



# SUPPORTED DECISION MAKING AND TRANSITION TOOLKIT

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**Disability  
Rights** OHIO

# SDM and Transition Toolkit

## TABLE OF CONTENTS:

**General Tips** **Page 3**

**Introduction** **Page 4**

**Education** **Page 6**

- ❖ Words to Know - Education: **Page 6**
- ❖ Transfer of Rights in Ohio: **Page 7**
- ❖ Graduation for Students with Disabilities: **Pages 9-11**
- ❖ A Good IEP Can Help you Transition to College: **Pages 12-14**
- ❖ Forms: **Page 15**
  - Template Letter: What I Want to Work On, **Pages 16-18**
  - Template Letter: Consent for Continued Advocate Involvement in Education/IEP, **Page 19**
  - Template Letter: FERPA Consent to Release Student Information, **Page 20**

**Healthcare** **Page 22**

- ❖ Words to Know - Health Care: **Page 22**
- ❖ Advance Directives: **Page 23**
- ❖ Durable Power of Attorney for Health Care: **Pages 24-26**
- ❖ Declaration for Mental Health Treatment: **Pages 27-28**

**DD/Government Services** **Page 30**

- ❖ Words to Know - DD Services/Government Services: **Page 30**
- ❖ Services from Your Local Board of Developmental Disabilities: **Pages 31-34**
- ❖ Forms
  - Template to Request an Advocate to Help You with Developmental Disability Services, **Page 35**

**Financial** **Page 36**

- ❖ Words to Know - Financial: **Page 36**
- ❖ Social Security Benefits: **Pages 37-40**
- ❖ STABLE Accounts: **Pages 41-42**
- ❖ Financial Power of Attorney: **Page 43**

**Employment** **Page 45**

- ❖ Words to Know - Employment: **Page 45**
- ❖ Finding Competitive, Integrated Employment Opportunities: **Page 46**
- ❖ Employment and Reasonable Accommodations: **Page 47**
- ❖ Requesting a Reasonable Accommodation at Work: **Page 48**

**Conclusion** **Page 50**

# GENERAL TIPS

## MOVING AROUND

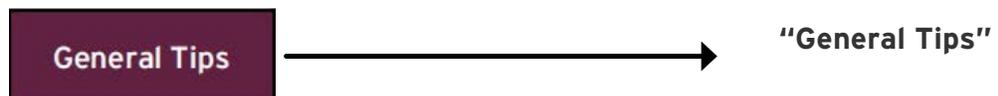
**If you use a screen reader**, using the document's bookmarks will be the easiest way to navigate the document. All readings, activities, and images in this document use accessibility tools that should allow you to seamlessly access each item. The rest of the content in this section ("Moving Around") will describe using visual tools. To skip this, go to ("Introduction").

**If you do not use a screen reader:** This guide is set up to be interactive and easy to use. On the left side of the guide, there are 8 colorful tabs with topics. Clicking on a tab will either show other pages inside that group or take you to the only page in that section. Tabs with more than one topic will show small rectangles under the first tab. Tabs with only one topic will be a single rectangle.

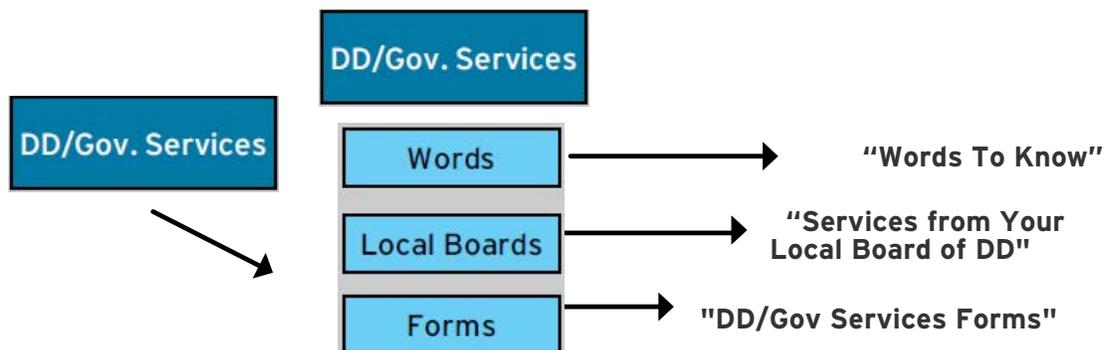
You can also use the Table of Contents to click directly on the page you want to visit. The Table of Contents uses direct links, and you can easily get back to it by clicking the "Home" button at the bottom of each page.

You can move one page forward or backward by scrolling the document OR by clicking the forward and backward arrows at the bottom of each page.

**Example:** If you click on the General Tips tab, (where you are now) you will be taken directly to the only reading in that section, called "General Tips"



**Example:** If you click on the DD/Gov Services tab, the tab will expand to show you three different parts in that section about K-12 Education and Education after High School. Then, you can click on one of these readings to go directly to that page. If you want the tabs to be hidden again, scroll your mouse up on your keypad next to the tabs.



Clicking on the home button will take you directly back to the Table of Contents page. For screen readers, this button is labeled as "Home button: Click to return to Table of Contents"

Clicking on the forward (right-facing) arrow will take you one page forward in the document. For screen readers, this button is labeled as "Forward button: Click to go one page forward"

Clicking on the backward (left-facing) arrow will take you one page backward in the document. For screen readers, this button is labeled as "Backward button: Click to go back one page."

## **INTRODUCTION**

### **What is the purpose of this toolkit?**

This toolkit provides information, resources, and templates to help individuals with disabilities plan for the future. The toolkit will help people with disabilities to gain independence and make decisions in adulthood. This guide was written and put together by attorneys and advocates at Disability Rights Ohio, Ohio's designated Protection & Advocacy system for people with disabilities. This guide does not provide legal advice. This guide is a tool to assist with decision-making. While this interactive guide is intended to be accessible to many, please email DRO Communications at [communications@disabilityrightsohio.org](mailto:communications@disabilityrightsohio.org) if you need a different format.

This guide is designed to help individuals with disabilities explore options for assistance with decision-making, including supported decision-making, powers of attorney, and options other than guardianship that are less restrictive. These tools can also help those with a guardian make decisions alongside their guardian.

### **Who can use this toolkit?**

This toolkit is for individuals with disabilities, as well as their support people, including family, friends, caregivers, and people who assist them with supported decision-making.

### **What is Supported Decision Making?**

Supported decision making lets people choose someone to help them make important decisions about their lives. Everyone needs support to make important decisions about their work, school, money, and more. Supported decision making lets people select friends, family, or others to help them with making decisions while practicing self-determination and independence.

## **What is Guardianship?**

Guardianship is the legal role given to an individual to manage the personal activities of another person. This happens when the court has decided that someone, called a **ward**, cannot make their own decisions. The court appoints a guardian to assist the ward with making decisions. Guardians may make decisions about the ward's health care, where they live, how their money is spent, and other personal choices.

The guardian should consider the wants and wishes of the ward. The court can end a guardianship if the ward is re-evaluated and the court determines that the ward can make their own decisions. Sometimes this is called "becoming your own guardian."

Guardianship is not appropriate for everyone. The need for a guardianship is specific to each individual situation and each potential ward. However, wards, or people with guardians, can use the tools in this kit to make decisions about their lives and work with their guardian to implement their decisions.

This toolkit also provides examples of alternatives to guardianship, including supported decision making, powers of attorney, and others.

We hope that this toolkit makes you feel confident in speaking up for what you want in your life. For more information you can contact Disability Rights Ohio at **614-466-7264**

Special thanks to:

*Shannon Baldwin, Katie Barnes, Aileen Brock, Emily Durell, Lindsey Evans, Claire Gaglione, Kristin Hildebrant, and Ginger Wilson*

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# Education

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## Words to Know:

- **Usual support person** - A person who can help you along in your planning and decision making.
  - **Transfer of rights** - This happens when you turn 18. You become in charge of your own life and decisions unless you choose to name someone to help you.
  - **Diploma** - A piece of paper that shows you have completed high school.
  - **Summary of Performance ("SOP")** - A document that describes the most updated information about you, including your college or career goals, your academic achievements, and recommendations for support.
- 

Your high school years are an important time when you can plan what you want to do with your future. Before you are 18, you may have your **usual support people** in place to help you along in the process. Usual support people may include your parents or other trusted adults. When you turn 18, you will be responsible for making your own decisions about your future and your usual support people may not be able to help you unless you *say they can*. This section can help you learn how to include your usual or preferred support people in your decision making.

***When students with disabilities turn 18, they automatically gain the right to make educational decisions for themselves.***

It is exciting to be in charge of your own future, but if you want supports with educational decisions, there are forms included in this section that you can fill out so that your parent/advocate can see important education information and be included in your planning process after you turn 18.

Your IEP team can help you decide what pathway you want to take to graduate. You can decide if you want to go to college or get a job after high school, and you can prepare for any accommodations you will need. This section gives you information on how your IEP team can help you make these processes easier. Everyone is different, and you get to decide what you want to do and plan your educational and work future.

## **Transfer of Rights in Ohio**

If you have an Individualized Education Program ("IEP"), when you turn 18 years old, you become the only educational decision-maker for your special education. This is called the **transfer of rights**. Transfer of Rights means that making decisions will go from your parent to you.

- *What Schools Have to Do:* On or before your 17<sup>th</sup> birthday, the IEP must include a statement that you and your parent have been informed of the transfer of rights that will occur when you turn 18.

### *Student's Rights*

- Once you turn 18, all the educational decision making rights transfer to you
- This means that you will have the right to:
  - Receive notice of and attend IEP meetings.
  - Consent to re-evaluations. These are things like a new Evaluation Team Report ("ETR").
  - Consent to change of placement. This means moving from one educational setting to another.
  - And make any other decision relevant to your special education that was formerly made by your parent.

### *Parent's Rights*

- When their student turns 18, parents no longer have educational decision making rights.
- However, a parent can still support their student in many ways. If the student allows them to, a parent can provide advice, come to IEP meetings with their student, help their student review and understand the IEP, and support their student's right to make decisions however the student wishes.

***To formally request that your school continue to include your parent in IEP discussions, see our "Consent for Continued Advocate Involvement in Education/IEP" form on page 15.***

### *Preparing for the Transfer of Rights*

Don't let the transfer of rights take your family by surprise! Be aware that rights are transferred once you turn 18 and that you can work on developing the self-advocacy skills necessary to become your own educational decision-maker at that age.

- Before you turn 18, attend your IEP meetings
- Review your IEP and make sure you understand your rights and what the IEP provides
- Participate in planning your IEP, or leading the IEP meeting discussions

# **Graduation for Students with Disabilities**

In Ohio, there is only one diploma for graduation. A diploma is a piece of paper that shows you have completed high school and you have graduated. How you get a diploma can make a difference in your future. There are different ways to get a diploma. Depending on the path you take, you will have different experiences in school. You should think about what you want to do in the future before you decide on the path you take to get a diploma.

The typical (or usual) pathway to graduation will generally give you the best chance at going to college and getting a good job because you will have taken all the necessary classes and met all the usual requirements to graduate. Most students will get a diploma through the typical pathway.

*The pathways to getting a diploma can change depending on what year you graduate. You can get the most current information on graduation pathways by contacting the Ohio Department of Education and Workforce or asking a guidance counselor.*

## **Typical Pathway to a Diploma**

Most students follow the typical pathway to get a diploma. This means that you will do the work that most students do, take the tests that most students take, and get credits in the different subjects in school. Once you get the credits you need and meet any other graduation requirements, you are eligible for a diploma and graduation.

There are benefits to taking the general pathway to a diploma. You will get the same education that most students get, and you will learn about a lot of different subjects. Having this knowledge will help prepare you for college or a job. You will also have the information you need to take any entrance tests you need to take to get into college or get a job.

*The typical pathway puts you in a good position if you want to go to college or get a job in the community with good pay.*

## Other Pathways to Get a Diploma for Students with Disabilities

For students who have an IEP, there are other ways to get a diploma. These ways are different from the typical pathway and can allow a student to get a diploma by using IEP goals to meet class requirements, taking different standardized tests than other students take, or not being required to meet required standardized test scores.

These pathways to graduation will not be the same type of education that most students get. You may not be doing the same work as other students or get all the information and knowledge that other students get. This can impact how much you know and how well you would do on college entrance exams or tests that an employer might use. These pathways may also prevent you from getting into some colleges if the college has high entrance requirements such as a high test score.

***No matter what path you take to graduation, you can ask to have the same access to classes and school programs through your IEP team.***

Students with IEPs can stay in school and work toward getting a diploma for longer than most students. You can stay in school until you turn 22 if you need extra time to meet the requirements for a diploma.

***Other pathways can help students with disabilities get a diploma when they would not be able to get a diploma in the typical way.***

## What Pathway is Right for me?

The typical (or usual) pathway to a diploma and graduation will provide you with the best chance of getting a job or getting into college or vocational school. You can start thinking about how you will get a diploma as soon as you start high school. You can talk with your IEP team, guidance counselor, and others about your goals after high school and what pathway is most likely to support your goals.

Remember that you can get extra support and services through your IEP to help you meet the requirements of the typical pathway to a diploma. If you want to go on to college, vocational school, or get a job with good pay, you can ask your IEP team to write an IEP that will help you meet those goals.

*You can attend your IEP meetings and have a say in what pathway you take to get a diploma.*

# **A Good IEP Can Help You Transition to College**

If you want to go to college after high school, you can make that transition easier if your IEP clearly describes the accommodations you received in school and if your educational testing is up to date. For many colleges, a well-documented IEP and recent testing can provide the necessary information to get accommodations in college.

Students with disabilities will not have an IEP in college. IEPs are only provided to students through high school. In college, you may be eligible for reasonable accommodations that help you access college programs. Colleges are not required to provide the same accommodations you received in high school. You will need to show the college what accommodations are necessary for you by explaining your disability and the accommodations you need. The IEP can be used as a starting point in getting the accommodations you need in college.

***College accommodations can include things like extra time on tests, a quiet testing location, digital books, technology, and preferred seating. Colleges do not have to provide course modifications, tutoring, or services that would be considered personal care.***

## Review Your IEP

When you go to college, you will be responsible for asking for and getting the reasonable accommodations you need. You will not have an IEP team that helps you make decisions, and your parents will not be involved in the process. You will be in charge, and you can prepare for that responsibility.

To help prepare, you can review your IEP and make sure:

- Your IEP clearly describes the accommodations you need in high school
- You understand and can explain the accommodations that worked for you
- You have recent evaluations from school that document your disability (the date of the last evaluation should be documented on your IEP)

## Complete the Summary of Performance for your IEP (SOP)

Before you graduate high school, your IEP team should meet to complete the **Summary of Performance ("SOP")**. This is a document that describes the most updated information about you, including your postsecondary (college or career) goals, your academic achievements, and recommendations for support. The recommendations for support should include the accommodations, modifications, assistive technology, and other supports that worked for you in high school. The SOP is another document you can provide to your college to support your request for accommodations. At many colleges, the SOP is necessary to receive your accommodations. If you plan to go to college, you should ask your IEP team to complete the SOP a year before you enroll in college, or within your first year of college at the latest.

Colleges will ask you for information about your disability and needed accommodations. Each college has its own policies about what information it will collect. Having a clear IEP and SOP documenting you are a student with a disability, what accommodations you need in school, and up-to-date evaluation information will provide much of what the college will want.

## Plan Ahead

If you know you are going to college after high school, you should review your chosen college's information about students with disabilities. Most colleges have an office of disability services that can tell you exactly what you will need to ask to get accommodations in college. If you know this information before you graduate from high school, you can follow the preparation steps above to get the information you need to provide to the college. Having this information early in the process of applying for college can help you start college with all your accommodations already in place.

## Prepare to Advocate

Once you enroll in college, you should be prepared to advocate for accommodations. You should be prepared to discuss your disability and how it impacts your learning and daily life, your need for accommodations (including accommodations you have used in the past that have worked or not worked), and documentation and assessments about your disability.

Remember, you will be in charge of asking for reasonable accommodations, and being prepared to advocate will get you the best outcome.

Advocating for yourself can include informing your college's office of disability services about the accommodations you need, working with the college to reach agreement on what accommodations you will get, and making sure that each of your professors have a copy of your accommodations. Once you get agreement on your accommodations, you should let each of your professors know what accommodations they need to provide to you in their classroom. It's a good idea to email your professors as soon as possible about your accommodations.

Make sure you have approval from the college about what accommodations you can have. Using some accommodations (like extended time or extended deadlines) without permission can negatively impact your grade or violate the college's rules.

## Education Forms

These forms can be used to communicate with your IEP team. The *“What I Want to Work On Template”* can be used to tell your school your areas of strength and areas of need. The *“Consent for Continued Advocate Involvement in Education/IEP”* will allow you to designate your parent or another advocate as someone who helps you in the education process, and tells the school to communicate with them as well as you. The *“FERPA Consent to Release Student Information”* will allow the school to directly send information to your parent/advocate.

Template letter: What I Want to Work On

*Dear IEP Team,*

*Here is information on my goals for transition after high school. I would like to discuss this information, and any questions I have, at our upcoming IEP meeting.*

**1. Graduation**

- *I want to graduate on time with my classmates, and take all necessary credits, tests and requirements that will earn me a traditional diploma.*
  
- *I want to stay in school and continue to work on my skills, including my independent living skills and work skills. As a student with a disability, I have the opportunity to receive these services until I turn 22.*
  
- *I have a question about graduation:  
What seals, credits, and tests do I need to complete in order to graduate?*
  - *I have another question about graduation:*

**2. Independent Living**

- *I know where I want to live. I want to live:*
  - *With my family*
  - *With roommates*
  - *By myself*
  - *Other*
  
- *I don't know where I want to live. Please give me more information on my options.*

➤ I want help with transportation options:

- *Help getting a driver's license*
- *Learn how to use public transportation*
- *Other*

**3. Post-Secondary Education (education I would receive after high school graduation)**

➤ *I want to attend college*

➤ *I want to attend a vocational school*

➤ *I want to look at other options, such as a one-year program or apprenticeships:*

➤ *I don't want to receive any further education after I graduate high school*

➤ *I don't know what I want to do! Please give me more information on my options.*

**4. Employment (working after high school)**

➤ *I know what I want to do for work after high school. I want to:*

\_\_\_\_\_

• *These are the skills I have for this job:* \_\_\_\_\_

• *These are the skills I need to work on for this job:*

\_\_\_\_\_

➤ *I don't know what I want to do for work after high school*

• *Please give me more information on my options*

• *Here are some types of jobs I would like to explore:*

\_\_\_\_\_

**5. Community support options (i.e. DD, OhioRISE)**

➤ *I am already connected with the following community supports (examples; Opportunities for Ohioans with Disabilities, OhioRISE, County Board of Developmental Disabilities):*

---

➤ *I would like to be connected to the following community supports:*

---

➤ *I do not know what options are available to me. Please give me more information.*

➤ *I have other questions:*

---

*Thank you,  
Student Signature:*

---

*Date:* \_\_\_\_\_

RE: Consent for Continued Advocate Involvement in Education/IEP

**Signing this document allows your parent to continue supporting you past the age of 18.**

[Date]

To the District and my IEP Team,

I, \_\_\_\_\_ [Student's Name], reached the Ohio age of majority on \_\_\_\_\_ [18th birthday]. When I turned 18, the educational rights under the law and my Individual Education Program (IEP) transferred from \_\_\_\_\_ [Parent/guardian's name and relationship] to me.

I understand the decisions about my education are to be made by me as a legal adult, but I wish to continue to talk with \_\_\_\_\_ [advocate name]. I want them to assist me in understanding and making educational decisions and I want to include them as members of my IEP team, as allowable under 20 U.S.C. § 1414 (d)(1)(B)(vi).

I hereby request and give consent that from now until I graduate, my IEP team and school district will share important educational information and documents, as marked below, with \_\_\_\_\_ [advocate name], so they can help me in making these important decisions. I understand that I may revoke this consent at any time.

- Timely invitations to my IEP meetings
- A copy of my IEP/ETR
- A copy of any amendments to my IEP
- Advanced notice of any reevaluations/assessments
- Advanced notice of any change in placement
- Any other communications, information or documents related to my IEP
- Other: \_\_\_\_\_

I want to make my own educational decisions, but I also want to have \_\_\_\_\_'s [advocate name] support and help in understanding and making these important decisions.

Thank you for supporting my request.

Sincerely,  
[Signature]

FERPA Consent to Release Student Information\*

To my School District and IEP Team:

Please provide information from the educational records of \_\_\_\_\_ [Student requesting the release of educational records] to: \_\_\_\_\_.  
[Name(s) of recipient(s) and relationship to the student, such as "parents" or "advocate"].

Please invite the above-listed individual(s) to any meeting where my education services will be discussed.

The information that is to be given under this consent is (check all that apply):

- Advanced notice of my IEP/ETR meetings
- A copy of my IEP/ETR
- Advanced notice of any reevaluations/assessment
- Advanced notice of any change in placement
- Any other communications, information or documents related to my IEP
- Other (specify): \_\_\_\_\_

The information is to be given for the following purpose:

So that my parents/advocates may support and help me in understanding and making important educational decisions.

I understand I may take away this Consent at any time by providing written notice to my IEP Team. I further understand that until I take away consent, this consent will remain in effect and my educational information will continue to be provided to those listed above for the specific purpose described above.

Name (print): \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**\*The Family Educational Rights and Privacy Act of 1974 ("FERPA") is the federal law that protects a student's privacy with respect to the student's educational records.**

**Adapted from Indiana University FERPA Consent to Release Student Information Form [ferpa-consent-to-release-student-info.pdf](http://ferpa-consent-to-release-student-info.pdf) ([iupui.edu](http://iupui.edu))**

## **Education Resources**

- <https://education.ohio.gov/Topics/Ohio-s-Graduation-Requirements>
- <https://education.ohio.gov/Topics/Ohio-s-Graduation-Requirements/Contacts-and-Resources/Students-with-IEPs-and-Graduation>
- <https://ocali.org/transition-planning-and-the-iep/considerations-for-summary-of-performance-sop>
- <https://education.ohio.gov/getattachment/Topics/Special-Education/Federal-and-State-Requirements/Ohio-Required-and-Optional-Forms-Updated/OP-8-Summary-of-Performance-2024.pdf.aspx?>

# Healthcare

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## Words to Know:

- **Advance directive** - A written plan of what choices you want to make for your health and who will help you if you're unable to say.
  - **Durable Power of Attorney** - A legal document that names a trusted adult to make health care decisions for you.
  - **Proxy** - A person who you choose to make decisions for you.
- 

There are many ways to keep your right to make decisions about your own health. Decisions about your own health can include what doctor you want to see, what medications or treatments you decide to use, what to do when you are sick or hurt, and so on.

**Advance directives** can help you explain what kinds of health care decisions you can make if you cannot communicate those choices on your own. For example, an advance directive can speak for you if you cannot speak. This could be due to illness, injury, or other situations. These documents are shared with your doctors and others. This section will explain the types of advance directives, the differences between them, and why they may be helpful.

# Advance Directives

Advance directives are legal documents that explain what kinds of health care decisions you can make if you cannot communicate those choices on your own in the future. For example, an advance directive can speak for you if you cannot speak. This could be due to illness, injury, or other circumstances. These documents are shared with your doctors and others. You can create these documents when you are at least 18 years old.

There are three types of advance directives. The following table will explain the three types of advance directives and the differences between them.

# Three Advance Directives in Ohio

## Durable Power of Attorney

- ❖ **What is it?** A legal document you use to give permission to another person (agent) to make health care decisions when you cannot make them on your own. You can use this for both medical health care and mental health care.
- ❖ **Will this be used if I can make my own decisions?** No, it is only used when you are no longer able to make your own decisions.
- ❖ **Can I change or cancel it?** Yes, you can change or cancel it at any time. It is good to look at it to make sure what it says is still what you want.
- ❖ **What if I have more than one advance directive, or all three? (You can have all three)** This will be used when something unexpected happens, so the person you choose (agent) can make a decision they think you would want. This will not be used instead of your living will, if you have one.
- ❖ **Example:** You could use this to give someone (agent) the ability to choose a treatment you receive while you are in a coma.

## Declaration for Mental Health Treatment

- ❖ **What is it?** A legal document you use to give someone (agent) permission to make mental health care decisions, including treatments you do or do not want, when you are not able to make the decisions yourself.
- ❖ **Will this be used if I can make my own decisions?** No, it is only used when you are no longer able to make your own decisions.
- ❖ **Can I change or cancel it?** Yes, you can change or cancel it at any time, unless you are unable to make your own decisions because of mental illness. It is good to look at it to make sure what it says is still what you want.
- ❖ **What if I have more than one, or all three? (You can have all three)** Your doctor will use this instead of any mental health choices in your Durable Power of Attorney for Health Care.
- ❖ **Example:** You could use this to say what kind of medication you do not want to be given to you if you are having mental health problems and you cannot make your own decisions.

## Living Will

- ❖ **What is it?** A legal document you use to let people know if you do not want medical staff to use life support methods to lengthen your life if you cannot make your own medical decisions and you have an illness or condition that will lead to death (terminal condition) or you are permanently unconscious (unaware).
- ❖ **Will this be used if I can make my own decisions?** No, it is only used when you are no longer able to make your own decisions, and two doctors say that you are in a terminal condition or permanently unconscious.
- ❖ **Can I change or cancel it?** Yes, you can change or cancel it at any time. It is good to look at it to make sure what it says is still what you want.
- ❖ **What if I have more than one, or all three? (You can have all three)** This will be used if you choose to not have certain life sustaining measures when you are in a terminal condition or permanently unconscious. If you are in a terminal condition or permanently unconscious, this document will be used even if you have a Durable Power of Attorney for Health Care.
- ❖ **Example:** You could use this to let medical staff know that you do not want them to give you CPR if your heart stops beating.

# Durable Power of Attorney for Health Care

## Introduction

A durable power of attorney for health care, called a “health care POA” for short, is a legal document that names a trusted adult to make health care decisions for you if a doctor says you have lost the ability to make informed health care decisions for yourself. The POA is called “durable” because it remains in effect even if you’ve lost the ability to make decisions for yourself.

## What does a health care POA do?

- A health care POA puts into writing who you trust to make your health care decisions if you ever lose the ability to make those decisions yourself.
- A health care POA can also put into writing what you want to happen if you lose the ability to make health care decisions yourself, such as whether you want to be connected to a feeding tube or not, or whether you want to donate your organs or not.

## Naming an agent

The person you name to make decisions for you is called your “agent.” You can name anyone to be your agent, as long as they are over 18 and are not your doctor or other health care provider. You should make sure your agent is someone you trust such as a friend or a family member.

## Practical tips

- You should keep a copy of your original, signed health care POA in a safe space.
- You must give a copy of your POA to your health care provider for them to honor it.
- If you ever want to revoke a health care POA, you can.

# Declaration for Mental Health Treatment

## Introduction

A mental health declaration is a written statement that can help you to tell your family and doctors specifically what you want for your mental health treatment in the future.

## Why is this important?

- A Mental Health Declaration puts into writing your own plan for how you want your treatment to go if you need mental health treatment in the future and are unable to make your own decisions at that time.
- In the future, if you are having a crisis, like a panic attack or mental health episode, and want treatment but are not able to clearly say what you want, a written statement by you of what kinds of mental health care you want or don't want will help family and doctors understand how you wish to be treated.

## Naming a Proxy

- A "proxy" is the person you appoint to make sure your decisions are being respected. They will advocate for your written choices and make other decisions in your best interest in the areas you have not written down in your Mental Health plan.
- You can name anyone over 18 that you trust to be your proxy, except your mental health therapist or your doctors.

## Information in the Mental Health Declaration

- You may have very specific things you want or don't want to happen if you are having a significant mental health crisis, and these can be written out in your declaration. These should be honored by any professionals that are treating you.
- You are able to say when and how the declaration is to be used for you.
- You can specifically write out the duties and rights you are giving to your proxy person if you cannot make those decisions for yourself.

- Having a Mental Health Declaration makes sure the person you have chosen as proxy will not be ignored by doctors treating you. The proxy person will be able to help you with your mental health choices even if you also have a health care durable power of attorney to make general health care decisions for you.

**Important Reminder-** If you have signed a mental health declaration, and you later lose your ability to make informed decisions about your mental health treatment, you will not be able to change the mental health declaration until you regain your capacity (ability to understand) to make decisions for yourself.

Below, you will find the template mental health declaration form you may use to create your own mental health declaration.

## **Healthcare Resources**

- Ohio Health Care POA form: [https://www.disabilityrightsohio.org/assets/documents/olrs\\_poa.pdf?pdf=Durable\\_Power\\_of\\_Attorney\\_for\\_Healthcare](https://www.disabilityrightsohio.org/assets/documents/olrs_poa.pdf?pdf=Durable_Power_of_Attorney_for_Healthcare)
- Declaration for Mental Health Treatment: <https://bit.ly/4tVv3z6>

# Developmental Disability Services

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## Words to Know:

- **Eligible** - To be accepted into a service or program.
  - **OEDI/COEDI** - A set of questions you answer to see what supports you might need and how best to accommodate you.
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If you have a developmental disability, you may be able to receive services like nursing care, help with getting a job, or help getting access to your community through the County Board of Developmental Disabilities. This section will explain more about what Developmental Disability services are, how to apply for services, and includes a template you can fill out if you want an advocate to help you with the Developmental Disability process.

# Services from Your Local Board of Developmental Disabilities

Children and Adults with Developmental Disabilities (DD) may be eligible for services through their County Boards of DD. To be “eligible” means that you will be accepted for services. For example, your County Board may be able to help you get a job, get aid - like nursing care and services for your daily needs - in your home, or get access to your community.

To be eligible for DD services, you must apply for these through your County Board of DD. The Board will decide if you have a qualifying developmental disability. Developmental disabilities are disabilities that people have, including their diagnosis, before the age of 22. Developmental disabilities are expected to last through someone’s lifetime. Developmental disabilities are ones that cause big challenges in at least 3 major life areas. These challenges in functioning cannot be solely the result of a mental health condition. This section describes the DD eligibility process, including the evaluation tools the County Board of DD uses. Use this guide so that you will understand the DD eligibility process and know what to expect at each step.

How do I find out if I am eligible for DD services?

1. **You will need to contact your County Board of DD to ask them to evaluate you for eligibility for DD services.**

You will need to give them information and documents showing you have a diagnosis of a development disability and that you had limitations before the age of 22. You can use school records, medical records or other records that show you have a diagnosis of a developmental disability that you got before the age of 22.

Examples of qualifying disabilities include Intellectual Disabilities, Autism Spectrum Disorder, Down Syndrome, Cerebral Palsy, and Spinal Cord Injury along with many other conditions that can occur before the age of 22. You can find a longer list of qualifying diagnoses in the OEDI User Guide in *Resources*.

2. **Once the County Board of DD has looked over your records and found you have a qualifying developmental disability, they will do an assessment called the OEDI or COEDI.** The OEDI is used for individuals aged 16 and older, and the COEDI is used for children aged 6 to 15.

The OEDI is a set of questions and simple skill tests used to record information about a person's abilities and areas where they need support.

The OEDI tests your daily life skills to see if your disability causes big challenges in what you can do on your own in your daily life. To be eligible for DD services, the test must show you have significant functional limits in at least 3 of the major life areas reviewed. The OEDI looks at these major life areas:

- self-care (things like taking a shower, feeding yourself, and walking),
- self-direction (decision making),
- learning,
- communication (speaking and understanding),
- mobility,
- ability to live by yourself, and
- ability to work or provide financially (get money) for yourself.

It is important to be honest about what you need help doing when answering these questions. Make sure to think carefully before you answer each question to include any limits you may have and what kind of help you need to do each task. Sometimes it can be embarrassing to admit you need help in basic life skills, but the more help you need the more likely you are to be found eligible for the services you really need.

Tip: Before you answer each question, ask yourself:

- Is the task something you are always able to do on your own or do you need help and support from others?
- Is the task something that takes a lot of effort or energy for you to do?
- Are you able to do the task well? Or is it something you cannot do well?
- Can you do the task safely?
- Does the task take a long time for you to do?

These are things you might want to share when you are answering each question so the county board gets a real picture of what you can and cannot do. For example, if you have a hard time cooking food for yourself because it takes you a long time and your ability to use your hands to cut up the food is a challenge for you, you would share that.

**3. Once the assessment is done, the County Board will determine if you are eligible or not eligible for County Board services.**

If you are not found eligible, you can go through a process with the County Board to try again or you can disagree with the County Board's decision regarding your eligibility for services through the County Board's complaint (grievance) process.

If you are found eligible, then the County Board will give you an SSA, which is a Service and Support Administrator. This is a person who works for the County Board and will help you find the services that you need. Your SSA should listen to you and hear about your needs. The SSA will then help you and your family make an ISP (Individual Service Plan) for your services. This will be a plan that will follow you as you grow and will make sure that you get what you need. There is a link in **Resources** that talks about the ISP.

**4. If you feel that you have more needs than the County Board is offering to help you with, you can ask your SSA for a Medicaid waiver assessment in writing.** A waiver is a Medicaid service for people with Developmental Disabilities who need more help to live safely in the community. There are three types of Home and Community-Based Services (HCBS) Developmental Disability Waivers. There is a link in the **Resources** section that talks about the different HCBS waivers.

In your written assessment request, you will want to tell why you need more services. For example, you can explain why you need more help, and you can attach letters from doctors and give medical records that show why you may need more help. The County Board will decide whether you have current or immediate (right now) unmet needs and whether they feel you need more services.

If you are not given a waiver, the board will give you information on how to apply again, and you can also ask them for information on how to appeal - or say you disagree - and request a state hearing. You can find more information in **Resources**.

An advocate of your choice can help you at any time during the County Board process. You can find a form to name your advocate in **Resources**.

You may contact Disability Rights Ohio if you have any questions or issues while trying to get help from your County Board.

# DD Services Forms

## Template to Request an Advocate to Help You with Developmental Disability Services

[Date]

RE: Consent for Continued Advocate Involvement in County Board of Developmental Disabilities' Services

To my SSA and Service Providers,

I, \_\_\_\_\_ [Student's Name], reached the Ohio age of majority on \_\_\_\_\_ [18th birthday]. I understand the decisions about my services are to be made by me as a legal adult, but I wish to continue to talk with \_\_\_\_\_ [Advocate or trusted adult name]. I want them to help me understand and make service plan decisions and I want to include them as members of my ISP team, as allowable under Ohio Admin. Code § 5123-4-0.

I hereby request and give consent that the \_\_\_\_\_ [County name] County Board of Developmental Disabilities share important information and documents, as marked below, with \_\_\_\_\_ [Advocate name], so they can help me make these important decisions. I understand that I may revoke this consent at any time.

\_\_\_\_\_ Timely invitations to my ISP meetings

\_\_\_\_\_ A copy of my ISP

\_\_\_\_\_ A copy of any amendments to my ISP

\_\_\_\_\_ Advanced notice of any assessments

\_\_\_\_\_ A copy of any assessments

\_\_\_\_\_ Advanced notice of any meetings related to my DD services/ISP

\_\_\_\_\_ Any other communications, information or documents related to my DD services/ISP

\_\_\_\_\_ Other: \_\_\_\_\_

I want to make my own service plan decisions, but I also want to have \_\_\_\_\_'s [Advocate name] support and help to understand and make these important decisions.

Thank you for supporting my request.

Sincerely,

[Signature]

[Date]

## DD Services Resources

- Find your County Board: <https://bit.ly/3MYnVkZ>
- OEDI User Guide: <https://bit.ly/4s5CfqD>
- ISP: <https://dodd.ohio.gov/compliance/oisp>
- HCBS waivers: <https://bit.ly/4rFnbQX>
- Waiver waiting lists: <https://bit.ly/46ng2Mv>
- The Bill of Rights from Ohio Department of Developmental Disabilities talks about the way you should be treated and the rights you have: <https://bit.ly/3MGNDdJ>
- Choosing an advocate: This is the link to the Ohio Department of Developmental Disabilities' form that you can fill out when you turn 18 to have another adult help you with decisions about your services through the county board: <https://bit.ly/4tVcU4z>
  - You do not have to fill out this form to receive services. You want to make sure that if you choose to fill out this form for an advocate, that it is a person you trust. You can choose how much decision making power the person has, and you can take away this power if you change your mind.

# Financial

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## Words to Know:

- **Financial** - Relating to money, banking, or investments.
  - **Social Security Benefits** - Money paid to you by the government to help you cover daily expenses.
  - **Representative Payee** - A person who will help you manage your benefits who works for the Social Security Administration.
  - **Beneficiary** - A person who receives services or supports.
  - **Investing** - Putting money into something in the hope that it will make you more money.
  - **Agent** - A person who is given the power to make choices about your money when you are not able to manage your own money.
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Knowing how to manage money is important. This includes knowing if you can manage your own money or if you need someone to help you. This section will tell you about programs where you can get money to help you pay bills and get services and programs that can help you manage and save the money you earn. Good money management can help you become more self-sufficient.

# Social Security Benefits

Social Security benefits are money paid to people with disabilities to help them pay for the costs of living such as rent, utilities, food, and clothing.

As a young person with a disability, you might be receiving Social Security benefits, either Supplemental Security Income (SSI) or less likely, Social Security Disability Insurance (SSDI). This guide is intended primarily for youth receiving SSI.

The Social Security Administration (SSA) is the federal agency that runs the SSI and SSDI programs. The SSA checks to make sure that people meet the requirements to stay in the program (people who might be receiving SSI or SSDI) on a regular basis, usually every three years or so.

## Age-18 Redetermination

If you are already getting SSI before you turn 18, when you turn 18, SSA will conduct the "Age-18 Redetermination" to decide if you still have a disability based on their definitions for adults. The adult standards to qualify for benefits are different than the standards used for child disability benefits. The adult standards look at your ability to earn money. If you meet adult standards, your benefits will continue. If you begin working, your wages will affect your monthly cash payment.

If you don't meet adult standards after the Age-18 redetermination, your SSI payments will stop. However, your benefits may continue, even if you don't meet adult standards, if you are still in a special education or vocational rehabilitation program. Some examples of these programs are:

- If you haven't graduated yet, are still attending school, and still have an IEP between ages 18 to 21
- If you have an individualized plan for employment (IPE) from Opportunities for Ohioans with Disabilities (OOD)
- If you are participating in SSA's Ticket to Work program and have an individualized written employment plan
- If you have an approved Plan to Achieve Self-Support (PASS)

Under these circumstances, your benefits will continue until you complete the program, you stop being in the program, or SSA determines that even if you continue in the program, you are likely to resume benefits in the future.

Whenever you are receiving benefits, it is important to report your earnings (the money you make) to SSA to avoid overpayments (being paid too much SSI) or a change to your benefits.

## Managing Your Benefits

As a minor (someone who is under 18) getting SSI, you likely have a representative payee. A **representative payee** is someone appointed by SSA to get your SSI benefits for you. This is normally a parent or caregiver. The job of the representative payee is to use your benefits to pay for your current and future needs.

After you turn 18, SSA will think that you are able to manage your own benefits. This means your monthly cash payment will go directly to you, and not to your representative payee. You will be responsible for deciding what to do with your money and making sure you have enough for your living expenses like rent, food, and bills.

If you need help managing your money, you can reach out to a trusted family member, friend, or someone else who you want to help you make decisions. If you are still in school, you can talk to your IEP team about adding a goal to your IEP on how to manage money. If you are getting services from OOD, you can talk to your OOD counselor about services they can give you to help you learn how to use your money. Also, you can try contacting your local Center for Independent Living to see if they offer these services.

In some cases, SSA may decide that you cannot manage your own benefits and will appoint a representative payee to manage your benefits for you. If you have a representative payee and are concerned about how they are managing your benefits, contact Disability Rights Ohio at (614)-466-7264.

## What is a Representative Payee?

- A Rep Payee (Representative Payee) is either a person or an organization that gets your SSI or SSDI payments for you.
- The Rep Payee is required to use that money to pay for your current needs, which are things like paying your rent and utilities, and paying for clothing, household needs, and medical care. The Rep Payee will also help manage any money that is left over.

## How do I get a Rep Payee?

- To get a Rep Payee, you must be receiving SSI or SSDI payments.
- You can get a Rep Payee one of three ways:
  - If you want, you can choose a trusted person to be your Rep Payee
  - Or, if you want a Rep Payee but do not know someone who you would like to be your Rep Payee, you can ask the SSA to appoint you a Rep Payee of their choosing.
  - Or, SSA may decide that you need a Rep Payee and appoint you one
    - This happens when SSA decides that you need help managing your money.

## What does a Rep Payee do? What can they help me with?

- A Rep Payee helps you manage your SSI or SSDI payments, as well as manage your daily living expenses.
- A Rep Payee will help you pay your bills and use your SSI or SSDI payments to pay for your necessary expenses.
- Ideally, a Rep Payee will work with you to help plan for your financial goals or wishes. Financial goals are what you want to happen with your money.
- If you do not want to or are not able to manage your finances, a Rep Payee may be a helpful person to add to your life.

## What if my Rep Payee is not taking care of my money?

- If you believe your Rep Payee is not taking care of or stealing your money, you should tell SSA right away.
- General Contact for SSA:
  - Toll Free: 1-800-772-1213
  - Toll Free TTY: 1-800-325-0778
  - Or visit: <https://www.ssa.gov/>

## What if I no longer want a Rep Payee?

- You have the right to receive your own SSI or SSDI payments once you turn 18 unless SSA believes you are not capable of having and managing your own money.
- If you have a Rep Payee because of a physical or mental disability, you must show SSA that you are now mentally and physically able to manage your own money.
  - You can do this by providing SSA with:
    - A doctor's statement that there has been a change in your condition and that the doctor believes you are able to care for yourself; or
    - An official copy of a court order (a document from a judge) saying that the court believes that you can take care of yourself; or
    - Other evidence that shows your ability to take care of yourself.
  - However, if the evidence shows your condition has improved so much that you no longer need a Rep Payee, SSA may reevaluate your eligibility for disability payments all together.<sup>1</sup> This could mean that you lose your SSI payments.

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<sup>1</sup> Adapted from: <https://www.ssa.gov/payee/faqbene.htm?tl=8%2C10%2C11%2C12>.

# **STABLE Accounts**

It's important to save for your financial future! Your finances are the money that you earn and how you use that money. Saving your money can help you pay for bills that you didn't know would come and allow you to work toward your own goals.

A STABLE account is one way people with disabilities can begin saving while still keeping their benefits (normally SSI payments). You can use the information below to decide whether a STABLE account is right for you.

## **What is a STABLE Account?**

A STABLE Account allows people with disabilities to save and invest their money without impacting other benefits, like Medicaid or Social Security Income (SSI). You can choose to save money in cash or invest the money in the STABLE account using different investment options. Some of the options can help you earn more money, but they can also lose your money, so you should fully understand those options before picking them.

STABLE accounts can also be used like a regular checking account.

You can choose to have a STABLE Card, which is a debit card you can use to easily spend money from a STABLE Account. It is available at no cost to all STABLE Account holders.

The STABLE Card is a loadable debit card. Individuals can take specific amounts of money from their STABLE Account and put it onto their STABLE Card for Qualified Disability Expenses.

Qualified disability expenses can be things like your living expenses, education, transportation, assistive technology, and other services.

To open an account or get more information you can visit <https://stableaccount.com>

## **Who can qualify for a STABLE account?**

The account owner (sometimes called the "beneficiary") must be over age 18 and a United States Citizen or legal resident.

The beneficiary must be blind or have a medically determinable or mental impairment resulting in severe functional limitations

The condition must have developed before age 26 (including diagnosis) and lasted (or will last) at least one year.

Visit [stableaccount.com/eligibility/](https://stableaccount.com/eligibility/) to take the quiz to find out if you would be able to apply.

### **How will a STABLE account impact my other benefits?**

If you receive Supplemental Security Income (SSI) you can put money in your STABLE account and this will not impact your income limits to receive SSI.

### **Who can help me with setting up or managing my STABLE account?**

An authorized legal representative (ALR) can assist you with opening and managing your STABLE account.

- An Authorized Legal Representative can be any of the following:
  - A trusted adult the account owner chooses
  - someone with power of attorney
  - a legal guardian, spouse, parent, or sibling
  - a rep payee

If you are under the age of 18, you can have an Authorized Legal Representative who is over 18 open an account on your behalf.

### **Are there risks (bad things that may happen) involved in the STABLE account?**

If you choose to use one of the investment options in the STABLE account, it is possible to lose money investing with a STABLE Account. You will not lose money if you use the cash option where you deposit cash in your STABLE account.

### **Are there fees associated with a STABLE account?**

Yes, there are small fees. Ohio residents pay \$15 a year to keep their account.

There may be additional fees if you use an investment option.

# Financial Power of Attorney (FPOA)

**Investing** is when you put money into something in the hope that it will make more money than you originally put in. For example, investing 10 dollars and receiving 20 dollars would mean you made 10 dollars.

A financial power of attorney (FPOA) is a legal document that gives someone else (called your "agent") the power to make choices about your money when you are not able to manage your own money.

## Customizing a FPOA

The FPOA can be changed so it works exactly how you want it to. Here are some ways that you can change a FPOA:

- Say what type of money your agent can control: If you don't want your agent to manage all your money, you can use the FPOA to describe the types of money your agent can manage, such as a specific bank account.
- Follow directions: If you want your agent to follow certain directions or wishes, you can write down directions in the FPOA. The agent will be required to follow your instructions.
- Use a timeline:
  - A regular FPOA is active immediately and will continue to be active.
  - A "springing" FPOA is only active after a specific date or event. For example, a FPOA can be written so that it is only active if you can no longer make decisions about your money yourself.
  - You can also write a FPOA so that it ends after a certain time. For example, after a few months, a year, or five years.

## Choosing an agent

Any adult can be your agent, but it is good to choose someone that you trust. The agent will be following your FPOA and making decisions about your money for you. You should speak with the person you choose to be your agent to make sure they are interested in being your agent.

## Ending the FPOA

Unless you add an end date to your FPOA, it will automatically continue. If you want to end your FPOA, you will have to fill out another form. This form is called a "FPOA revocation form."

## Financial Resources

- <https://www.ohiolegalhelp.org/topic/financial-poa>
- <https://stableaccount.com>
- <https://bettermoneyhabits.bankofamerica.com/community/en/lessons/financial-independence-first-steps>
- <https://www.nationaldisabilityinstitute.org/downloads/#financial-toolkit>
- <https://www.nationaldisabilityinstitute.org/financial-wellness/financial-capability/>

# Employment

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## Words to Know:

- **The Americans with Disabilities Act (ADA)**- A set of laws protecting the rights of people with disabilities, including in the workplace.
- **Reasonable Accommodations** - A change to the way things are done for a person with a disability to help them be successful at work. Some examples of reasonable accommodations can be extended time to complete a task or frequent reminders.
- **The Interactive Process** - When a person with a disability asks their employer for a reasonable accommodation, their employer must work with the person with a disability to find a solution that works for everyone. The employer may ask questions about the employee's disability and what assistance they need to be successful.
- **Essential Job Functions** - Basic job duties that an employee must perform at work, with or without accommodations.
- **Workshop/Sheltered workshop/Enclave/Group employment** -Jobs where only people with disabilities work.
- **Sub-minimum wage** - Being paid less than minimum wage.
- **Competitive Integrated Employment** - Jobs that pay at least minimum wage for both people with and without disabilities.
- **Informed Choice** - Knowing what choice you are making in your life and having all of the information about that choice.

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As you start thinking about getting a job and your future career, you may want help from family or other trusted adults in making these decisions. You have the right to make sure that your job pays you a fair amount of money for your work and is a safe and supportive place for you to work.

# Finding Competitive, Integrated Employment Opportunities

As you look for a job, some people might say that you should work at a workshop, or **sheltered workshop**, an **enclave** or **group employment**. These are all names for workplaces that only hire people with disabilities. If you work at one of these places, you would not be working with nondisabled peers.

Often, these places pay **sub-minimum wages**. In Ohio, being paid a sub-minimum wage means that you are paid less than \$10.45 an hour for your work. Many people with disabilities don't support the sub-minimum wage, meaning they do not want to be paid less than minimum wage.

People with disabilities can also work in their communities. Another term for jobs in your community is "competitive, integrated employment". **Competitive, integrated employment** means jobs that pay at least minimum wage where people with disabilities work alongside people without disabilities.

If you want to work in your community, there are services that can help you learn the skills you need. Services that help you learn the job skills you need to access jobs in your community are called **vocational rehabilitation** services. In Ohio, **Opportunities for Ohioans with Disabilities (OOD)** is Ohio's vocational rehabilitation agency. OOD's role is to help people with disabilities prepare for, find, and keep competitive, integrated employment. They can help you get a job in your community.

When working with OOD, you have the right to an informed choice. **Informed choice** means you are an active and full partner in the vocational rehabilitation process. It means you have a choice in planning and making decisions about your job goals and services. This also means your OOD counselor must give you information and support so you understand the process, what services you can get, and how those services can help you.

When working with OOD you also have the right to select an **individual representative** to help you with the OOD process. Your individual representative can be anyone you choose, including a parent, guardian, other family member, or advocate. If a court has given you a representative, that will be your individual representative. OOD may require you to sign a release of information (a paper document) allowing OOD to talk to and provide information to your chosen individual representative. Your individual representative can come to meetings with you and your OOD counselor and help you make informed choices.

# Employment and Reasonable Accommodations

Many people with disabilities need reasonable accommodations to be successful at their job. A reasonable accommodation is a change to the way things are done for a person with a disability that allows them to complete their work.

The law called the Americans with Disabilities Act (ADA) requires employers to give reasonable accommodations to employees with a disability. Examples of possible reasonable accommodations are: help filling out your job application, a job coach to help you adjust, additional training, a modified schedule, or different equipment.

You can be creative when you are thinking about the kinds of accommodations that will help you do your job. You should also think about why you need this accommodation, and make sure your request is based on your disability and not just what you like.

This section gives more information about how to request a reasonable accommodation at your job, and what the process looks like.

Remember:

- To receive a reasonable accommodation, you must ask for the accommodation you want. You should ask for accommodations in writing.
- You do not have to tell your boss, or other people you work with, that you have a disability unless you are asking for a reasonable accommodation. This information should remain confidential except as needed to receive the accommodation.

The **Americans with Disabilities Act (ADA)** requires employers (bosses) to give **reasonable accommodations** to employees with a disability.

To have a legal right to a **reasonable accommodation**, you must have a physical or mental disability that results in a substantial limitation in one or more major life activities. A **substantial limitation** is not being able to do something the way most other people do it. That can include thinking, learning, working, hearing, seeing, walking, communicating, or caring for yourself.

You must be able to perform all the **essential functions** of the job once you have accommodations. Your employer does not have to make any changes to the amount or quality of work they want you to do.

**Your disclosure of your disability is voluntary.** This means that you do not have to tell people at your job that you have a disability if you don't want to. However, if you need a reasonable accommodation, you will have to tell people at your job about your disability when you request the reasonable accommodation. Your employer should keep information about your disability private.

# Requesting a Reasonable Accommodation at Work

You can request a reasonable accommodation at any time during your employment, even during the hiring process.

The request for a reasonable accommodation does not have to be written, but the best practice is to turn in a written letter with the date and keep a copy for your records. There are no “magic words” that you must use to request a reasonable accommodation at work.

When you request a reasonable accommodation, you should include:

- The date you’re making the request
- What your disability is
- The requested accommodation(s) that relate to your disability
- If necessary, a doctor’s note explaining the disability and accommodation(s)
- A request for your job to reply by a certain date

**Your request for a reasonable accommodation can be made by you or someone else you trust, like a family member, friend, or job coach.**

You or someone acting for you should explain to the employer what you need, and explain how what you need is related to your disability.

Asking for accommodations starts what is called the interactive process. The interactive process is a conversation between you and your employer to figure out what accommodation(s) will let you be successful at work and overcome the obstacles presented by your disability.

During the interactive process, your employer may ask for information about your disability to make sure you are a person with a disability protected by law.

During the interactive process, employers must find an **effective accommodation**, or an accommodation that will allow the employee to perform their job duties. **It does not have to be the exact accommodation that you requested.**

## **Employment Resources**

- Disability Rights Ohio's CAP program provides free employment-related information and assistance for Ohioans.
- Free guidance on workplace accommodations: <https://askjan.org/>

## Conclusion

We hope that this toolkit has provided resources and insight into the kinds of decisions you can make as you transition to adulthood. Deciding what to do for your work, your finances, your health, and more is something you will be doing throughout your life.

You may need help and support from friends, family, and professionals to make big decisions about your life. You can think about your goals and values to guide you in making your choices. Making your own choices can help you to create a life of purpose and meaning. We hope this guide has given you a place to begin your journey.

Sincerely, the attorneys and advocates at Disability Rights Ohio

*Disclaimer: The guidance in this document is for informational purposes only and is not legal advice. Consult with an attorney for advice regarding your specific situation. The guidance in this document might not apply if a person lacks capacity, is found incompetent, or has a guardian.*