit a reserved parking space near the unit of a person with a disability.

**Q. My friend and I want to live in our own place. My mom and dad said they would help us to buy a condominium. We will also get some money to help pay for our new place from a state program. But when our realtor made an offer on the condo we liked, the condominium association refused to sell it to us because of our disabilities. What are our rights?**

A. The Fair Housing Act says it is illegal to refuse to sell someone a unit because of their disability. People who believe they have been discriminated against may file a complaint with their regional HUD office within one year of the offense, or may initiate a case in federal or state court within two years. Here are some resources that may help you:

- HUD operates a toll-free Housing Discrimination Hotline in Washington, DC: 800/669-9777.
- The Housing Discrimination Law Project of the Legal Aid Society of Minneapolis serves people with disabilities throughout Minnesota and can be reached at 612/332-1441, Voice; 612/332-4668, TTY.

You may want to consult a lawyer about how to proceed.

**Q. I hate to use the telephone because I have Cerebral Palsy and when people can't understand my speech they usually**

**hang up on me. Can the ADA make the telephone more accessible for me?**

A. Yes. People with speech disabilities, as well as people who are deaf and hard of hearing, can use the telephone service by using a TTY. They “talk” directly to people on the other end of the line by using TTYs and typing into a keyboard rather than speaking into a receiver. The only limitation of a TTY is that both parties must use one—you need to have another TTY on the receiving end. The ADA, however, requires that each state establish a Relay Service where an operator acts as a go-between who conveys messages from a TTY user to a telephone user. TTYs are available through the US West Special Needs Service Center and through government programs funded by a state tax on your telephone service.

**Q. I am planning on buying a car as soon as I can afford a down payment. But I heard that insurance companies will charge people with disabilities more for car insurance. Is this true?**

A. As a whole, drivers with disabilities do not have more accidents than people without disabilities. Insurance companies cannot charge people with disabilities more unless they can show actuarial data to justify higher rates. Be a comparison shopper. Check out those car insurance rates again. You probably should not have to pay more than other drivers your age. If the company wants to charge you more, ask to see their actuarial data. If they can't provide any, they should change their policy. Violations should be reported to the Department of Justice.

**FOR MORE INFORMATION**

**Q. The ADA, 504, Fair Housing, the Air Carrier Access Act... I'll never remember all these laws. What do I do when I really need help?**

A. You can call Rachel Parker at Project PRIDE here at PACER, 952/838-9000, or an advocate at your nearest Center for Independent Living (CILs). CILs are staffed by people with disabilities. You could also talk to other people with disabilities. They can probably tell you how they have used this information, which could make it more meaningful to you.

*Several PACESETTER articles have explored the relationship of the ADA to the Rehabilitation Act, Postsecondary Schools, Health Care Providers, and Community Recreation Programs in greater depth. To obtain reprints, call PACER and request PACER's ADA handouts (PHPc51). They are free to people with disabilities and their family members, \$1.50 for one article or \$5 for the entire series to others.*