



Virginia's NEXT STEPS Transition Program for Families, Youths, and Professionals: Building Effective Partnerships and Accessing Resources

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Disclosure Issues for parents and students with disabilities

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#### Disclosure

• The process of deciding why, when, what, how and to whom you should disclose your disability to receive accommodations.

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## IDEA vs. ADA

- IDEA is an entitlement law

   School is responsible for assisting student in being successful and receiving the necessary resources
- ADA is an eligibility based law
  - You are responsible for proving your disability status and requesting the necessary accommodations

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## Your Rights & Responsibilities

- · Obligations to disclose
- Responsibility if you choose not to disclose

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# No Legal Mandate to disclose

- You are not required to disclose prior to beginning work or school
- You can disclose anytime during your employment or school career

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## Disclosure is required to receive accommodation

- You have a proactive responsibility to request the accommodation
- Identify the accommodation you will need

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# Consequences of not disclosing:

- Not performing at your best
- Falling behind in your work load
- Increasing stress of not using the accommodations you had become accustom to

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# What to disclose about your disability:

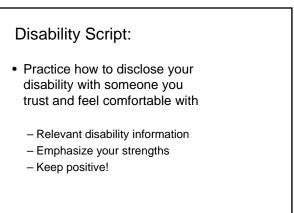
- What to disclose
- Why you are disclosing
- · How it affects your ability to perform
- · What accommodations have worked in the past
- What you anticipate needing now

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Disclose only enough to justify the accommodation

- You do not have to disclose all of your disabilities
- Only disclose the disability that impacts on the accommodation you need, and then only to the extent it is needed for the accommodation

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### When to disclose:

- In a cover letter or application, if it would be beneficial
- Before an interview, if you need an accommodation
- At the interview, if deemed helpful to dispel doubts about ability to perform

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## When to disclose (cont.)

- After you have a job offer
- Before any drug testing for illegal drugs
- During the course of employment
- never

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Know what accommodations you need

- Review what was
   recommended in your IEP
- Determine what other procedures or devices might be of assistance
- Emphasize how an accommodation will assist you in performing well in school or work

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When is it too late to disclose?

• You need to disclose a need for a disability accommodation while you are working or in a class.

It is too late after you have finished the class, or have been let go from a job

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#### Partnerships:

- Work:

- Human Resources/Personnel office
- School:
  - Disability Student Services

Both

- Department of Rehabilitation Services
- Job Accommodation Network (JAN)
- Assistive Technology Projects
- Services for the Blind and DeafDisability specific organizations

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# Interview Process Be very positive about your skills and abilities Be prepared to answer how you can do the job

• Discuss examples of how you have done similar activities

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### Interview Process cont.

- Decide ahead of time if you are going to disclose your disability
- If you have a visible disability, consider discussing how you have learned to perform the required tasks

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#### Review:

- IDEA vs. ADA
- Rights and responsibilities
- If to disclose
- · What to disclose
- When to disclose
- · How to disclose

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#### Resources:

- Disclosure 411 –
   <u>http://www.ncwd-youth.info/</u>
   411-on-disability-disclosure
- EEOC: Your Rights as a Person with a Disability -<u>http://www.eeoc.gov/facts/ada18.html</u>
  - DBTACs: National Network of ADA Centers <u>http://www.adata.org</u>

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