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Transition Planning: Setting Lifelong Goals

by Jennifer Graham and Peter Wright, Esq. (With minor adaptations for Oregon)

IDEA 2004 Transition Checklist

IDEA 2004 describes the required components of the transition plan. During your child's high school years, it is essential that the IEP team adhere to these requirements.

- The student must be invited to participate in IEP meetings to discuss his/her goals for life after high school.
  - You may request several IEP/Transition Planning meetings during the school year.
  - You may invite representatives of local agencies to these IEP meetings to discuss transition goals and services to support those goals.
  - The IEP, including the transition plan, should be based on person-centered planning, and reflect the student's interests and skills.
    - The work experiences or "community based work assessments" (CBWAs) chosen should be based on the student's interests and abilities. Students should NOT be placed in a community based work assessment simply because it is available.
    - Any placement should help the student develop skills in a setting that is of personal interest to him/ her and where his/her unique abilities can be successfully utilized and improved with job coaching.
  - Annual transition goals in the IEP should lead to successful post- high school outcomes.
  - Progress should be documented and measurable.

Transition Planning Checklist

While IDEA 2004 provides the legal requirements for transition services to support your child's goal of employment in the community or further education, there are several things that parents and students must do to prepare for life after high school.

- Confirm the date of your child's graduation. Federal law states that your child's eligibility for special education ends when s/he graduates from high school **with a regular diploma** or until the child reaches the age of eligibility for a free appropriate education under State law.
- Clarify whether your child will receive a regular high school diploma or a certificate of attendance.
- Clarify that you child will be able to fully participate in the graduation ceremony.
- Find out what local agencies provide job coaching for transitioning youth. Contacting adult provider agencies before your child graduates or "ages out" will help to ensure that your child will continue to receive services after graduation. This may also prevent your child from being placed on a long waiting list for adult services.
  - You are entitled to invite representatives from other agencies to your child's IEP meetings.
  - If the IEP Team, which includes the parents and the child, determine that your child's transition needs can be met by participating in transition programs on college campuses or in community based settings, these services should be included in the child's IEP.[3]
- If your child has a supports coordinator from your local office of Mental Health, Behavioral Health, or Intellectual / Developmental Disabilities, invite the supports coordinator to IEP meetings during the last year of high school, if appropriate. This person can help to coordinate post-high school support services.

○ Ask for progress reports about your child's community based work experience. Discuss with the IEP team how your child will meet the goal of being employed after graduation, without a lapse in supports and services. ○ Maintain a portfolio and resume of your child's experiences, progress reports, and favorable reviews from your child's supervisors.	• If your child will be eligible for services through Vocational Rehabilitation, schedule an appointment for an intake interview and file the necessary paperwork with the Office of Vocational Rehabilitation ahead of time. Request that a Vocational Rehabilitation counselor attend the IEP meeting no later than spring of your child's last year in high school. • Discuss your child's transportation needs. If s/he will need assistance getting to and from work, request and fill out applications for public transportation services. • Request information about social/recreational opportunities for young adults with disabilities in your community. Ask for their contact information. • Request information about post-high school training programs at local vocational schools, community colleges, business schools, and state-affiliated training schools. When your child graduates from high school, you and your graduate should celebrate accomplishments -- and the transition to adulthood. With the new emphasis on transition planning in IDEA 2004, and online resources such as www.wrightslaw.com, more students with disabilities are preparing for further education, employment and independent living as productive, active members of their communities.

Common Core FAQ

Q. What are the Common Core State Standards?

A. Most states have a set of academic standards they want their students to meet at various grade levels. Oregon, along with more than 40 other states nationwide, has replaced its individual state standards with a series of national standards for reading and math. These are known as the Common Core State Standards.

Q. Was this necessary?

A. Supporters say the standards are higher and will better prepare students for what they'll need to be able to do in college and the work force. They'll now be consistent across most of the country, and participating states will be able to share resources and make state-to-state comparisons.

Opponents say the standards haven't been fully tested, cost too much, will lead to standardized curriculum nationwide and will rely on data mining that delves even more heavily into students' personal information.

Q. What's different?

A. More difficult concepts, such as algebra, will be introduced at earlier ages, and certain subjects will receive a more in-depth look than in previous years. Schools will place a big emphasis on reading for factual information as opposed to reading fiction. Students will spend more time analyzing graphs, charts, maps and statistics. They'll be expected to use this information to develop and defend a conclusion.

Probably the most noticeable difference will be in the state tests, however. Up until now, Oregon has measured its standards through the Oregon Assessment of Knowledge and Skills, or OAKS. These tests are multiple-choice exams offered three times a year.

The new tests, called Smarter Balanced, will be given just once a year. They're expected to be harder and more complex and will require students to explain and defend their answers in addition to just filling in multiple-choice bubbles.

Q. What if my child doesn't pass?

A. The state tests don't determine whether a student moves from grade to grade. They come into play for real only at graduation, when students are expected to show they've met the state's "essential skill" standard before they receive a diploma. Families also can opt out of the test altogether, just as they can now.

Q. Are these harder tests going to make it harder to graduate?

A. Not necessarily. Just like now, a student doesn't have to rely on a passing grade on his state assessment test to graduate. Most do, but other proof is acceptable, including work samples or scores from other standardized tests.

Also, the state is using a conversion scale to see what score a student needs to get on the Smarter Balanced test that would match what used to be the passing score on the OAKS test. If a student meets

that match, he may not pass the Smarter Balanced test, but he will be considered to have met the "essential skill" requirement.

State spokeswoman Crystal Greene of the Oregon Department of Education cautions that students who meet the essential skill level but don't pass Smarter Balanced may not be as ready for college or the workforce as they might think they are.

Nearly 70 percent of Oregon's graduates find they need to take remedial courses in math or reading once they get to a community college. Smarter Balanced sets the bar higher; the state hopes high enough that those who pass won't need to do any backtracking in college.

Q. If these tests are really hard, is my school going to bomb and make my district report card look bad?

A. Yes and no. Greene said the state definitely is prepared to see a lot of low scores in the first few years as people adjust to the new system.

That said, the school and district report cards are based on a normative rating system; comparing the schools against the ideal standard. Some of Oregon's schools will end up at the bottom of the achievement pile, some at the top, and most in the middle.

The whole group may shift downward if everyone does poorly on the new tests, but it shouldn't change the overall outcome, which is what gets published on the state report card.

Said Greene: "The drop we anticipate doesn't mean students know less. ... It's just a better picture of where they are in relation to college and career readiness. We are raising the bar so all kids have the opportunity to go on and be fully successful after high school."

The Transition Community Network (TCN)

www.tcntransition.org

The Transition Community Network site was created to provide a "one-stop shop" for resources related to transitioning youth with disabilities to adulthood in Oregon. Visit the topics listed below to help your student transition.

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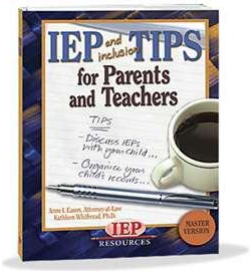
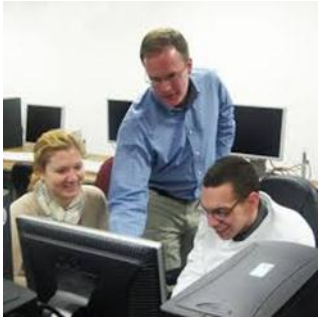
Planning for Transition while still in High School which has resources that are aimed at helping the high school student plan for completing high school and taking the beginning steps toward adult life

Information about IEP
Includes resources and suggestions about the Oregon IEP and the transition IEP process



Transition to Adult Life
has resources that direct a transitioning student toward various activities which would be included in an adult's life such as recreation, housing, transportation ,or independent living

Employment
lists employment resources for the disabled, an interactive tool for job seekers and students to learn more about career options, and links to job search sites



Post- Secondary Education
offers resources that help find financial aid, information to help plan for college and college life, a list of colleges, career and trade schools, and it also includes job corps

How can I help my child succeed with the CCSS?

- **Become familiar with the Standards.** The Oregon Department of Education website *CCSS Toolkit: Parents & Students – Becoming Informed* has several resources available for parents including the *Parents' Guide for Student Success* that provides a basic outline of student expectations at each grade level and how parents can help students meet these expectations.
- **Learn about the concept of Universal Design for Learning (UDL).** UDL is an educational framework that recommends ways to provide cognitive as well as physical access to learning for all students. Examples include changing how information is presented to students and ways students are able to show what they know. Ask if the staff at your child's school has received training in UDL with the goal of helping your child access the general education curriculum.
- Ask how your child's **general education teacher and special education teacher are collaborating** to ensure your child's access to and progress toward meeting the Common Core Standards.

CCSS and IEP Development

Isn't a standards-based IEP taking away the "individualized" from the IEP?

The standard-based IEP will not take away individualization within the IEP. In actuality, the call for standards-based IEPs is not new, as reauthorization of IDEA in 2004 reinforced the idea that children with disabilities should be exposed to and involved in the general education curriculum to the greatest extent possible. Adoption of the CCSS is expected to accelerate this movement. IEP goals will continue to be based upon identified individual student needs. However, these goals should now be related to the academic, behavioral or functional learning expectations for other students at the same grade level. This process should typically involve:

1. Identifying the standards that all students at a specific grade level should know and be able to do.
2. Assessing where the student is functioning with regard to the above standards.
3. Determining disability related needs that prevent the student from being proficient on these standards.
4. Developing an Annual Goal to address these needs.

Parents should keep in mind that Standards-based IEPs **are not intended to cover every possible educational goal for a student**. Additionally, developing CCSS-related IEPs will not eliminate any specialized training students may require.

Understanding the Common Core State Standards

COMMON CORE STATE STANDARDS OREGON

Facts and Tips for Parents of Students with Disabilities in Oregon

For additional information contact:

Family and Community Together

1-888-988-3228

info@FACToregon.org

fact PARENT TRAINING AND INFORMATION CENTER

RRCP Regional Resource Center Program western

Common Core State Standards: The Basics

What are the Common Core State Standards?

The Common Core State Standards (CCSS) are a set of expectations that outline what students should know and be able to do in English Language Arts and Mathematics at each grade level K-12. These standards identify the knowledge and skills students need in order to be successful upon graduation from high school in college and careers. Oregon adopted the CCSS in 2010.

Why were the Standards developed?

There are several reasons why the Standards were developed. First, to better prepare students for life after high school whether that be attending college, attending a training program or beginning their careers. Second, each individual state had its own education standards with little consistency from state to state. The CCSS were designed to help ensure that all students nationwide have access to the same educational standards. Additionally, with a highly mobile society, many students move from state to state or school to school. By having common standards, students will have consistency in expectations no matter what school they attend.

Do the Standards tell teachers how to teach?

No. The CCSS do not tell teachers *how* to teach. Rather, they summarize the skills and knowledge students need in order to be prepared for their post-secondary goals. Schools and teachers select their own programs, materials, and instructional strategies to assist students in meeting the standards.

Who developed the Standards?

The federal government did not develop the Standards. Rather, the Standards were developed by a group of educators and experts coordinated by the National Governors Association Center for Best Practices (NGA Center) and the Council of Chief State School Officers (CCSSO).

Are the Standards applicable to students with disabilities?

The goals of the Common Core State Standards are applicable to *all* students. The CCSS document *Application to Students with Disabilities* states that in order for students with disabilities to meet high academic standards and to fully demonstrate their conceptual and procedural knowledge and skills in mathematics, reading, writing, speaking and listening (English language arts), their instruction must incorporate supports and accommodations, including:

- Supports and related services designed to meet the unique needs of these students and to enable their access to the general education curriculum (IDEA 34 CRF §300.34, 2004).
- An Individualized Education Program (IEP) which includes annual goals aligned with and chosen to facilitate their attainment of grade-level academic standards.
- Teachers and specialized instructional support personnel who are prepared and qualified to deliver high-quality, evidence-based, individualized instruction and support services.

What You should do.

Contact **Plan for Work** if you are receiving SSDI and/or SSI benefits and want to work.

If you want our help ...

Call us at 503-243-2081 x227 or 1-800-452-1694 x227 / Fax: 1-503-243 -1738 and an Information Specialist will assist you in applying for our services.

Helping people make informed choices about working

DISABILITY RIGHTS OREGON

Plan for Work is a project of Disability Rights Oregon

Find us on the web at:

www.droregon.org

610 SW Broadway, Suite 200
Portland, OR 97205
Phone: 503-243-2081 Fax: 503-243-1738
E-mail: pfw@droregon.org

This project receives funding from the Social Security Administration under grant (6 WIP13050316-01-01). Social Security has reviewed the following publication for technical accuracy only; this should not be considered an official Social Security document.

Get Help Understanding How Work Affects SSDI and SSI

Work Incentives Planning and Assistance for Oregon and Southern Washington

Work Incentive Planning and Assistance

If you are a Social Security disability beneficiary and would like to know how work will affect your benefits, we can provide information about work incentives to help you make informed decisions about work.

Plan for Work services are for you if you ...

- Have a disability
- Are receiving Social Security Disability Insurance (SSDI), and/or
- Are receiving Supplemental Security Income (SSI), and
- Want to know how work will affect your benefits and services

Plan for Work services are available to people who are ...

- Currently working, or
- Just thinking about going to work
- Live in Oregon or Washington's southern counties of Benton, Clark, Cowlitz, Franklin, Klickitat, Lewis, Pacific, Skamania, Wahkiakum, and Walla Walla

Our goal is to enable SSDI or SSI beneficiaries to make informed choices about work and to support them in making a successful transition to self-sufficiency.

Our trained Community Work Incentives Coordinators will offer guidance through the following services:

- **Information and Referral -** Information about work incentives and/or referral to other agencies or employment networks.
- **Benefits Analysis -** Explanations of work incentives and worksheets showing benefits, work, expenses, etc.
- **Work Incentive Planning -** The development of a customized Work Incentive Plan through discussions, information, and worksheets that will assist beneficiaries in becoming self-sufficient.
- **Benefits Management -** Periodic adjustments and information to assist in maintaining work and moving toward self-sufficiency.

Social Security's Work Incentives Can Help Beneficiaries Return to Work

What are Work Incentives?

Social Security work incentives are regulations that make it possible for people who receive disability benefits to work without losing their benefits until they become self-supporting.

There are different rules for SSI and SSDI, yet both programs have conditions that allow a person time to test his or her ability to work without losing money and health coverage.

If your benefits end because of your work and you have to stop working later, work incentives can make it easy to begin receiving benefits again.

Values

- Disability is a natural part of the human experience.
- Self-determination and individual choice, as well as respect for cultural differences, must be assured.
- All people are valued for their unique strengths, talents, and contributions.
- All people have an innate right to be included in every aspect of family and community life.
- Family involvement is critical throughout the life of a family member with a disability.
- Family leadership must be respected and supported as an important component in all things affecting families.
- Limited resources can drive opportunities for cooperation, collaboration, and reduction of duplication.
- By building relationships and trust through collaboration and unified action, we can do more together than any of us can do alone.

Vision: The Ultimate Goal

We envision a time in Oregon when people with disabilities, as well as their families, experience full equality of opportunity in all areas of their lives. FACT will be a recognized leader central to the establishment of this change.

IDEAs that Work
U.S. Office of Special Education Programs

OREGON CONSORTIUM OF FAMILY NETWORKS

fact
Family and Community Together

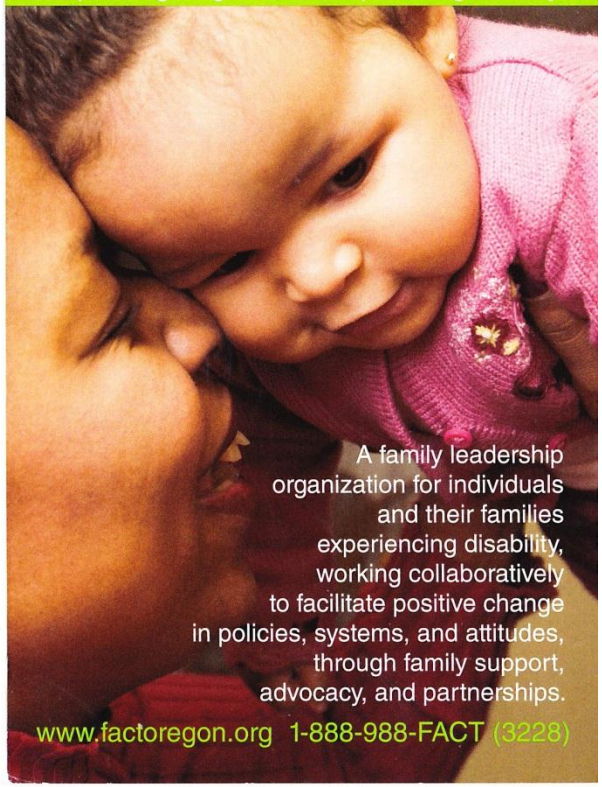
empowering Oregon families experiencing disability

13455 SE 97th Avenue
Clackamas, OR 97015-8662

fact

Family and Community Together

empowering Oregon families experiencing disability



A family leadership organization for individuals and their families experiencing disability, working collaboratively to facilitate positive change in policies, systems, and attitudes, through family support, advocacy, and partnerships.

www.factoregon.org 1-888-988-FACT (3228)

Parent Training and Information [PTI]

PARENT TRAINING AND INFORMATION CENTER

Parents with children receiving special education services have an incredibly important role on their child's IEP team. FACT is available to help you be an effective member of your child's team by providing:

- training, workshops, and in-services
- information and resources
- a helpline available by phone or email
- IEP parent mentors

Family Advocacy Network [FAN]

FAMILY ADVOCACY NETWORK

By strengthening the voices of thousands of Oregon families who are raising children with disabilities, FAN creates opportunities for:

- family leadership development
- family empowerment to affect system change and policy decisions
- participation in advocacy and grassroots systems change movements

Families themselves are a tremendous resource!

Tel: 1-888-988-FACT (3228)
Email: info@factoregon.org
www.factoregon.org

Parent to Parent [P2P]

PARENT TO PARENT OF OREGON

P2P pairs parents with trained mentors who can provide support, encouragement, and information, sharing from their personal experience as a parent. They bring a breadth of knowledge and experience to share wherever you are in your journey:

- a new diagnosis
- disability-specific questions or concerns
- life transitions and developmental milestones
- family, school, or community-related issues

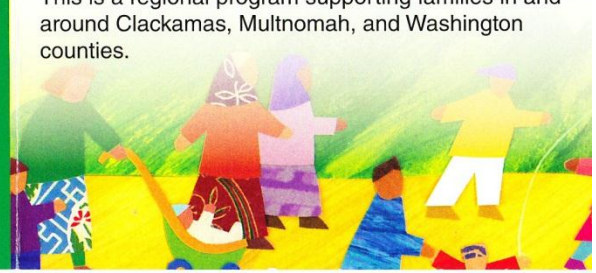
FACT Family Network - By Families, For Families

FAMILY NETWORK

Peer-delivered support celebrates families as the tremendous resource they are! The FACT Family Network provides:

- information, resources, and referral
- family-to-family networking
- training opportunities

This is a regional program supporting families in and around Clackamas, Multnomah, and Washington counties.



Valores

- La discapacidad es una parte natural de la experiencia humana.
- La autodeterminación y elección individual, así como el respeto a las diferencias culturales, deben ser asegurados.
- Todas las personas son valoradas por sus puntos fuertes, contribuciones y talentos únicos.
- Todas las personas tienen el derecho innato de ser incluidos en cada aspecto de la vida en familia y en la comunidad.
- La participación de la familia es imperativa a lo largo de la vida del familiar que tiene una discapacidad.
- El liderazgo familiar debe ser respetado y apoyado como un componente importante en todas las cosas que afectan a las familias.
- Recursos limitados pueden conllevar a oportunidades de cooperación, colaboración y reducción de la duplicación
- Al forjar relaciones y confianza por medio de la colaboración y acción unificada, podemos hacer más juntos de lo que podemos hacer solos.

Visión: la meta principal

Nos imaginamos una época en Oregon cuando las personas con discapacidades, así como sus familias, experimenten la equidad total de oportunidades en todas las áreas de sus vidas. FACT será un líder reconocido substancial para el establecimiento de dicho cambio.

IDEAs that Work
U.S. Office of Special Education Programs

OREGON CONSORTIUM OF FAMILY NETWORKS

fact
Family and Community Together

empoderando a las familias de Oregon que viven la discapacidad

fact

Family and Community Together

empoderando a las familias de Oregon que viven la discapacidad

Una organización familiar líder que trabaja para personas que experimentan discapacidad y para sus familias, colaborando para facilitar el cambio positivo en políticas, sistemas y actitudes, por medio del apoyo familiar, intercesión y alianzas.

www.factoregon.org 1-888-988-FACT

Red de Familia FACT— De familias para familias

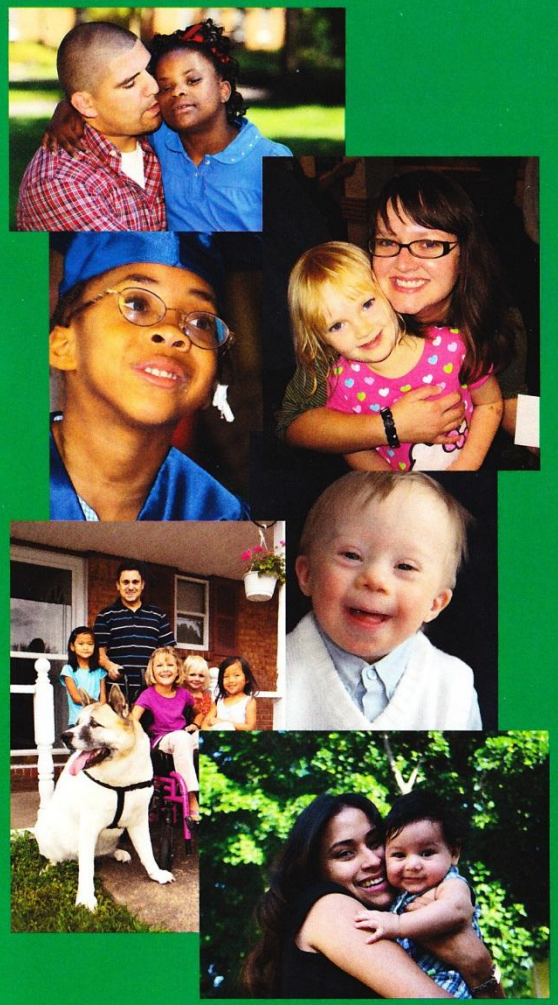
La Red de Familia FACT da apoyo mediante colegas, información sobre recursos, ayuda para la remisión, crea redes de familia a familia, y oportunidades de entrenamiento para las familias del área Metro de Portland.

La Red de Defensores de Familia (FAN, por sus siglas en inglés)

Al empoderar las voces de miles de familias de Oregon que están criando a niños con discapacidades, la FAN ha creado oportunidades para:

- la capacitación para el liderazgo de familia,
- el empoderamiento de familia para influir los cambios en sistemas y decisiones políticas,
- la participación en la abogacía y movimientos de cambio en sistemas comunitarios.

¡Las familias mismas son un recurso tremendo!



Tél: 1-888-988-FACT (3228)
Fax: 503-227-0346
Correo electrónico: info@factoregon.org
www.factoregon.org

De padre a padre (P2P, por sus siglas en ingles)

De P2P ofrece conexiones estatales de padre a padre para las familias que han lidiado con discapacidades toda su vida. Los Padres Mentores les prestarán atención, les importará lo que dicen y compartirán sus experiencias. De P2P siente que el apoyo, conocimiento y los recursos ayudarán a los padres a crear un futuro más exitoso para sus hijos y sus familias.

Centro de Entrenamiento e Información para Padres (PTI)

El FACT PTI es un programa estatal subsidiado federalmente que provee entrenamiento, recursos y apoyo para padres cuyos hijos tienen capacidades especiales de aprendizaje y/o discapacidades, al igual que jóvenes que se acercan a la edad adulta. El FACT PTI ofrece entrenamiento gratis, información y consultas para apoyar y fomentar a las familias para que participen en la educación de sus hijos.

What services can I receive from VR if I am eligible?

- Evaluations to determine job skills and interests;
- Vocational counseling and help in setting a job goal;
- Assistance with training or education, if needed, to obtain a job;
- Help with job interview skills;
- Special equipment or technology that may help you to keep a job;
- Assistance with getting to training or job sites and other work-related needs.

VR Administration Unit
500 Summer St. NE, E-87
Salem, OR 97301
Telephone: 503-945-5880
Toll-free: 1-877-277-0513
Fax: 503-947-5010
TTY: 711
www.oregon.gov/dhs/vr
Email: vr.info@state.or.us.

VR may use the following types of records to determine eligibility

- Medical records;
- Psychological records;
- Workers' Compensation records;
- Armed Forces service records;
- Parole and probation records;
- Any records about your disability.

DHS
Oregon Department of Human Services

This document can be provided upon request in an alternate format for individuals with disabilities or in a language other than English for people with limited English skills. To request this publication in another format or language, contact Vocational Rehabilitation at 503-945-5880 or 711 for TTY.

DHS 9875 (Rev. 5/2013)

OREGON DEPARTMENT OF HUMAN SERVICES
VOCATIONAL REHABILITATION

Your Partner to Employment

Vocational Rehabilitation

DHS | Safety, health and independence for all Oregonians

Vocational Rehabilitation is a voluntary federal program administered by states to help people with disabilities find employment. In Oregon, it is part of the Department of Human Services (DHS).

The mission of Vocational Rehabilitation is to assist Oregonians with disabilities to achieve and maintain employment and independence.

Who is eligible for VR?

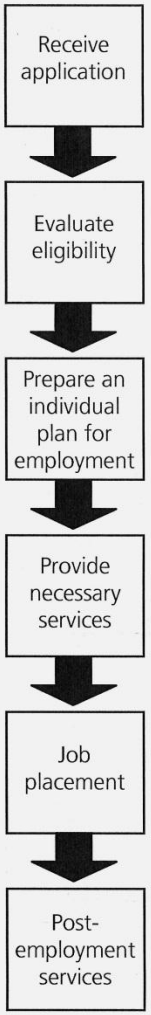
There is no cost to you to find out if you are eligible.

You may qualify if:

- You receive Social Security Disability or Supplemental Security income and you want to go to work; or
- You have a verifiable physical or mental disability; and
- Your disability prevents you from getting or keeping a job; and
- You need VR services to help you get or keep a job.

VR requires legal documentation of your ability to work in the United States.

The rehabilitation process



Evaluation for eligibility: VR uses specific criteria to assess each person's eligibility and potential for employment. In most cases VR will decide within 60 days if you are eligible for services.

Individual plan for employment: After you are found eligible, you and the counselor prepare a written rehabilitation plan.

Services: Services begin with vocational counseling and guidance.

Job placement: The counselor works with you to find and secure suitable employment.

Post-employment services: You may receive services to help you maintain your job and overcome employment barriers.

Your responsibilities

In your partnership with Vocational Rehabilitation (VR), your responsibilities are to:

- Actively participate and perform to the best of your ability;
- Keep all scheduled appointments;
- Notify VR of changes in your situation;
- Apply for and use comparable benefits when available to help pay for your rehabilitation;
- Follow all medical and/or psychological advice and treatment plans; and
- Obtain VR's prior approval for any service you expect VR to fund.

If VR is in an Order of Selection, you may be waitlisted before you can receive services. Your counselor will tell you if you will be placed on a waitlist.

Undue hardship: An action that causes major difficulty or expense to the employer.

One or more of the following factors may apply:

- The nature and cost of the accommodation;
- The finances and size of the business making the accommodation;
- The business type, including how the workplace is made up and functions; or
- The effect of the accommodation on the facility and on the business as a whole.

In general, the more employees, the more effort and expense the employer must provide for accommodations.

Enforcement

The Equal Employment Opportunity Commission (EEOC) and the Department of Justice (DOJ) are responsible for enforcing ADA employment rules and other employment discrimination laws.

Regulations and information

For information on accommodating employees and applicants with disabilities, contact:

Job Accommodation Network (JAN)
Voice: 1-800-526-7234
TTY: 1-877-781-9403

General employment resources

Office of Disability Employment Policy (ODEP)
U.S. Department of Labor
200 Constitution Avenue NW
Washington, D.C. 20210
Voice: 1-866-633-7365
TTY: 1-877-889-5627

Oregon Disabilities Commission
500 Summer Street NE, E02
Salem, OR 97301
Voice: 503-947-1136
Toll-free/TTY: 1-800-282-8096
Employment discrimination based on disabilities

U.S. Equal Employment Opportunity Commission (EEOC)
1801 L Street NW
Washington, D.C. 20507

Local EEOC office connection
Voice: 1-800-669-4000
TTY: 1-800-669-6820

Oregon Bureau of Labor and Industries (BOLI)
800 NE Oregon Street, Suite 1045
Portland, OR 97232
Voice: 971-673-0761
TTY: 711

ADA information and complaints
Vocational Rehabilitation ADA Coordinator
Voice: 503-945-6253 or 1-877-277-0513
TTY: 711
Email: vr.info@state.or.us.
www.oregon.gov/dhs/vr

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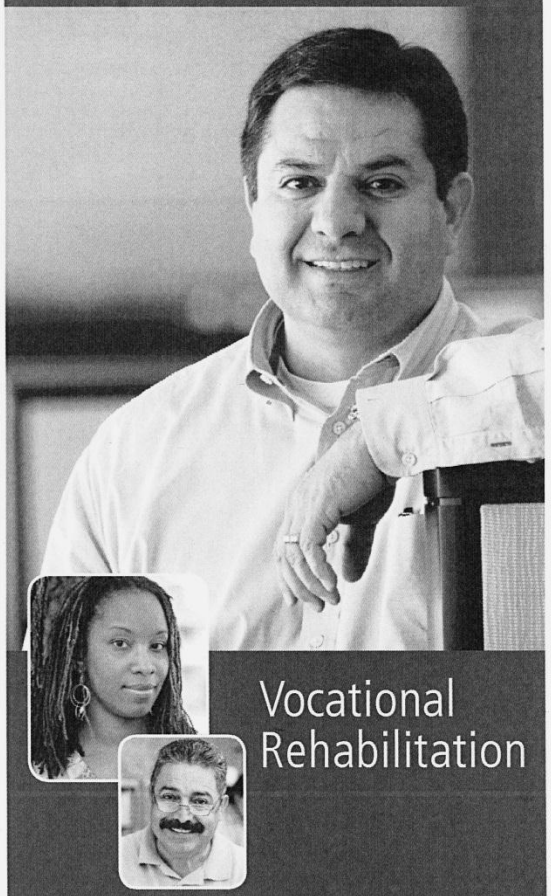
DHS 9568 (6/2013)

OREGON DEPARTMENT OF HUMAN SERVICES
VOCATIONAL REHABILITATION

The Americans with Disabilities Act

Focus on Employment



Vocational Rehabilitation

DHS | Safety, health and independence for all Oregonians

The ADA and employment

Most employers must comply with the Americans with Disabilities Act (ADA), which grants civil rights to people with disabilities.

In employment, the ADA relates to:

- Applying for or being referred to a job;
- Hiring, advancement or discharge;
- Wages and benefits;
- Training;
- Other employment aspects.

The Americans with Disabilities Act

The ADA guarantees rights to people with disabilities as well as rights based on race, color, national origin, sex and religion. All of these rights are now protected.

The ADA does not allow discrimination in:

- Employment;
- Services by state and local governments;
- Access to public places, transportation or electronic communication services.

Major ADA employment rules

ADA rules apply to the following:

- Private employers with 15 or more employees;
- All state and local government groups;
- Employment agencies;
- Labor groups and joint labor-management committees.

Qualified applicants and employees with disabilities must:

- Have an equal chance to be selected, tested and hired;
- Not be discriminated against by employers;
- Have equal chances for promotion and benefits;
- Be given reasonable accommodations unless they put an undue hardship on the employer.

Employers:

- May require that an employee not pose a direct threat to the health and safety of any individual;
- May not ask about applicants' disabilities or require medical exams before people are hired. They may ask applicants if they can do parts of a job. An employer may condition a job offer on a medical exam's results. This is only true if all employees in similar jobs must take the exam.

Some key definitions

Disability (one or more applies):

- A physical or mental disability greatly limits one or more major life functions such as walking, seeing, speaking or hearing.
- A record exists of the impairment (for example, a person who has recovered from cancer).
- Though seen as disabled, the person is not affected in his or her work (for example, someone who is scarred from burns).

Qualified individual with a disability: Someone with a disability who can do the key parts of a current or desired job. This applies even if the person asks for reasonable accommodations.

Reasonable accommodations
Examples include:

- Ensuring people with disabilities can access and use employee facilities;
- Job changes, part-time or altered schedules, transfer to a vacant position;
- New equipment or making changes to current equipment;
- Adjusted exams, training materials and policies;
- Providing qualified readers or interpreters; or
- Other accommodations.

Opresión indebida: una acción que causa una dificultad o un gasto importante al empleador

Uno o más de los siguientes factores pueden aplicar:

- La naturaleza y el costo del acomodo;
- Las finanzas y el tamaño del negocio que debe llevar a cabo el acomodo;
- El tipo de negocio, incluyendo cómo está conformado el lugar de trabajo y las funciones; o
- El efecto que el acomodo tendrá en las instalaciones y en el negocio como un todo.

En términos generales, el tener más empleados implica más esfuerzo y más inversión en acomodos para el empleador.

Cumplimiento

La Comisión para la Igualdad de Oportunidades Laborales (EEOC, por sus siglas en inglés) y el Departamento de Justicia (DOJ, por sus siglas en inglés) son los responsables de hacer cumplir las reglas del empleo ADA y otras leyes contra la discriminación en el empleo.

Regulaciones e información

Para mayor información sobre el acomodo de empleados y aplicantes con discapacidades, contacte a:

Red de Acomodo en el Trabajo (JAN, por sus siglas en inglés)
Teléfono: 1-800-526-7234
TTY: 1-877-781-9403

Recursos generales de empleo

Oficina de Políticas para el Empleo Discapacitado (ODEP, por sus siglas en inglés)
U.S. Department of Labor
200 Constitution Avenue NW
Washington, D.C. 20210
Teléfono: 1-866-633-7365
TTY: 1-877-889-5627

Comisión para la Discapacidad en Oregon
500 Summer Street NE, E02
Salem, OR 97301
Teléfono: 503-947-1136
Llamada gratúita/TTY: 1-800-282-8096
Discriminación en el empleo basada en discapacidades

EE.UU. Comisión para la Igualdad de Oportunidades Laborales (EEOC, por sus siglas en inglés)
1801 L Street NW
Washington, D.C. 20507

Oficina de EEOC Local
Teléfono: 1-800-669-4000
TTY: 1-800-669-6820

Agencia para el Trabajo y las Industrias en Oregon (BOLI, por sus siglas en inglés)
800 NE Oregon Street, Suite 1045
Portland, OR 97232
Teléfono: 971-673-0761
TTY: 711

Información y reclamos ADA
Coordinador de ADA
de Rehabilitación Vocacional
Teléfono: 503-945-6253 ó 1-877-277-0513
TTY: 711
Correo electrónico: vr.info@state.or.us.
www.oregon.gov/dhs/vr

El presente documento se puede proporcionar a solicitud en un formato alternativo para personas con discapacidades o en un idioma diferente al español para personas con capacidades limitadas en español. Para solicitar esta publicación en otro formato o idioma, póngase en contacto con Rehabilitación Vocacional en 503-945-5880 o 711 para TTY.

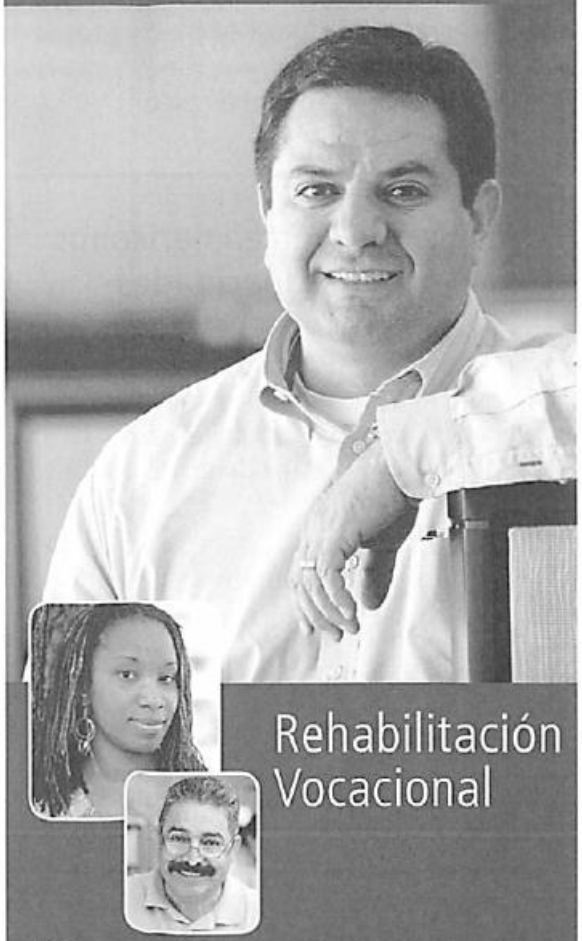
Spanish DHS 9568 (6/2013)

DEPARTAMENTO DE SERVICIOS HUMANOS DE OREGON

REHABILITACIÓN VOCACIONAL

La Ley de Norteamericanos con Discapacidades

Enfoque en el Empleo



Rehabilitación Vocacional

DHS | Seguridad, salud e independencia para todos los habitantes de Oregón

La ADA y el empleo

La mayoría de los empleadores deben cumplir con la Ley de Norteamericanos con Discapacidades (ADA), que otorga derechos civiles a las personas con discapacidades.

En el empleo, la ADA se relaciona con:

- Solicitar o ser referido a un puesto de trabajo;
- Contratación, ascenso o despido;
- Salarios y beneficios;
- Capacitación;
- Otros aspectos del empleo.

La Ley de Norteamericanos con Discapacidades

La ADA garantiza derechos a las personas con discapacidades, así como derechos basados en la raza, el color, el origen nacional, el sexo y la religión. Todos estos derechos ahora están protegidos.

La ADA no permite la discriminación en:

- Empleo;
- Servicios por los gobiernos estatales y locales;
- Acceso a lugares públicos, transporte o servicios de comunicación electrónica.

Normas principales de la ADA y el empleo

Las normas de la ADA se aplican a los siguientes:

- Empleadores privados con 15 o más empleados;
- Todos los grupos de gobiernos estatales y locales;
- Agencias de empleo;
- Grupos de trabajo y comités conjuntos para la gestión laboral.

Los solicitantes y empleados calificados con discapacidades deben:

- Tener una oportunidad equitativa a ser seleccionados, sometidos a pruebas y contratados;
- No ser discriminados por los empleadores;
- Tener probabilidades equitativas de ser ascendidos y recibir beneficios;
- Ser proporcionados las adaptaciones razonables a menos que pongan una carga excesiva sobre el empleador.

Empleadores:

- Pueden requerir que un empleado no represente una amenaza directa para la salud y seguridad de cualquier individuo
- Pueden no preguntar sobre las discapacidades de los aplicantes o requerir exámenes médicos antes de la contratación. Pueden preguntarles a los aplicantes si están en capacidad de desempañar partes de algún trabajo. Un empleador puede condicionar una oferta laboral dependiendo de los resultados de los exámenes médicos. Esto sólo es válido si todos los empleados en trabajos similares deben tomar el examen.

Algunas definiciones clave

Discapacidad (puede aplicar una o más):

- Una discapacidad mental o física que limita enormemente una o varias de las funciones más importantes de la vida, tales como caminar, ver, hablar o escuchar.
- Existe un registro de la discapacidad (por ejemplo, una persona que se ha recuperado de un cáncer).
- Ser visto como discapacitado, así el trabajo de la persona no se vea afectado (por ejemplo, una persona con cicatrices producto de quemaduras).

Individuo calificado con una discapacidad: Alguien con una discapacidad que puede llevar a cabo las partes clave de un trabajo actual o deseado.Esto se aplica incluso si la persona solicita adaptaciones razonables.

Adaptaciones razonables
Algunos ejemplos son:

- Garantizar que las personas con discapacidades puedan tener acceso y utilizar las instalaciones para empleados;
- Cambios en el trabajo, horarios modificados o de tiempo parcial, transferencias a puestos vacantes;
- Nuevo equipamiento o cambios en el equipamiento actual;
- Exámenes, materiales de capacitación y políticas ajustados;
- Proporcionar lectores calificados o intérpretes; u
- Otros acomodos.

Some of Employment First's key partners

Oregon Office of Developmental Disability Services
www.oregon.gov/dhs/dd/

Oregon Vocational Rehabilitation
www.oregon.gov/dhs/vr

Oregon Department of Education
www.ode.state.or.us

Oregon Council on Developmental Disabilities
www.ocdd.org/

Community Developmental Disability Programs
www.oregon.gov/dhs/dd/pages/county/home.aspx

Support Services Brokerages
www.oregon.gov/dhs/dd/pages/adults/index.aspx

For more information on Oregon Employment First, contact:

Employment First
500 Summer Street N.E.
Salem, Oregon 97301

Telephone: 503-945-5944
TTY: 503-945-6214

www.dhs.state.or.us/dd/supp_emp
email: employment.first@state.or.us

DHS
Oregon Department of Human Services

This document can be provided upon request in alternate formats for individuals with disabilities or in a language other than English for people with limited English skills. To request this brochure in another format or language, email employment.first@state.or.us, or call 503-945-5944 (voice) or 503-945-6214 (TTY).

DHS 9417 (5/2014)

DEPARTMENT OF HUMAN SERVICES

Oregon Employment First

Supporting people with intellectual and developmental disabilities in their career plans.

DHS Safety, health and independence for all Oregonians

Everyone can work. There is a job for everyone.

Employment First is an Oregon initiative to promote community employment as the first priority for individuals with intellectual and developmental disabilities.

Employment First is based on the belief and vision that:

- Everyone can work.
- There is a job for everyone.

Employment First is about opportunity.

The opportunity for people to:

- Explore career paths;
- Fully use their talents and skills;
- Work and advance in jobs/careers of their choice;
- Participate in their community like everyone else;
- Increase their social connections;
- Become more financially independent;
- Improve their quality of life.

The opportunity for businesses and communities to benefit from:

- An untapped workforce of well-trained and motivated employees;
- The contributions that individuals with disabilities can make;
- Increased workplace diversity;
- People becoming more self-sufficient.

Employment First background

Oregon created its Employment First policy in 2008. Federal and state agencies are pursuing similar efforts and policies.

In April 2013, Governor Kitzhaber issued an Executive Order to make Employment First a priority. He directed state agencies to work together to promote Employment First. The goal is to improve employment outcomes for individuals with intellectual and developmental disabilities.

Employment First goals

- More youth with intellectual and developmental disabilities will leave school with a job or college plans.
- More adults with intellectual and developmental disabilities will obtain integrated jobs in their community.

How Oregon will meet its Employment First goals

- Expand employment services for people with intellectual and developmental disabilities.
- Provide information and training opportunities for people, families, service providers, businesses and others to help individuals achieve community employment.
- Coordinate state and local agency efforts and practices to meet employment outcomes.
- Address barriers to achieving employment goals.