

Know Your Rights:

A GUIDE FOR YOUNG PEOPLE WITH DISABILITIES IN WASHINGTON

ACKNOWLEDGEMENTS

The Washington Leadership Institute (“WLI”) Class of 2014 Fellows would like to extend our sincere appreciation to the following people and organizations for their thoughtful direction and committed support in creating this resource guide: University of Washington School of Law, Seattle University School of Law, Gonzaga University School of Law, Disability Rights Washington (DRW), Thurston County Volunteer Legal Services, TeamChild, Washington State Office of the Education Ombudsman, and the entire WLI Advisory Board, but especially Justice Mary I. Yu and James F. Williams, with the support of Dawn Bell.

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Introduction

From the Washington Leadership Institute's 2014 Fellowship Class

As you make the transition from childhood to adulthood, the law gives you new rights and responsibilities. Knowing your rights as a person with a disability is an important part of being an effective self-advocate and making decisions about your own life. This guide is designed to provide young people with disabilities information and resources so that you can understand and exercise your legal rights.

Whether you need answers about education, employment, government benefits, or renting your first apartment—just to name a few of the topics that are covered in this guide—we hope we can answer some practical and legal questions you may have, and provide you with the initial resources you need to make the successful transition into adulthood.

But remember, this is only a guide! The information provided in this guide is not intended to provide you with legal advice. If you need specific information or advice about a topic, it's important to investigate further and discuss your questions with the appropriate people, which may include an attorney. We hope this guide points you in the right direction!

Chapter 1



SPECIAL EDUCATION RIGHTS

Students with disabilities who receive special education and related services have many individual rights. In special education law, parents hold a student's educational rights until they are transferred to the student. The first part of this guide explains the role of the parent in the special education process. The second part of guide provides the definition of a "parent" in special education law, how special educational rights are transferred from parents to students, rights of students once transfer occurs, and rights the student has when preparing for transition out of high school.

PARENT'S ROLE

What can I do if I my child is denied eligibility for special education?

You can challenge the district's decision.

If you think your child has been wrongly denied eligibility for special education services, you can try to change the district's decision by:

- Discussing the situation with school personnel
- Requesting a mediation conference
- Filing a complaint or
- Requesting an Individuals with Disabilities Education Act (IDEA) hearing or a Section 504 of the Rehabilitation Act (504) hearing.

Talking things through with school officials—including special education staff, the principal, your child's teachers and counselor—is the best way to start dealing with any problem. If discussing the issue doesn't get you anywhere, consider using more formal dispute resolution. Anyone can file a citizen complaint on behalf of a student. A parent or guardian can also request a due process hearing or mediation.

What is an Individualized Education Plan or "IEP"?

An IEP is a detailed description of the instruction and services a student with disabilities needs in order to receive a meaningful education.

The individualized education program, or IEP, is a document that describes the specific special education services that a student will receive. An IEP is a legal document and students are entitled to receive all of the services outlined in the IEP. An IEP should be tailored to a child and his or her educational needs, and it can include creative strategies for delivering services.

What can I do if I have a dispute with the school district about my IEP?



Meet with the district, request mediation, make a complaint or file for a due process hearing.

In the course of advocating for your child with a disability, you may at some point find yourself disagreeing with the school district. Where possible, it is always a good idea to try to first solve the problem by talking with members of the IEP Team or other district officials. But if that approach doesn't work, there are several methods for resolving disputes that are set up by law.

Formal complaint procedures, mediation, and due process hearings are available to parents and schools to resolve disputes about special education, including disagreements about:

- The identification of a student as disabled
- The evaluation of a student
- The delivery of special education services
- The educational placement of a child.



What is a citizen complaint and who can file it?

A citizen complaint is a way to have disagreements between students and districts resolved by an outside agency. Any person or organization can register a complaint with the Office of the Superintendent of Public Instruction.

Citizen complaints should be filed with the Office of the Superintendent of Public Instruction (OSPI) when someone believes that an educational entity (including the state, a school district, or a public or private school) has violated the requirements of IDEA or state special education regulations.

What is a citizen right complaint and who can file it?

Section 504 is an anti-discrimination law that aims to eliminate discrimination on the basis of disability in all programs that receive federal funds.

Because public schools and districts receive federal money, they are subject to Section 504 requirements. The U.S. Office for Civil Rights (OCR) for the U.S. Department of Education enforces the protections of Section 504 and is responsible for investigating complaints.

Anyone can file a complaint with the U.S. Office of Civil Rights whenever a student with disabilities does not receive educational benefit from a program that is comparable to the benefit received by non-disabled peers.

An example is when a student with a behavioral disability is told he or she cannot go on field trips and must stay in the principal's office while the rest of the class is on the trips. OCR complaints can also include access issues, such as the lack of a ramp for a child in a wheelchair or a district's failure to provide accommodations or services that should be or are in a student's 504 plan.

What is mediation?

Mediation is a type of dispute resolution. Under IDEA, states are required to provide free mediation services to parents/guardians and school districts for the purpose of resolving conflicts about a student's special education program.

The mediation process brings the school and parent or guardian together with a neutral third person—the mediator. The mediator sits down with both sides to try to come to an acceptable agreement on the educational needs of the student. The process is voluntary, so both the parent or guardian and the school district have to agree to participate.

Mediation can be an excellent way to improve services for a student, resolve conflict, and repair relationships between the school and the parent or guardian. If mediation is successful, the parties sign a legally binding agreement that sets forth the resolution. It is up to the school and parent or guardian to carry out the terms of the agreement. Once a mediation agreement is made, the mediator steps out of the picture and has no power to force either side to do anything.

If a conflict comes up around the mediation agreement, the parent or guardian can seek enforcement in state or federal court. If a new or different conflict comes up, the parent or guardian or district can use all the forms of dispute resolution available under the law.

What is a due process hearing?

A due process hearing is a formal administrative proceeding, much like a trial.

This procedure should be used when talks with the school and/or mediation are not successful. At a due process hearing, the parent or guardian and the school district each have the opportunity to present evidence and witnesses and to cross-examine the witnesses presented by the opposing side.

A hearing officer makes a written decision based on the facts and the law.

STUDENT'S ROLE:

Who is a "parent" for purposes of special education law?

A "parent" is defined as:

- a student's biological or adoptive parent;
- a foster parent;
- a guardian authorized to act as the student's parent or make educational decisions for the student;
- a person acting in place of a biological or adoptive parent, such as a stepparent, grandparent, or other relative with whom a student lives, or someone who is legally responsible for the student's welfare; or
- a surrogate parent appointed by the school district.

After the age of 18, if a student holds his or her own educational rights, he or she is considered a "parent" for the purposes of special education law.

Parents who hold a student's educational rights should have an opportunity to observe the student in a classroom setting to better understand the strengths and needs of the student. All school districts must have a policy in place that outlines school procedures for allowing these observations.

How can students take over their educational decision-making?

At least one year before a student turns 18, the student's Individualized Education Program (IEP) must contain a statement that lays out what rights will transfer to the student upon reaching age 18. Unless certain circumstances apply (explained below), when a student turns 18, a student's educational rights are transferred from the parents to the student. Students who hold their own education rights can authorize any adult to make educational decisions for the student by using a power of attorney.

In some situations, students who are 18 or older do not hold their education rights, but this only happens if the individual has a guardian or if a certification process is followed. If a court has appointed a legal guardian for the student, the guardian will represent the

student's educational rights. Also, students who do not have appointed guardians can be certified as unable to make educational decisions if two separate professionals state in writing that they have conducted a personal examination or interview with the student, the student is incapable of providing informed consent to make educational decisions, and the student has been informed of this decision. If this certification happens, the school district will assign an educational representative to the student. Certification of a student's inability to make educational decisions can be challenged at any time by the student or an adult with a bona fide interest in and knowledge of the student.

What rights do students have when they hold their own educational rights?

A student who holds his or her own educational rights has all the rights his or her parents had, including the right to:

- Know what disability he or she has and how it may affect his or her ability to learn and live independently.
- A meeting to develop the student's IEP held within 30 calendar days of a determination of the student's eligibility for special education and related services.
- Notification in advance of the date, time, and location of the student's IEP meeting so he or she has an opportunity to attend.
- Be informed if a member of the IEP team cannot be present at the meeting or does not need to be present. The school and student must agree to excuse the team member.
- Take part in his or her IEP meetings and be a part of the IEP team. If educational rights have not been transferred yet, the student should take part in the meeting whenever this is appropriate.
- Invite people who know the student outside of a school or home environment to be part of the IEP team (like a mentor or friend).
- Have necessary accommodations provided at IEP meetings (accessibility, interpreters, etc.).
- Know and understand how the school district will measure student progress toward meeting the student's measurable annual goals.
- Receive periodic progress reports showing the progress the student is making toward his or her annual goals.
- Receive necessary related services. This may include, but is not limited to, transportation, physical therapy, occupational therapy, medical services, speech-language pathology services, and counseling services.
- Ask for an IEP meeting or a student reevaluation if the student's needs are not being met.
- A completed reevaluation within 35 school days after the date the student gave the school district written permission to reevaluate the student.
- Disagree with an evaluation and request an independent educational evaluation.
- Review his or her educational records and get a copy of the student's most current IEP at no cost.

- File a citizen complaint, request a due process hearing, or request mediation if the student has a special education dispute with the school.

What happens after high school?

Schools must help students receiving special education and related services prepare for life after high school by providing transition services. Transition services are designed to prepare students for activities after high school like postsecondary education, vocational education, employment, continuing and adult education, adult services, independent living, and community participation.

By age 16, a student's IEP must include measurable postsecondary goals based on age-appropriate transition assessments and must describe transition services needed to help the student reach those goals. This transition planning may occur before age 16 if the IEP team determines this is appropriate. Students must be invited to IEP meetings when postsecondary goals and transition services are being discussed. For more information on transition services, visit the Center for Change in Transition Services website: ([Center for Change in Transition Services](#)).



This information is adapted from previously published resources developed by TeamChild and Disability Rights Washington.

You may link to TeamChild's manual here: [TeamChild Resource Manual](#) and to Disability Rights Washington's here: [Disability Rights Washington Resource Manual](#).

RESOURCES

TeamChild

1225 S. Weller, Ste 420
Seattle, Washington 98144
Phone: (206) 322-2444
Fax: (206) 381-1742
Email: kinginfo@teamchild.org

Disability Rights Washington

315 - 5th Avenue South, Suite 850
Seattle, WA 98104
Phone: (206) 324-1521 or (800) 562-2702

Fax: (206) 957-0729

Website: [Disability Rights Washington \(main page\)](#)

The Office of the Education Ombudsman

155 N.E. 100th St. #210

Seattle, WA 98125

Fax: 206-729-3251

Toll-free phone number: 866-297-2597

Email: OEInfo@gov.wa.gov

Chapter 2

HIGHER EDUCATION

This chapter is designed to help you if you are starting to think about going to college. Although you may have had an Individualized Education Plan (“IEP”) in high school, colleges do not use the IEP process. You will be responsible for deciding whether to tell your school about your disability and for requesting the accommodations and services you need. There are people and resources to help you.

This chapter provides an overview of the process for requesting accommodations on college admissions exams, disclosing your disability and requesting disability accommodations at college, and what to do if you think you are being discriminated against because of your disability.

COLLEGE ADMISSIONS TESTING & ACCOMMODATIONS

The Americans with Disabilities Act (“ADA”) requires that college admissions tests are offered “in a place and manner accessible to persons with disabilities.” 28 C.F.R. § 36.309. The law requires that the tests are administered in a way to best ensure that the exam results accurately reflect a student’s actual aptitude or achievement rather than reflecting his or her disability. *Id.*

What should I do to prepare before registering to take the SAT or ACT?

Plan ahead and start early! Registering for college entrance exams and applying for testing accommodations can be a complicated and frustrating process. It can take many months from the time you first request an accommodation until it is approved. First, you need to determine which standardized tests you need to take. The SAT and the ACT are the two most common tests. Research the disability accommodation policies and procedures for the standardized test you are taking as early as possible. Talk to teachers, friends with disabilities, and family members about strategies and past experiences.

As you begin the process, be sure that you have the following: (1) a strong understanding of your disability, (2) knowledge of the accommodations that you may need and what is available in post-high school environments, and (3) the ability to talk about both of these things to others. This information and understanding will help you be best prepared to request the necessary accommodation(s).

Will I be eligible for testing accommodations?

You should be eligible for accommodation for the SAT or ACT (and other standardized tests) if you meet the following criteria:

- You have a documented disability;
- Your disability impacts your ability to take the exam in some way such as reading, writing, concentrating, or sitting for extended periods of time;
- The accommodation is necessary. You will need to show that the specific accommodation(s) you requested are necessary and that you have difficulty performing certain tasks needed to take the exam without an accommodation.

You will need to submit medical information or “documentation” from your doctor(s) that supports your need for the specific accommodations you are requesting. Showing that you received accommodations on other standardized tests and/or school tests and assignments will help support your accommodation request.

The SAT and ACT disability accommodation policies and procedures are available at:

SAT: [SAT Disability Accommodation](#)

ACT: [ACT Disability Accommodation](#)

What testing accommodations are available?

Testing accommodations for students with disabilities are based on an individualized assessment of how each student’s disability impacts his or her ability to take the exam. Whether your request for a specific accommodation is approved will depend on how your disability impacts you and what your medical documentation supports. Some common accommodations include:

- Extended time to complete the test
- Computer use for essays
- Extra and extended breaks
- Testing at your school instead of a testing center

Some students with disabilities may be entitled to take the SAT or ACT over the span of several days. Other accommodations include, but are not limited to, a reader, a scribe, a tape recorder, a distraction-free environment, a large print version, an alternative test format, etc. See the links below for specific guidelines.

[College Board Guidelines](#)

[ACT Test Accommodations](#)

What do I need to submit to request an accommodation?

You should review the specific requirements for the standardized test you will be taking. There are typically forms requesting information from you, your current school, and a

health care provider or evaluator who can provide medical information supporting your need for testing accommodation(s).

You will need up-to-date documentation of your disability, usually no older than three years, from a doctor or other qualified evaluator. You must also provide information that establishes that the evaluator is qualified, such as information about licensure, certification, area of specialization, and education. In general, documentation of your disability must (1) describe the disability and the assessments performed, (2) explain the degree to which your activities are impacted by your disability, and (3) recommend a particular accommodation and (4) establish the need for that accommodation.

When do I need to make this request?

Start early! Deadlines are approximately two months before the test dates. Requests can take several weeks to process. However, waiting until the deadline to submit an accommodation request may be too late. If the accommodation you requested is initially denied, you may need to submit additional information or new documentation. This process takes more time. If your accommodation is not granted by the time you are scheduled to take the test, you may be required to take the test on a later date.

Standardized tests are offered at various dates throughout the year. Because the process for requesting and approving testing accommodations can take a long time, it is highly recommended that you not wait until the last test date before your college applications are due. That way, if you end up having to take the test on a later date, you will still be able to submit your college applications on time.

Can I submit a request online?

As of the time this guide was written, requests for accommodations on the SAT may be submitted online through your school's coordinator, if he or she is authorized to use the College Board's Services for Students with Disabilities (SSD) online. ACT requests must still be submitted by mail.

Do I have to submit a new request for each exam?

As of the time this guide was written, students had to submit one request for the SAT and SAT Subject Tests, the PSAT/NMSQT, and AP exams, and then a separate request for the ACT. For the most part, approved accommodations remain in effect until one year after high school graduation.

Is information about my disability confidential?

Yes. All documentation is kept confidential and will only be used to determine your eligibility for an accommodation. Details about your accommodation will not be released to the schools to which you choose to report your scores.

Will an accommodation be reported and would it affect my score?

Neither the SAT/PSAT (College Board) nor the ACT organization will “flag” your test score or report that you took the test with accommodations. Testing organizations cannot report any information about what disability you have, or what reasonable accommodation(s) you received. Schools may not inquire about the conditions under which you took the exam, or if you disclose a disability or the use of an accommodation, they cannot give different weight to your standardized test scores. The school must give your scores the same weight as those of any applicant who took the same standardized test without reasonable accommodations.

How will I know if my accommodation is granted?

You should receive a decision letter from the College Board for the SAT; for the ACT, you may be notified on your admission ticket, or you may receive a copy of a confirmation letter sent to the testing center.

Bring a copy of the letter granting your accommodations with you on test day.

Keep a file with your testing records and disability documentation.

Make sure you get copies of all of your testing records and any documentation of your disability that you have submitted to your school, and any records of accommodations. These records will also help you establish the need for academic accommodations in college. There’s no requirement for schools to keep these records after graduation, so make sure that you have copies.

DISCLOSING YOUR DISABILITY & ACADEMIC ACCOMMODATIONS

Can a college or university deny my admission because I have a disability?

No. If you meet the admission requirements, a college or university cannot deny you admission simply because you have a disability.

Do I have to tell the school that I have a disability?

No. However, if you want the school to provide reasonable accommodations to help you be successful, you need to tell the school about your disability. This is your choice.

What kinds of academic accommodations are available?

Just like with testing accommodations, the academic accommodations that are available to you in college will depend on how your disability impacts you individually and what your medical documentation supports. Academic accommodations include supportive aids and services, testing accommodations, or modifications to academic requirements to ensure equal educational opportunity. Examples include: Priority registration, providing

note takers, recording devices, sign language interpreters, extended time for testing, and equipping school computers with adaptive software or hardware. (See Chapter 6 of this guide for information about assistive technology resources).

Your school is not required to make adjustments that would fundamentally alter the nature of a service, program or activity. It also does not have to make adjustments that would result in an undue financial or administrative burden. Finally, the school does not have to provide any services of a personal nature, such as personal assistants.

Will getting an accommodation cost me money?

No. The school cannot charge you for accommodations, nor can it charge you more than other students for services, classes, and activities.

If I need an accommodation, when should I tell the school about my disability?

As soon as possible. This process takes time so it is best to contact the school's disability resource center as soon as possible so that you can have the academic accommodations set up before you begin classes. However, you can request an accommodation at any time.

If you decide not tell the school about your disability but you end up struggling in a class or on a test because of your disability, it is never too late to ask. You can always ask for an academic accommodation for the future, but you may not be able to re-take the class or the test.

If I want an accommodation, how do I get one?

Each school has procedures that you must follow in order to get an academic accommodation. Most schools have a Disability Resource Center or a Disability Services Center to assist students with this process. Contact the appropriate person or office and explain that you need an accommodation for your disability.

Will I need to prove that I have a disability in order to get an accommodation?

Most schools will ask you to provide proof of your disability. This information will help the school identify an appropriate academic accommodation. Each school can develop reasonable standards for documentation. Most likely, the school will ask for documentation from your health care provider stating your diagnosis and how your disability affects your major life activities and academic performance.

What if my documentation does not meet the school's standards?

The school should tell you in a timely manner if your documentation is not sufficient. You may need to get a new evaluation to establish your disability. It will be your responsibility to pay for the new evaluation or to find funding - the school is not required to conduct or

pay for it. You may qualify for a free evaluation through the Washington State Division of Vocational Rehabilitation, [WA State Division of Vocational Rehabilitation](#). You will first need to apply for DVR services by contacting your local office (this process can take a couple of months). If you qualify, they will help you determine whether you qualify for a new evaluation.

Can I get an accommodation and keep my disability private?

The school cannot release your medical information to professors or others without your written permission. When the disability resource office staff talks to your professors, they should discuss only how the needed accommodation can be implemented, not the nature of your disability. You can also ask the disability resource staff to help you prepare a letter to your professors explaining your accommodation needs.

What if an accommodation is not working?

You should notify the school as soon as possible so that you can work together to find a better alternative. You do not have to wait until the end of the quarter or semester.

DISCRIMINATION AND RETALIATION

What rights do I have if I think my school has discriminated against me?

There are federal laws, namely the ADA and Section 504 of the Rehabilitation Act, that prohibit disability discrimination in higher education. ADA Title II applies to public colleges and universities. ADA Title III applies to private colleges and universities, except for private schools controlled by religious institutions. Section 504 applies to all schools that are either public entities or receive federal funds from the U.S. Department of Education. Most public and private colleges and universities receive some federal funds and are therefore subject to these laws. The laws apply to all programs in a school or college, including academics, extracurricular activities, and athletics. There may also be state laws that protect you as well.

What kinds of actions are discriminatory under these laws?

Some examples of discriminatory conduct include:

- Denying admission of a qualified individual with a disability because of his or her disability;
- Excluding a qualified student with a disability from any program, course of study, or other educational activity because of his or her disability;
- Denying a qualified student with a disability a reasonable accommodation or modification unless the accommodation would fundamentally alter the nature of the service, program, or activity; or

- Advising a qualified student with a disability toward more restrictive career objectives than other students without disabilities.

Where should I go for help?

Most postsecondary schools have a Disability Services Coordinator who oversees the school's compliance with Section 504, the ADA or both laws. You may contact that person for information about how to address your concerns. Many schools also have student disability groups. Other students with disabilities can be great resources and allies for you.

Your school will also have procedures for filing a grievance and/or an appeal. These procedures will vary from school to school, but they must include steps to ensure that you may raise your concerns fully and fairly, and must also provide for the prompt and equitable resolution of complaints.

Your school's publications and disability resources will have information about the steps you must take to start the grievance process. Often, schools have both formal and informal processes. If you decide to use a grievance process, you should be prepared to present all the reasons that support your request.

If you are dissatisfied with the outcome of the school's grievance procedures, or wish to pursue an alternative to using those procedures, you may file a complaint against the school with Office of Civil Rights ("OCR") or in a court. You may learn more about the OCR complaint process from the brochure [How to File a Discrimination Complaint with the Office for Civil Rights](#), available at [How to file a complaint with the Office for Civil Rights](#).

When should I file a grievance?

You should file your internal grievance as soon as possible and no later than 180 days (approximately six months) after the discrimination took place.

What do I need to include in my grievance or complaint?

For both your school's procedure and for a complaint to OCR, you should include:

- Your contact information, as well as the information of anyone who helped you file the grievance or complaint;
- Information about your school and the names of the individuals and/or departments whom you believe discriminated against you because of your disability;

- The reasons why you think you were discriminated against because of your disability, with as many details and specifics as possible;
- The dates when the discrimination occurred;
- Whether you have filed any other grievances, complaints with any other agency, or lawsuits about the same act of discrimination, and if so, when you filed and what happened after you filed. Be sure to include whether or not a decision is still pending!

You should also submit copies of any letters, emails, or other documents that help show how you were discriminated against. Keep an up-to-date and organized file with the originals and any other correspondence regarding the grievance.

What if I get in trouble with my school or my team for filing a grievance?

The ADA and Section 504 both protect you against retaliation for exercising your rights. This includes any discrimination against a student with a disability because he or she opposed a discriminatory act or practice, or made a complaint of discrimination, or testified or assisted in an investigation regarding a discrimination complaint. If you are retaliated against in any way, including being kicked off of a team, or given a lower grade in a class, or even suspended, you can file a new complaint or amend your grievance, depending on different procedures, to include the retaliation.

What can I do to best prepare myself in case I am discriminated against?

Know your rights. Become familiar with the laws that protect you. Document and keep copies of everything related to your disability and your school's policies. Write down all dates, times, names of people, and substance of any discussions you have about accommodation for your disability. Keep copies of all letters and emails that you send and receive. If you are discriminated against, having this information will be helpful in resolving your complaint.

RESOURCES

Office for Civil Rights, U.S. Department of Education. Email: ocr@ed.gov. Website: [US Dept of Education Office of Civil Rights \(main page\)](#). Phone: 1-800-421-3481. TDD: 1-877-521-2172.

University of Washington Disability Services Office. Email: dso@u.washington.edu. Website: [University of Washington Disability Services Office \(main page\)](#). Phone: 1-206-543-6450. TTY: 1-206-543-6452.

Washington State University Access Center. Website: [Washington State University Access Center \(main page\)](#). Phone: 1-509-335-3417.

Western Washington University Disability Resources for Students

Phone: 1-360-650-3083

Email: drs@wwu.edu

Website: [Western Washington University Access Center \(main page\)](#)

Eastern Washington University Disability Support Services

Phone: 1-509-359-6871

Email: DSS@ewu.edu

Website: [Eastern Washington University Disability Support Services \(main page\)](#)

Chapter 3

EMPLOYMENT

Whether you are thinking about applying for your first job or are already working, it is important to know what your legal rights are in the workplace. This chapter provides information about employment discrimination laws that protect people with disabilities and guidance about disclosing your disability to your employer, and seeking reasonable accommodations at work.

Disability discrimination in the workplace is illegal.

Disability discrimination means treating a qualified person less favorably because of their disability or refusing to provide them with a reasonable accommodation. Discriminating against a qualified job applicant or employee because of a disability is illegal.

The Americans with Disabilities Act (“ADA”) is the federal law that prohibits disability discrimination and the Washington Law against Discrimination (“WLAD”) is the state law that prohibits disability discrimination. Both laws prohibit discrimination in any aspect of employment including the application process, hiring, firing, training, job assignments, promotions, and pay and benefits.

Many local cities and counties have laws prohibiting discrimination. This guide does not cover those laws, but you can check with the city or county where you work to see if there are any local laws that could apply.

Who is protected by disability discrimination laws?

A person with a “disability” is defined broadly under both federal and state law. The ADA defines a person with a disability as a person who: (a) has a physical or mental impairment that substantially limits a major life activity; (b) has a record of such an impairment; or (c) is regarded as having such an impairment. The WLAD defines a disability as a sensory, mental or physical impairment that: (a) is medically recognized or diagnosed; (b) exists as a record; (c) or is perceived to exist whether or not it exists in fact.

The law only protects you if you are qualified to do a job. You must meet the employer’s job qualifications (such as having a certain level of education and/or experience) and you must be able to perform the “essential functions” or core duties of the job either with or without reasonable accommodations.

Are all employers covered by disability discrimination laws?

No. The ADA applies to state and local government employees, employment agencies, labor unions, and private employers that have 15 or more employees. The WLAD only applies to employers who have eight or more employees.

- Before you accept a new job, consider the employer's size. Private employers with fewer than eight (8) employees are not covered by either the ADA or WLAD. There may be an anti-discrimination law in the county or city where you work that applies to smaller employers.

What are my rights as a job applicant?

It is illegal to discriminate against a qualified job applicant because of a disability. Employers are required to provide reasonable accommodations to applicants that do not impose an undue hardship on the employer. For example, an employer may be required to provide an applicant with a disability extra time on an employment exam or provide a sign language interpreter for an applicant who is deaf. Think about whether you need the accommodation to participate effectively in the application process. If the answer is yes, you will need to tell the employer that you have a disability and request the accommodation ahead of time. Be factual and professional in your request without over-disclosing personal medical information to a prospective employer.

Asking about a disability and requiring a medical exam

There are different rules about what an employer can ask you about your disability depending on whether you are applying for a job or have already been hired and started work.

JOB APPLICANTS

If you are applying for a job, an employer cannot ask you if you are disabled or ask you about your disability. However, employers can ask you if you can perform the core job duties with or without accommodations and discuss how you would perform those duties.

An employer cannot require you to take a medical exam before you are offered a job. After you have been offered a job, you can be required to answer medical questions or pass a medical exam before starting work. This is called a contingent job offer. However, an employer cannot single you out because of your disability. You can only be required to take a medical exam at this stage if everyone else in the same job category also has to take the same exam. An employer cannot legally refuse to hire you because of your disability if you can perform the essential job duties with reasonable accommodation.

- Even though employers are not legally allowed to ask about a disability in a job interview, they sometimes do. If you have a visible disability, you should think

ahead of time about how you will respond to questions or comments about your disability in a job interview. Focus on your ability to perform the job duties.

EMPLOYEES

Once you have been hired and started work, your employer cannot make you take a medical exam or ask questions about your disability unless the questions/exam is related to your job and necessary for the employer's business. An employer may not require you to take a medical exam based on disability stereotypes or fears. If your employer has a reasonable belief, based on objective evidence that a disability is interfering with your ability to do your job, you may be required to take a medical exam. The purpose of the exam is to determine whether you are able to perform the essential functions of the job with or without an accommodation and without creating a direct threat to yourself or others.

Results of all medical exams are confidential and must be kept separate from your personnel file.

Should I tell an employer that I have a disability?

If you do not anticipate needing an accommodation, it is a personal decision whether or not to tell your employer or co-workers you have a disability. If you need an accommodation to be successful at work, you should tell your employer about your disability and request an accommodation. You do not have to disclose your disability and/or request an accommodation when you first start your job. You can ask for an accommodation whenever the need arises.

However, if you need an accommodation to be successful at work, you should ask for it before there is a problem with your job performance. As long as you perform the essential functions of your job safely, an employer may not discipline you for conduct that they know is caused by your disability. They also must offer you reasonable accommodations to help you do your job successfully. However, the law will not protect you unless your employer knew or should have known that you have a disability that affects your work. Employers are not required to "undo" discipline for disability-related conduct if you wait until after you are disciplined to tell your employer that the problem was caused by a disability.

- It is always important to present yourself as professional and capable in the workplace. If you decide to disclose your disability, avoid "oversharing" personal medical information with employers or co-workers. Think through what you are going to say ahead of time and consider role-playing with a (non-work) friend or family member.

What is a reasonable accommodation?

A “reasonable accommodation” is a change to a job or work setting that enables a person with a disability to apply for a job, perform the essential functions of a job, or participate in the benefits and privileges of employment (such as training). Employers are required to provide qualified employees with “reasonable accommodations” unless they would impose an “undue hardship,” which means the accommodation is too costly, difficult to provide, or would fundamentally change the nature of the employer’s business. Whether a particular accommodation is “reasonable” or would create an “undue hardship” is determined on a case-by-case basis, depending in part on the employer’s size and resources. Reasonable accommodations may include:

- Restructuring non-essential job duties;
- Changing your work schedule;
- Giving you unpaid medical leave, including time off during the workday to attend medical appointments;
- Providing or modifying work equipment, including assistive technology;
- Modifying employment tests or training materials;
- Providing readers or interpreters;
- Altering workplace policies and rules; or
- Reassigning you to a vacant position (if you are qualified for the job and cannot be accommodated in your current job).

Employers are not required to create a new position or eliminate essential job duties to accommodate employees with disabilities.

How do I ask for an accommodation?

Your employer is only required to provide reasonable accommodations if they know you have a disability that requires accommodation. Therefore, if you need accommodations at work, you should ask for them. Your request does not need to be in writing, although that is often a good idea. There are no “magic words;” you do not need to mention the law or use the term “reasonable accommodation.” But you do need to give your employer enough information to put them on notice that (1) you have a disability or medical condition; and (2) you need some sort of accommodation because of that disability.

The law requires that you and your employer share information and work together to identify the appropriate accommodation(s) through “the interactive process.” The interactive process begins when you ask for an accommodation or when your employer has enough information to know you have a medical condition that may require accommodation. The interactive process is a give-and-take process between you and your employer to suggest and agree on the appropriate accommodation. The employer may accept your request, have questions, offer other suggestions, or ask for you for medical information. You need to be an active participant in the process and stick with it.

- Before you talk to your employer, brainstorm possible accommodations with a (non-work) friend, family member, vocational rehabilitation counselor, or health care provider. Try to come up with a few different options. Think about what questions or concerns your employer might raise and how you would respond.

Your employer does not necessarily have to give you your first-choice accommodation. Your employer can choose a different accommodation as long as it is still effective, meaning that it enables you to perform your job and participate equally in your workplace. You can ask for more than one accommodation. If you try an accommodation and it does not work for you, your employer must try again to find another reasonable accommodation that is effective.

If I request an accommodation, can my employer ask for medical information?

Yes. As part of the interactive process, you have a responsibility to give your employer enough information about the nature of your disability that they can understand what you need and why. They may request information or “documentation” from your doctor about your disability and the need for an accommodation. However, an employer cannot ask about your entire medical history or for medical information that is not related to your ability to perform your job or your need for the accommodation.

Who pays for the accommodations?

The employer is required to pay for reasonable accommodation(s) unless it can show the accommodation(s) are too expensive and the cost is an “undue hardship.” Agencies such as Division of Vocational Rehabilitation (DVR) may be able to fund assistive technology and accommodations.

Can my employer force me to accept an accommodation?

No. You have the right to refuse an accommodation. However, you always have to be able to perform the essential functions of your job, either with or without reasonable accommodations.

What if an employer says that working with me would create a safety risk?

An employer can refuse to employ a person with a disability if that person poses a “direct threat” to the health and safety of themselves or others, but only if that risk cannot be eliminated or reduced with a reasonable accommodation. The employer must make an individualized determination that a particular person poses a direct threat based on reliable and objective evidence. An employer cannot exclude a person with a disability from the workplace based on fears, stereotypes or generalizations about people with disabilities.

Does having a disability automatically protect me from being fired?

No. The law only protects you from being fired (or treated less favorably) because of your disability. Disability-related laws do not protect you against being fired for a reason that is not related to your disability or your request for accommodation.

Can my employer retaliate against me for requesting an accommodation or for filing a complaint?

No. Retaliating against an employee for complaining about disability discrimination is illegal. It is also illegal for an employer to retaliate against an employee for requesting a reasonable accommodation. If you think you are being retaliated against, follow the steps below.

What do I do if I think I am being discriminated against?

If you think you have been discriminated against because of your disability, you may file a complaint with the federal Equal Employment Opportunity Commission (“EEOC”) or the Washington Human Rights Commission (“WHRC”). Either agency will investigate your discrimination complaint for free. You have 180 days from the date of the discrimination to file a complaint with the WHRC. Depending on the situation, you have either 180 days or 300 days to file a discrimination complaint with the EEOC. These deadlines are strict, so it is important to contact the EEOC when discrimination is suspected and pay close attention to the deadlines. The deadlines for federal employees are much shorter. If you are a federal employee, generally you must contact your agency’s EEO counselor within 45 days from the day the discrimination first occurred.

You can also discuss the issue with a lawyer and you have the right to file a disability discrimination lawsuit. You are required to file a timely discrimination charge with the EEOC before filing a lawsuit under the ADA. However, you can file a lawsuit under the WLAD without filing a complaint with either the EEOC or the WHRC.

RESOURCES

U.S. Equal Employment Opportunity Commission

Seattle Field Office

909 First Avenue, Suite 400

Seattle, WA 98104-1061

Phone: 1-800-669-4000

Fax: 206-220-6911

TTY: 1-800-669-6820

[Equal Employment Opportunity Commission \(main page\)](#)

Washington Human Rights Commission

Olympia Headquarters Office
711 S. Capitol Way, Suite 402
Olympia, WA 98504-2490
Phone: 1-800-233-3247
TTY: 1-800-300-7525

Website: [Washington Human Rights Commission \(main page\)](#)

Washington Employment Lawyers Association

Website: [Washington Employment Lawyers Association \(main page\)](#)

Job Accommodation Network (JAN)

Phone: (800) 526-7234 (Voice)
TTY: (877) 781-9403

Website: [Job Accommodation Network \(main page\)](#)

Disability Rights Washington

315 - 5th Avenue South, Suite 850
Seattle, WA 98104
Phone: (206) 324-1521 or (800) 562-2702
Fax: (206) 957-0729

Website: [Disability Rights Washington \(main page\)](#)

Northwest ADA Center

6912 220th St S.W., Suite 105
Mountlake Terrace, WA 98043
Voice/TTY: 800-949-4232

Website: [Northwest ADA Center \(main page\)](#)

Chapter 4

HOUSING

This chapter provides information about getting a rental apartment or home of your own. Housing is a basic need for everyone. Finding and maintaining housing can be a challenge the first time but this guide will help walk you through the first steps. It also provides you with information about the process for seeking reasonable accommodations and/or modifications because of a disability.

WHAT SHOULD I DO BEFORE I RENT A HOME OR APARTMENT?

It is a good idea to consider a few things before you look for a place to rent. How much can you afford to pay for rent? Does the home include utilities (water, electricity, garbage) or will you have to pay for those separately? Will you have a roommate or live alone?

Can a landlord refuse to rent to me because of my disability?

No. It is illegal to discriminate in any aspect of selling or renting housing to an individual with a disability because of the disability. If you think you have been discriminated against, you can file a complaint with the Washington State Human Rights Commission. Housing discrimination complaints must be filed with the Commission within one year of when the discrimination occurred.

So I've found a place I want to rent – now what?

You'll usually need to fill out an application to rent. A landlord will typically run a background check and possibly check references. **Read a lease carefully before signing.** Ask about anything you do not understand. If something is important to you, **get it in writing.** Do not count on a verbal promise.

Does the landlord have to make accommodations or modifications for me?

A landlord is required to provide reasonable accommodations and/or modifications if they do not impose an undue hardship. A reasonable accommodation is a change, exception, or adjustment to a rule, policy, practice, or service that allows a person with a disability to use and enjoy housing. Examples of reasonable accommodations may include providing rental forms in large print, providing a reserved accessible parking space near your building, allowing a service animal in a “no pets” building, or allowing a third-party payee.

A reasonable modification is a structural change made to a resident's living space or to the common areas of a community, which is necessary to enable the resident with a disability to have full use of and enjoyment of the housing. Reasonable modifications can include structural changes to interiors and exteriors of rental properties. Examples of reasonable modifications may include widening a doorway for a wheelchair user,

installing grab bars in a bathroom, or adding a ramp and handrails to make a main entrance accessible.

Who pays for reasonable accommodations or modifications?

The housing provider is required to pay for reasonable accommodations unless they impose an "undue financial and administrative burden." Housing providers may not require people with disabilities to pay extra fees or deposits as a condition of receiving a reasonable accommodation or modification.

Generally, the resident will be responsible for paying to make reasonable structural modifications to a property.

How do I request an accommodation or modification?

The process for requesting an accommodation from your landlord is similar to the process for requesting an accommodation from your employer. (See Chapter 3). Although you are not legally required to put the request in writing, it is a good idea to do so. Unless your disability and your need for the accommodation are both obvious, your landlord may ask you to provide written documentation from a healthcare provider verifying your disability and your need for the accommodation or modification.

Be prepared to discuss your request with the landlord and whether there are alternative accommodations or modifications that would work. For more information about this "interactive process" and a sample accommodation request letters see "Reasonable Accommodations & Modifications: Guidance for Residents with Disabilities" available at [King County Guide for Accommodations and Modifications](#).

What should I do before I move in?

Make a list of major problems in the apartment. Include the condition of walls, floors, windows, and other areas. Include any problems in the "Condition Check-In List." Both you and your landlord should sign this and keep a copy so you are not charged for things you did not do when you move out. Make sure you have your landlords contact information (address, phone number) so that if something needs to be fixed you can get help.

What's with all these extra fees?

There are six kinds of deposits and fees your landlord could collect from you when you begin renting: a screening fee ([RCW 59.18.257\(1\)](#)), a security deposit ([RCW 59.18.260](#)), a damage deposit, a cleaning fee, the last month's rent paid in advance, or an application or holding fee ([RCW 59.18.253\(2\)](#)). A "fee" means you pay it and you do not get any money back. A "deposit" may be returned if (for example) you leave the home without causing damage and cleaned.

How can I be a good renter?

- Pay rent and any utility bills agreed upon.
- Follow city, county and state regulations.
- Keep the unit clean and sanitary.
- Dispose of garbage properly.
- Properly use plumbing, electrical and heating systems.
- Restore the place to the same condition as when you moved in, except for normal wear and tear.

What must my landlord do?

The landlord must do the following:

- Maintain the house/apartment so it does not violate state and local laws
- Keep shared or common areas reasonably clean and safe
- Fix damage to the chimney, roof, floors, or any other structural parts of the living space
- Make a good attempt to get rid of any insect, rodent or other pest problems, except when you (the tenant) cause the problem
- Make repairs when something breaks in the house, except if the damage is caused by normal wear and tear
- Provide good locks for the house and give you keys for these locks
- Replace a lock or configure an existing one for a new key, at your expense, when you ask to have this done after getting a court order granting you possession of a rental unit and excluding your former co-tenant (example: ex-spouse, ex-boyfriend or ex-girlfriend, after you have gotten a restraining order against them). ([RCW 59.18.585.](#))
- Provide the appliances necessary to supply heat, electricity and hot and cold water
- Provide smoke detectors and make sure they work when you move in
- Fix electrical, plumbing, heating systems if they break
- Fix other appliances that come with the rental.

What is the best way to pay rent?

Your lease or rental agreement should say how much rent is due each month, when it is due and where to pay it. It is *not* recommended that you pay in cash. Pay with a check whenever possible. If you must pay in cash get a written receipt from your landlord and keep it in a safe place to prove you've paid your rent.

What if something needs to be fixed?

Step 1: Call AND write a letter to your landlord.

- A good landlord will want to fix the problem right away. First call them and follow up with a letter to make sure the landlord is aware of the problem.
- Describe the problem and what needs fixing.

- Include your name, the address and apartment number of the unit.
- Try to either deliver the letter personally or mail it "certified mail," and "return receipt" at the post office. This will make it easier for you to prove that your landlord got the letter.
- Make a copy of the letter to keep for yourself.

Step 2: Wait for your landlord to fix the problem.

After you give your landlord the letter about the problem, your landlord has a certain number of days to begin to make the repairs. The number of days depends on the type of problem:

- If you have no hot or cold water, heat, electricity, or if there is a life-threatening problem, your landlord has 24 hours to begin to fix the problem. ([RCW 59.18.070 \(1\).](#))
- If your refrigerator, stove, oven, or plumbing fixture is broken, your landlord has 72 hours to begin to fix the problem. ([RCW 59.18.070 \(2\).](#))
- For all other repairs, your landlord has ten days to fix the problem. ([RCW 59.18.070 \(3\).](#))

What if my landlord does not fix the problem within the required time?

- **Option 1: You can move out.** If your landlord does not make a repair within the required time, and does not remedy the situation within a reasonable time, you can move out. All you need to do is give the landlord a written notice that you are moving out. [RCW 59.18.090\(1\)](#).

The landlord is required to give you back your deposits. S/he must also give you back the equivalent of the rent for the days you have already paid.

Example: if your refrigerator breaks and you give your landlord written notice, but s/he does not fix it after 72 hours, you can move out. Say you move out on July 6th, but you have already paid rent for all of July. Your landlord must give you back the equivalent of the rent for the rest of the 25 days in July.

- **Option 2: You can go to court or arbitration.** You can hire a lawyer and go to court to force the landlord to make repairs. This may not be a very practical step for most people.
- **Option 3: You can hire someone yourself to make the repairs.** ([RCW 59.18.100.](#)) This is true in most cases. This can be a very tricky and unless you following the procedures perfectly your landlord may require you to pay the repair bill.
- **Option 4: Get Help.** Sometimes getting another voice involved can help greatly. If you are a HUD tenant then talk with the local HUD office.
- **NOTE:** You cannot withhold your rent just because your landlord has not made the repairs you've requested.

I got a “3 day” Notice on my door – what’s this?

A landlord can evict you if you fail to pay rent or are damaging the property. A 3 Day Notice gives you three (3) days to fix the problem before the landlord can file a court case to have you removed from the property. If you receive a 3 day notice – *DO NOT DELAY!* Make sure your rent is up to date and fix any damage to the property you have caused.

What happens when my landlord wants to evict me?

If you have a lease your landlord will have to have a good reason to break the lease. If you have a month-to-month rental agreement then the landlord only has to give you 20 days notice before you have to move unless you live in Seattle. You will be given a notice called a “20 Day Notice” which will have a date on it by which you must move. *If your disability makes it difficult for you to move in just 20 days, you may request additional time as a reasonable accommodation. Have your physician write a letter about how much time you need and ask your landlord (in writing) for a reasonable accommodation. Under the Fair Housing Act the landlord may be required to allow you to stay a little longer but you will be required to continue to pay rent.

What should I do if I receive a Summons and papers that say Unlawful Detainer?

A landlord may evict you if you are not paying your rent or you’ve stayed after they have asked you to leave (20 day notice). If you believe you have paid the rent then (1) file a written statement with the court stating you paid and send a copy to the person who filed the court papers (2) appear in court on the date and time listed on the first page of the “summons”. The judge will give you an opportunity to speak and you should tell the judge that you have paid or otherwise explain what has happened. The judge may set another date for you to come back and tell your story more fully.

Does my landlord have to allow my service animal to live with me?

Yes - with conditions. First, you must have a documented disability. Second, the service animal must be directly related to your disability. Third, the animal must be reasonable. For example, a guide dog for a blind person would qualify.

What are some things to consider about my service animal?

Your landlord may not charge you a deposit BUT you are responsible to pay for any damage your animal causes. If your animal becomes a nuisance (barking all night, running off leash, biting people) the landlord may require you to move or get rid of the animal.

RESOURCES

Washington Human Rights Commission

711 S. Capitol Way, Suite 402
Olympia, WA 98504-2490

Phone: 1-800-233-3247

TTY: 1-800-300-7525

Website: [Washington Human Rights Commission \(main page\)](#)

Northwest Justice Project'

CLEAR line at 1-888-201-1014

Website: [Northwest Justice Project \(main page\)](#)

Chapter 5

PERSONAL ASSISTANT SERVICES AND SUPPORT

Personal Assistant Services (“PAS”) provide people with disabilities with assistance for day-to-day tasks to help them live and work independently. Types of PAS include assistance with personal daily needs such as hygiene, meal preparation, running errands such as shopping, light housekeeping. People with disabilities may be eligible for funding to hire skilled nursing or other professionals to help with these daily needs. There are also support groups, mentoring and other community-oriented services available to people with disabilities.

What are the different types of PAS available?

People with disabilities may hire an in-home personal aide, obtain volunteer services, contract with a home care agency through Washington’s Department of Social and Health Services (“DSHS”), or participate in daytime programs for adults who need some level of care provided by a registered nurse or therapists.

How do I find out if I qualify for PAS funding?

Washington’s DSHS website provides a questionnaire for potential PAS users to determine whether or not they qualify for PAS, and what services are available. This questionnaire can be found at:

[WA DSHS Questionnaire for PAS Prescreening](#)

How do I find and employ in-home assistance?

First, you need to determine what skill level your PAS require. For example, some types of PAS require trained nursing or other professionals, while other PAS may require only basic skills. Washington State maintains a Home Care Referral Registry to match people with disabilities who receive publicly-funded in-home care services with pre-qualified home care workers. This registry may be found at: [WA Home Care Referral Registry](#).

What should I know for hiring and supervising in-home PAS?

Washington State’s Home Care Referral Registry maintains a guide for people with disabilities who employ workers to provide PAS in their homes. The guide provides information about hiring personal assistants including preparation of a job description and characteristics necessary for effective PAS, as well as tips and help with communication and delegation to PAS workers. The guide can be found at: [WA Home Care Referral Registry for PAS Workers](#)

How do I find providers of PAS?

For people with disabilities between the ages of 18 and 59, Washington offers assistance at Home & Community Services Offices, which are located in every county. To find out the contact information for your county of residence visit the website at: [Find WA Home and Community Services Offices](#).

How do I find out if I qualify for PAS funding?

Washington's DSHS website provides a questionnaire for potential PAS users to determine whether or not they qualify for PAS, and what services are available. This questionnaire can be found at:

[WA DSHS Questionnaire for PAS](#)

Also see the Benefits portion of this guide for more information.

What kinds of support services are offered in Washington State?

Washington State offers a number of services to support people living with disabilities to empower them to be contributing members of the community. In addition, there are many other resources online that offer mentoring and peer support, otherwise known as "e-mentoring."

How do I find help connecting with a support group?

Through Washington State's Developmental Disabilities Administration, people with disabilities may elect to use a case resource manager to help determine their eligibility for programs and to connect them to community resources:

[WA Developmental Disabilities Administration case resource manager](#)

The University of Washington also maintains a website connecting youth and young adults with disabilities to support groups at:

[University of Washington Disability Support Group](#)

What is e-mentoring and how do I access it?

The University of Washington helps connect students with adult mentors through its Disabilities, Opportunities, Internetworking and Technology ("DO-IT") program, which is designed to help counselors and program administrators understand the value of online mentoring. These resources are available at:

[University of Washington Mentoring and Peer Support](#)

RESOURCES

Washington State Department of Social and Health Services, Residential Services

Website: [WA DSHS Residential Services](#)

Washington State Department of Social and Health Services, Services and Programs (non-residential)

Website: [WA DSHS Services and Programs \(non-residential\)](#)

University of Washington, Resources for Parents of Children and Youth with Disabilities

Website: [University of Washington Resources for Parents](#)

Chapter 6

DAILY LIVING ASSISTIVE TECHNOLOGY

This chapter provides information about assistive technology resources for individuals with disabilities in Washington State. Assistive technology refers to items, devices, aids, modifications, and strategies that can help a person with a disability live his or her daily life. The Washington Assistive Technology Act Program ("WATAP") aims to help people with disabilities with daily living by providing assistive technology for little to no cost for help at home, school, work, recreational, and community places.

What is assistive technology?

Assistive technology is specialized adapted devices and services designed to help a person with a disability function better in his or her daily life.

What is an assistive technology device?

An assistive technology device is any item or piece of equipment used to help a person with a disability function better in their daily life. Examples of devices are wheelchairs, computers, visual aids, special switches, communication devices, seating systems, and listening devices.

What is an assistive technology service?

An assistive technology service is a person who supports a person with a disability by helping them select, acquire or use assistive technology devices.

How does an assistive device and assistive service work together?

The device is the actual item that helps a person with a disability. The assistive service is the person who helps the person with a disability find and use the assistive device.

How does assistive technology help a disabled person?

Assistive technology helps a disabled person adapt and thrive in every-day locations and situations such as home and work environments by providing practical fixes to common, everyday problems.

Where does assistive technology help a person with a disability?

Assistive technology helps a person whose disability affects him or her at home, work, school, community, and recreational areas.

What are some examples of assistive devices?

- **Computer Aids:** Specialized keyboards, monitors, switches, microphones, and touch pads help those whose disability makes it difficult to use a computer
- **Daily Living Aids:** Specialized phones, dressing sticks, reaching devices, utensils, doorknob handles, bottle and can openers, and other items help those whose disability makes it difficult to perform daily living tasks.
- **Vision Aids:** Specialized computer monitors, video magnifiers, TV remotes, bar code scanners, computer keyboards, and braille devices help vision.
- **Hearing Aids:** Specialized alarm clocks, phones, microphones, mobile phone devices, doorbells, and amplifiers help hearing.
- **Learning, Cognitive, and Development Aids:** Specialized apps, hand-held devices, phones, headphones, voice recorders, watches, and software help those with learning, cognitive, and developmental disabilities.
- **Recreational, Sport, and Leisure Aids:** Specialized apps, remotes, computer software, digital books, computer tablets, cards, MP3 players, and radios help with recreational activities.
- **Speech Communication Aids:** Specialized computers, computer software, apps, microphones, amplifiers, computer tablets, and writing devices help with speech communication.
- **Mobility, Seating, and Position Aids:** Specialized computer-related devices, reaching arms, chair supports, and office mounts help with mobility, seating, and positioning at work and home.

Who should a person with a disability contact about assistive technology?

A person should contact Washington Assistive Technology Act Program (WATAP) at 1-800-214-8731 or watap@uw.edu for information, options, demonstrations, trying out devices or if he or she has any questions about how assistive technology can help them.

Is there a general list of assistive technology devices on the internet?

Yes. A list of technological devices can be found at: [Washington Assistive Technology Act Program](#)

Are there demonstrations of assistive technology devices?

Yes. Device demonstrations occur at the University of Washington Center for Technology and Disability Studies and its partners. Contact WATAP at 1-800-214-8731 or watap@uw.edu to schedule a demonstration.

Can a person try out a device before buying it?

Yes. A person with a disability may visit the University of Washington Center for Technology and Disability Studies for a free, hands-on comparison of the products and devices. Here, an experienced and impartial assistive technology specialist will guide a person through product features. A person may also visit partners from around the state

by prior appointment to test out devices. Contact WATAP at 1-800-214-8731 or watap@uw.edu to schedule a try out.

What happens if I cannot visit Seattle or another partner to try out devices?

No problem. The University of Washington Center for Technology and Disability Studies will ship devices directly to you, so that you may try the devices for free in the environments where they are needed. Contact WATAP at 1-800-214-8731 or watap@uw.edu for shipping options.

What happens if I don't know what assistive technology options are best for me?

No problem. Contact WATAP at 1-800-214-8731 or watap@uw.edu for a free consultation and/or evaluation. The Center conducts free service evaluations at the workplace, school or home to identify the best assistive devices for an individual with a disability.

How much does assistive technology cost?

Assistance technology costs very little or is free to qualified persons. The WATAP also offers three financing programs for individuals to independently obtain assistive devices and services, home and vehicle modification or business equipment.

Are there apps to help a disabled person?

Yes. Apps specifically designed to help disable persons may be found at:

- Daily App Show: <http://dailyappshow.com>
- Apple Vis: <http://www.applevis.com>
- BridgingApps: <http://Bridgingapps.org>

Are their webinars about various assistive technology topics?

Yes. Several webinars may be found at: <http://watap.org/resources/>.

Where is the Washington Assistive Technology Act Program located?

The WATAP is located at the Center for Technology and Disability Studies on the University of Washington campus at:

1701 NE Columbia Road
University of Washington
Seattle, WA 98195.

Website: [WA Center for Technology and Disability Studies Directions](#)

How do I contact the Washington Assistive Technology Act Program?

Call toll-free at 800-214-8731 or 866-866-0162 or email at watap@uw.edu.

RESOURCES

University of Washington Center for Technology and Disability Studies

Website: [UW Center for Technology and Disability Studies](#)

Washington Access Fund

Website: [Washington Access Fund \(main page\)](#)

Job Accommodation Network (JAN):

Website: [Job Accommodation Network \(main page\)](#)

JAN's Searchable AT Database:

Website: [JAN Searchable Assistive Technology Database](#)

Chapter 7

TRANSPORTATION

This chapter provides information about transportation resources for students and adults with disabilities. It includes information about transportation services and travel training under the Individuals with Disabilities Education Act (IDEA), the Puget Sound Reduced Fare Permit for riders with disabilities, and paratransit services.

What transportation services are available under IDEA?

Transportation is a “related service” under IDEA. Transportation services may include travel to and from school and between schools; travel in and around school buildings; and specialized equipment such as special or adapted buses, lifts, and ramps. A student’s individualized education plan (IEP) team is responsible for determining (1) if transportation is required to assist the student benefit from special education and related services, and (2) how the transportation services should be implemented.

Special education also includes travel training. Travel training is instruction that helps students with disabilities develop awareness of the environment in which they live, and learn the skills necessary to move effectively and safely from place to place within that environment. Transportation and travel training are important services you and your IEP team may consider as you begin to think about the transition out of high school.

May I be denied public transportation because of my disability?

No. No transit provider (bus, train, taxi) may deny service to a person with a disability because of that disability. Nearly all buses are required to be wheelchair accessible. Sedan taxis are not required to be wheelchair accessible.

What is a Puget Sound reduced fare permit?

The Regional Reduced Fare Permit simplifies travel for disabled riders of public transportation around Puget Sound. With the Regional Reduced Fare Permit, eligible persons do not need to carry more than one permit to receive reduced-fare benefits of multiple systems within the region. An individual must pay a fee of \$3 to obtain the permit. A Personal Care Attendant Regional Reduced Fare Permit is also available if you need a personal aid to facilitate travel all or some of the time.

The following public transportation systems in the Puget Sound region recognize reduced fare card: Community Transit, Metro Transit, Everett Transit, Pierce Transit, Intercity Transit, Seattle Waterfront Streetcar, Jefferson Transit, Skagit Transit, Kitsap Transit, Sound Transit, Mason Transit, and Washington State Ferries.

To be eligible for a Regional Reduced Fare Permit you must have proof of one of the following:

- Eligibility for Social Security Disability Benefits or now receives Supplemental Security Income Benefits because of disability;
- A valid Medicare card issued by the Social Security Administration;
- A valid Regional ADA Paratransit card;
- A valid ADA Paratransit card from outside the region;
- An obvious physical impairments meeting one or more of the medical criteria;
- A current IEP in Washington;
- Is certified by a Washington State-licensed health care provider as meeting certain medical criteria.

What is ADA paratransit?

The Americans with Disabilities Act (ADA) requires transit agencies to provide paratransit services to people with disabilities who cannot use the fixed route bus or rail service (also known as mainline service). In general, paratransit service must be provided within 3/4 of a mile of a bus route or rail station, at the same hours and days, for no more than twice the regular fixed route fare. The ADA further requires that paratransit rides be provided to all eligible riders if requested any time the previous day, within an hour of the requested time.

Are all people with disabilities eligible for paratransit services?¹

No. Paratransit eligibility is granted an individual with disabilities for any trip s/he would be unable to make on the available, fixed route transit system. Some individuals might be eligible for paratransit services on all trips they make. Other people might be eligible only for certain trips, under certain circumstances.

An individual can become eligible for paratransit services under any of the following circumstances:

1. An individual is unable (due to her or his impairment) to board, ride, or disembark from an accessible transit system. In this circumstance, the individual would be paratransit eligible for all trips that s/he makes.
2. An individual can ride accessible transit, but such transit is not available. The individual would be eligible for all trips where accessible transit is not available.

¹ The information below about eligibility for paratransit services is from previously published resources developed by Disability Rights Washington. You may link to those resources here: [Eligibility for paratransit services \(Disability Rights Washington\)](#)

3. An individual's disability prevents her or him from getting to or from the transit stop. Architectural barriers and/or environmental conditions may allow an individual to be eligible for certain trips.

Two examples of how this might affect eligibility are given below.

Examples:

"Mary" uses a wheelchair and the buses in her city are wheelchair accessible. She regularly takes one bus route to work and another to visit her friend. There are curb cuts on the street leading to the bus stop that takes her to work, but not on the streets leading to the bus stop that goes to her friend's house. Mary would be eligible for paratransit services when she visits her friend, but not going to work.

"John" has a health condition that makes it difficult for him to walk long distances. The bus stop near his home is less than one half mile away, and he is able to walk that distance in pleasant weather. When it gets hot outside, however, John tires much more quickly, and is unable to make it to the bus stop safely. John would be eligible for paratransit services when the temperature became too hot for him to walk to the bus stop.

Are there other rules that affect whether or not I am eligible for paratransit?

There are quite a lot of rules that may affect your eligibility for paratransit. One of regulations that you should be aware of is sometimes called the "¾ mile rule." Remember that paratransit operates 'alongside of' the existing transit system. The ¾ mile rule states that the transit provider only has to provide paratransit service in a corridor that extends ¾ of a mile on either side of existing transit routes. This means that in order to be eligible to receive paratransit service you usually must start and end your trip within ¾ of a mile of an existing transit route.

There is an exception to the ¾ mile rule that may be to your advantage. If you are more than ¾ mile from a fixed transit route, but you are within the transit authority's system of routes, you may be eligible for paratransit services. In order for this exception to apply, you must be completely surrounded by the transit authority's fixed routes, and your trip must begin and end within the core service area of the transit system.

Some transit providers offer paratransit service outside of the ¾ mile limit. Be sure to ask your transit authority about their local rules.

How do I apply for paratransit service?

Contact your local transit authority and ask for the ADA/paratransit coordinator. In some cases you may be able to contact the transit authority by e-mail. The transit authority will send you an application form. If you require the form in an alternative format, they will provide it for you in the format you need.

Chapter 8

GOVERNMENT BENEFITS

This chapter provides information about what public benefits may be available to you once you turn 18.

When I turn 18, will my parent's income affect my Supplemental Security Income (SSI) payments?

No. The process of determining how parental a parent or guardians income will affect a child's benefits is called "deeming." Deeming no longer applies the month after a child turns eighteen years of age. For example, if a child receiving SSI benefits turned eighteen on July 2 of this year, in August her parent's income and resources would no longer be taken into consideration for purposes of SSI.

I am under the age of twenty-two. Do I qualify for SSDI benefits?

You may qualify for SSDI if all of the following apply:

- A parent/guardian is deceased, disabled or receiving social security retirement benefits
- You are not married
- You are over the age of 18
- Your disability began prior to the age of twenty-two

Can I qualify for SSDI benefits if I am over the age of 22?

Yes, provided you meet the conditions listed above.

Can I work while I collect SSI or SSDI benefits?

Yes. But the more you work and the more income you receive, the more likely your benefits will reduced or eliminated. The answer will also depend on whether you receive SSDI benefits or SSI benefits:

IF YOU RECEIVE SSDI BENEFITS

If you are an SSDI recipient, you cannot work and make more than \$1,070 per month (or \$1,800 if you are blind). However, SSDI recipients are entitled to test their ability to work during a nine-month trial period. For 2014, the Social Security Administration (SSA) considers any month where a person has a monthly income of more than \$770 a trial work month. If you are self-employed, any month where you work more than 80 hours (or earn more than \$770) is a trial work month.

Once you have completed the nine-month trial work period, you can still receive SSDI for any month where your earnings fall below the SGA level, for a period of 36 months. This is called the extended period of eligibility. In other words, if you earn more than \$1,070 per month, you won't get disability benefits for that month.

If your SSDI payments have stopped because your income is substantial, the SSA gives you five years during which your benefits can be reinstated if you stop work because of your disability. During the five-year period, the SSA will not require you to file a new disability application to get benefits. This is called expedited reinstatement.

If you lose your job during the trial work period, your disability benefits will not be affected. If you lose your job during the 36 months following the trial work period, and you are still disabled, you will need to call the SSA to have your disability benefits restarted.

IF YOU RECEIVE SSI BENEFITS

You can begin to work and continue to receive SSI benefits as long as your wages and other resources do not exceed the SSA's income limit for SSI (\$721 per month for individuals, and \$1,082 for couples). But your monthly benefit amount will be reduced in proportion to your income.

For instance, if your only income is from your job, the SSA does not include the first \$85 you earn toward your countable income. After the \$85 adjustment, the SSA will deduct 50 cents for every dollar you earn from your monthly benefits. Here is an example of a person who earns \$1,070 a month from working: $\$1,070 - \$85 = \$985 \div 2 = \492.50 . The individual's monthly SSI benefit amount would be reduced by \$492.50.

If your SSI payments stop because you earn too much money, but you are subsequently forced to quit work because of your disability, the SSA will reinstate your benefits without the need for a new application for a period of five years.

Under either circumstance, it is important that all SSI and SSDI recipients report the following to the SSA: (1) your monthly wages; (2) the start and stop date for any job; (3) any changes to duties, pay scale, or hours worked; and (4) whether you have any work-related expenses as a result of your disability. Expenses are important to report because the SSA will deduct any work-related expenses that a non-disabled person would not have to incur from your monthly earnings when calculating your benefits.

Can I collect Medicare or Medicaid benefits along with disability benefits?

Yes. Medicaid is state and federal government-sponsored healthcare program for low-income families, while Medicare is a federal government-sponsored program primarily for seniors.

In Washington State, if you are approved for SSI benefits, you will automatically be approved for Medicaid benefits. There is no waiting period to receive these medical

benefits. If you are approved for SSDI benefits, you will receive Medicare. Note that if you are receiving SSI benefits, you will typically only receive Medicaid coverage. In addition, for SSDI recipients, you will not be able to receive Medicare benefits until two years after the date you are entitled to receive benefits.

Chapter 9

HEALTH CARE

This chapter provides information about your right to access health care and to make decisions about your own health. It also provides information about options for obtaining either private or public health insurance coverage.

Can I be denied healthcare because I am a person with a disability?

No. The Americans with Disabilities Act and the Washington Law Against Discrimination prohibit the denial of healthcare to someone because the person has a disability.



Can I make my own choices regarding my health care?

If you are under 18, your parents or legal guardian have the right to make health care decisions for you. However, in some instances, you may be able to make health care decisions for yourself before 18. For instance, you only need to be 13 to choose to receive outpatient or inpatient mental health counseling or substance abuse treatment. However, you need to inform your parent or guardian to receive inpatient mental health treatment. For substance abuse treatment, even if it is outpatient, the clinic may notify your parents if they believe you are not capable of making a rational choice for yourself.

Once you turn 18, you may be able to make all health care decisions for yourself. In Washington, a competent adult has the legal right to make treatment decisions for him or herself.

Health care providers are required to get “informed consent” from you (or the person authorized to consent on your behalf) for any medical treatment or procedure that is performed on you. This means that your medical provider must give you enough information to make an informed, reasoned decision about whether to have the treatment. Talk to your doctor about the risks and benefits of the treatment, and whether there are alternative treatments available. You have the right to ask questions. If you are attending a doctor appointment, exam, or health-related meeting, you also have the right to bring a friend or someone else with you. Before you have a medical appointment, consider

making a list of topics or questions you want to discuss with your health care provider and bring the list with you. Asking questions about your medical care is an important part of being a self-advocate.

Can I make my own choices regarding having or adopting a child?

In Washington, a woman has the right to choose to have a child or to have an abortion. In Washington, you have a legal right to have an abortion until 26 weeks of pregnancy. You are not legally required to get your parents' permission. Women also have the right to choose whether to use birth control. Certain types of birth control may not be covered under your health insurance. However, you may qualify for free birth control depending on your income. If you have questions about sex, birth control, pregnancy and/or abortion, consider talking to an adult you trust.

The Americans with Disabilities Act protects the rights of a person with a disability to adopt a child. The determination of whether a person may adopt a child is based upon a number of factors.



I am on Medicaid, will my benefits continue once I turn 18?

If you are currently on Medicaid, you will have to reapply when you turn 18 years old. If you previously were not on Medicaid, depending on your income, you may be eligible for Medicaid when you turn 18 years of age. (See Chapter 8). The government will only consider your income for Medicaid eligibility when you become a legal adult. You may also have private insurance and still be eligible for Medicaid. This is called secondary insurance. You may remain on your parents' health insurance until the age of 26. Medicaid may pay medical expenses not covered by private insurance, for example, co-pays. In Washington, Medicaid is referred to as "Apple Health."

To apply for Apple Health, go to: [Apple Health Finder](#).

For additional information on using Apple Health, see the guide at: [Guide for Apple Health](#).

What other options are available to me for health insurance?

Many employers provide health insurance coverage. If you are unsure of your medical benefits, you should speak with your supervisor or a human resources representative, if your employer has a human resources department.

As part of national health care reform, health insurance plans are now available to individuals who may not receive health care benefits at their jobs or who do not qualify for other health care plans. The Washington Health Plan Finder is where you can learn more about health care coverage and apply for coverage. If you choose to purchase health care, be aware of open enrollment dates. If you miss a date and do not qualify for an exception, you may have to wait until the next open enrollment period.

The Washington Health Plan Finder can be accessed at: [WA Health Plan Finder](#).

What happens if I am over 18 and can't make health care decisions for myself?

There are a number of options of people who may assist you in making health care decisions. The first choice would be to enlist the help of your parents or your legal guardian to advise you but to keep legal responsibility for making your own health care decisions. For instance, a young adult may consult with his or her parents or legal guardian and healthcare provider but ultimately, the young adult would make the final decision regarding that person's health.

Another choice is for you, a parent, or legal guardian to petition the court for the appointment of a guardian. A court may appoint a guardian for a person the court finds incompetent. A person may be found "incompetent" if a mental illness, developmental disability, habitual drunkenness, senility, excessive use of drugs, or other mental incapacity affects the person's ability to properly care for himself or herself. There are different types of guardianship. In Washington, the guardianship of a person allows the guardian to make non-financial decisions for the individual. Once the court establishes a guardianship, a young adult's legal right to make certain decisions with respect to the person's personal and/or financial affairs no longer exists and the responsibility for those decisions is given to the court-appointed guardian.

The court may also establish a limited guardianship. In that situation, the court chooses to let the young adult remain in control of certain rights the court determines the person is capable of exercising on his or her own.

Be careful. Guardianships severely limit your decision-making abilities. You should carefully consider whether a guardianship is the best means to help you with making decisions. Also, you have a say in who you want the court to appoint as a guardian. A guardianship also does not have to be a permanent situation. You should talk with people you trust regarding a plan to end the guardianship as you become more independent and make more decisions on your own.

INVOLUNTARY TREATMENT ACT

Could I be detained or forced to be treated for a mental disorder?

If you have a mental disorder and meet the following criteria, you may be detained and involuntarily treated:

HARM TO SELF: A substantial risk of serious harm indicated by threats (written or verbal) or attempts to commit suicide or inflict physical harm on one's self.

HARM TO OTHERS: Behavior that has caused harm or places others in reasonable fear of sustaining harm. Can be written, verbal, or actual assaultive acts.

PROPERTY DAMAGE: Behavior that has caused substantial loss or damage to the property of others.

GRAVELY DISABLED: Behavior that results in the individual being in danger of serious physical harm resulting from the failure to provide for his/her needs of health and safety or, the individual has shown a deterioration in routine functioning which is evidenced by a repeated and escalating loss over his/her actions and is not receiving necessary care for health and safety needs.

How Long could I be Held?

Initial Detention and Assessment you may be held no longer than 72 hours.

14 Day Hold – If a judge determines you meet the criteria you may be held up to 14 days. After 14 days the court may issue one more order for 14 days.

90 Day Hold - If a judge determines you meet the criteria you may be held up to 90 days.

180 Day Hold - If a judge determines you meet the criteria you may be held up to 180 days.

The maximum amount of time you may be held is 180 days. After that the court must hold another hearing to decide if you still meet the criteria to continue to hold you.

What happens when my time is up?

At the end of each stage there are only three (3) things that can happen.

You are released

There is a court hearing or

You agree to continue treatment

Could I Be Forced to Take Medication?

A court hearing is required to determine if there is legal justification to force you to take medication. Usually the justification is that the medication has worked in the past and taking the medication will help you get released faster. You may be medicated during the first 72 hours without a court order

What is a Less Restrictive Treatment or LRA?

Less restrictive measures mean that the person must enter outpatient treatment as the court order dictates. Most often the order will specify that the person must participate in recommended treatment and take prescribed medication. The court may also state where she/he has to live – for instance, at home or in a residential facility. If the person on a less restrictive court order does not follow through, she/he may be revoked and returned to the hospital pending a revocation hearing.

COURT HEARINGS

Going to Court

If a facility wants to hold you beyond 72 hours you are entitled to a court hearing before a judge or commissioner.

What happens in court?

At court evidence and arguments will be presented to a judge or jury. Evidence can be doctors or witnesses talking about you or your health, medical records, photos or other things that will help someone decide the case.

You can testify or speak to the judge/jury but you must wait until it is your turn. In court everyone takes turns so each side gets a chance to talk. It may be difficult to wait to speak but you will get a chance to tell your side of the story.

Would I Get a Judge or Jury?

For a 14 day request a judge or commissioner will decide the case. For 90 or 180 day requests you may decide to have a judge or jury decide your case. Talk to your lawyer about what is best for your case.

Would I Get a Lawyer?

Yes! If you are held beyond 72 hours you are entitled to a lawyer. If you cannot afford a lawyer the court will appoint one to you at no cost to you.

A lawyer can help you understand the law, call witnesses to speak for you, argue for things you want, argue against things you do not want and generally help you with your case. Lawyers have special training and skills and want to help you.

What happens at the end of the hearing?

At the end of the hearing a judge or jury will decide if you meet the criteria to be held (detained) and if it is necessary for you to take medications.

Gun Rights

Your right to own or possess a gun may be effected by a 14, 90 or 180 day hold. Talk with your lawyer about your rights and how to get your rights back if you lose the right to have a gun.

Keeping yourself out of this process!

No one enjoys being Involuntarily Treated. You can help yourself by following some basic steps:

- Keep your mental health appointments
- Take your medications as prescribed
- If your medications are not working then talk with your doctor before you stop taking them
- Find a support group or friends who will support you
- Don't use illegal drugs and avoid people who do

This section on Involuntary Treatment is based on the following laws:

RCW 71.05 (adults)

RCW 71.34 (minors)

RESOURCES

Publications:

“Making My Own Decisions,” prepared by Disability Rights Washington, found at: [Making My Own Decisions \(Disability Rights Washington\)](#).

“Who Can Adopt?” prepared by the U.S. Department of Health & Human Services, Administration for Children & Families, found at: [Who Can Adopt? \(US Dept. of Health and Human Services\)](#).

“Know Your Reproductive Rights in Washington State,” prepared by Legal Voice, found at: [Reproductive Rights \(Legal Voice\)](#).

“Homeless Youth Handbook – Legal Issues and Options,” prepared by Columbia Legal Services Children and Youth Project, Starbucks, and Baker & McKenzie, found at: [Homeless Youth Handbook \(Columbia Legal Services\)](#).

Agencies and Organizations

U.S. Department of Justice Disability Rights Section
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001
Phone: 1-800-514-0301 (voice) or 1-800-514-0383 (TTY)
Website: [US Dept. of Justice Disability Rights Section](#)

Washington State Health Care Authority
For program specific websites and mailing address, see links listed on website.
Website: [WA Health Care Authority](#)

Washington Apple Health (Medicaid)
Health Care Authority
P.O. Box 45502
Olympia, WA 98504-5502
Phone: 1-800-562-3022 or 711 (TTY)
Website: [Apple Health](#)

Washington State Department of Social and Health Services
DSHS Customer Service Center
P.O. Box 11699
Tacoma, WA 98411-9905
Phone: 1-800-737-0617
Website: [WA Dept. of Social and Health Services](#)

Use the above address for benefits application or eligibility questions.

Washington State Department of Social and Health Services
DSHS Constituent Services
P.O. Box 45130
Olympia, WA 98504-5130

Use the above address for general information.

Washington Health Benefit Exchange
Phone: 1 (855) 923-4633
E-mail: customersupport@wahbexchange.org

Washington Health Plan Finder
Website: [WA Health Plan Finder](#)

Disability Rights Washington
315 5th Avenue South, Suite 850
Seattle, WA 98104

Phone: (206) 324-1521 or (800) 562-2702

Website: [Disability Rights Washington \(main page\)](#)

Legal Voice

907 Pine Street, Suite 500

Seattle, WA 98101

Phone: (206) 682-9556

Website: [Legal Voice \(main page\)](#)