



AUTISM TRAINING and Technical Assistance Project

Advocacy in the Workplace:
Avoiding Bias, Requesting Accommodations, and
Disability Disclosure for Neurodivergent Individuals

icsps

Illinois Center for Specialized Professional Support,
Illinois State University, College of Education

Moderator Information



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The Autism Training and Technical Assistance Project

The Autism Training and Technical Assistance Project (ATTA) develops and presents resources that assist individuals with autism in their transition from secondary education to postsecondary education or employment.

ATTA provides training and support to important stakeholders as they work to provide an equitable experience for individuals on the spectrum.



The Illinois Center for Specialized Professional Support

The Illinois Center for Specialized Professional Support (ICSPS) resides in the Educational Administration and Foundations Department in the College of Education. The Center has been a part of Illinois State University's College of Education since 1977. The mission of ICSPS is to support the success of every learner through the comprehensive application of research-based practices, encouraging professionals to educate equitably, and offering expertise in creating excellent learning environments through professional development events.

ICSPS designs and delivers professional development, technical assistance, and program improvement strategies for career, technical, and adult education and workforce professionals. The Center focuses on equity, access, diversity, and inclusion in recruitment, retention, completion, and transition for Illinois students - encouraging achievement of special population learners. ICSPS offers customized professional development on Universal Design for Learning, strategies to enhance recruitment and retention, embracing a growth mindset, and supporting special populations students.





Autism Training and Technical Assistance Project (ATTA)

<https://autismcollegeandcareer.com>



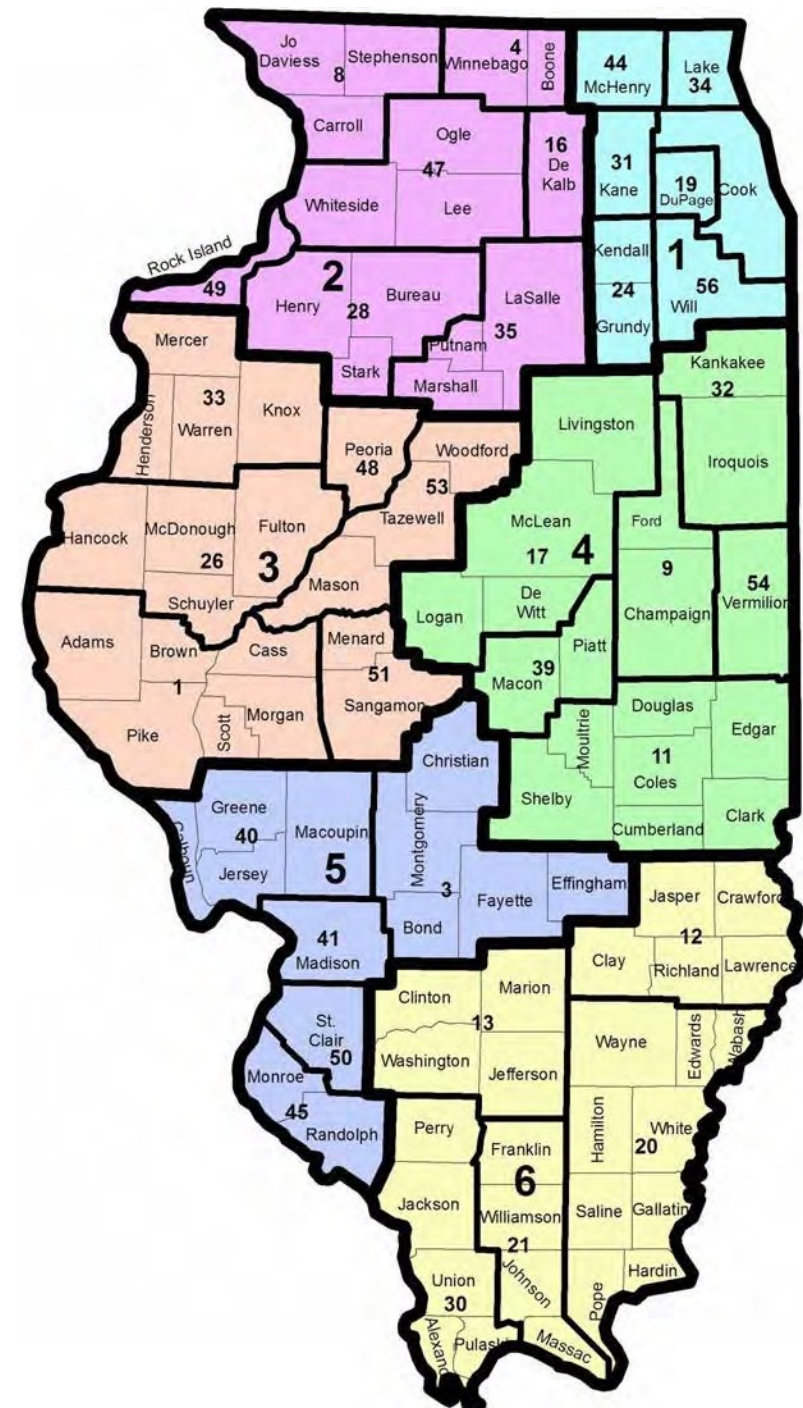
Illinois
State Board of
Education

icsps impacting
educational
equity

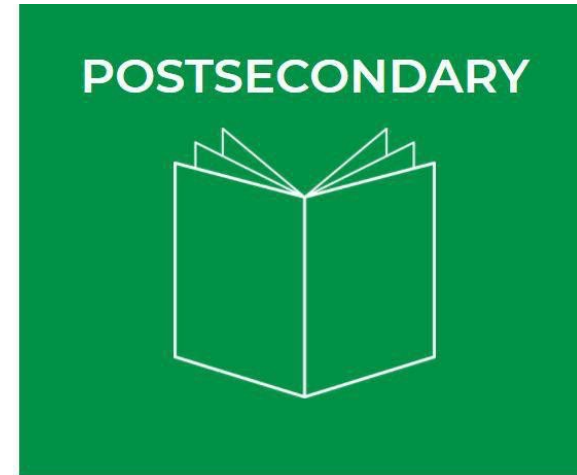
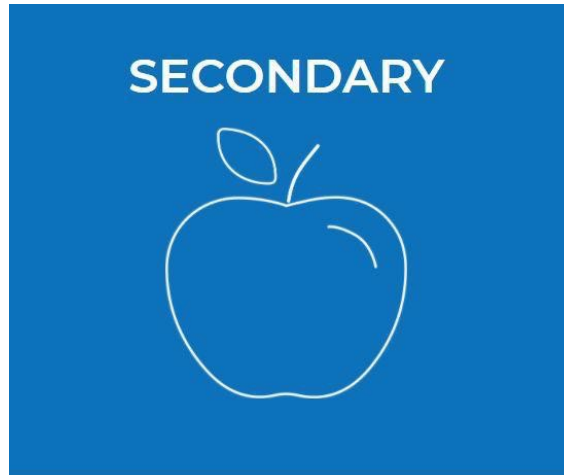
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Which Region are you Located in?

1. Chicago
2. Northeast
3. Northwest
4. Central
5. Southwest
6. Southeast



Which ATTA Stakeholders do you Represent?



Presenter Information



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Major Disability Laws

- Americans with Disabilities Act
 - The ADA is a comprehensive, federal civil rights law that prohibits discrimination against people with disabilities in employment, public entities, public accommodations, telecommunications, etc.
 - Can affect housing, healthcare, employment, and government/social services
- Rehabilitation Act
 - **Section 503** lays out affirmative action goals for recruiting, hiring and employment people with disabilities for federal agencies, contractors and subcontractors.
 - **Section 504** does not allow discrimination on the basis of disability in programs, entities, or activities from government agencies or any place or program receiving federal funding.
- Individuals with Disabilities Education Act
 - Under IDEA, students with disabilities are entitled to a **free and appropriate public education** in the **least restrictive environment** up until age 22 or high school graduation, whichever comes first.

Additional rights and interpretation of these laws comes from the courts.



Anything Autism Specific?

- The Autism Collaboration, Accountability, Research, Education and Support Act (Autism CARES Act) is the **primary source of federal funding for autism** research, services, training, and monitoring.
- Other than funding...most other rights, laws, and policies would be at the state and local level.
 - Driver's license initiatives
 - Police trainings
- Other federal nonpartisan groups work on autism and disability specific policy:
 - National Council on Disability
 - The Interagency Autism Coordinating Committee
 - The Office of Disability Employment Policy



Rights of Autistic People

- Autistic people are entitled to fair treatment, respect, dignity, and full participation in society.
- Disability laws apply to almost all aspects of life
 - Housing
 - Education
 - Social services and benefits (Medicaid, social security)
 - Employment
 - Healthcare



Let's Talk About Crime

- People with disabilities are more likely to experience victimization, be arrested, be charged with a crime, and serve longer prison sentences once convicted, than those without disabilities (The Arc)
- 4%-10% of the incarcerated population has intellectual and developmental disabilities (“I/DD”) in contrast to 1.5% in the general population (Scheyett, Vaughn, Taylor & Parish, 2009).
- Autism is not a specific defense to any crime
- 9% of male inmates in a study met the criteria for ASD (Young et. al, 2017)
- People with I/DD are **seven times more likely** to be victims of sexual assault and abuse
 - This is even higher for women



Autism and Police

- Nearly 20% of autistics will have a run-in with police by age 21 (Rava et al, 2017).
 - Half of those interactions are before age 15.
 - About 5% are arrested before turning 21.
- Autistic behaviors might appear suspicious to law enforcement or first responders
- In the news, we sometimes see stories of autism and police interactions going badly:
 - Victor Perez (17), Pocatello, ID
 - Linden Cameron (13), Salt Lake City, UT
 - Kayden Clarke, Mesa, AZ
 - Arnaldo Rios, Miami, FL
- Between one-third and half of all police brutality victims are disabled.



Police Education and Awareness Tools

- Some police departments mandate autism and disability awareness trainings
- Others have collaborations for special cards to indicate disabilities like autism
- Specialized trainings don't always work
 - No evidence of awareness training reducing violence
 - Training is not standardized across departments
 - Who is giving the trainings varies wildly
 - So does the length and depth of the training
 - Which view of autism is being presented to officers?



What Should Be Done Instead?

- Researchers, professionals, and advocacy groups propose some of the following ideas:
 - Establish community watch programs to keep autistic people safe
 - Have crisis and safety plans in the event of an emergency
 - Police can work with autism professionals and community mental health providers
 - Being "aware" of what behavior looks suspicious to neurotypicals



How To Interact With Law Enforcement

- Officers will often interpret autistic traits and behaviors as suspicious
 - Pacing, stimming, hand movements, scripts
- Do not attempt to leave the situation without permission
- If brought in for questioning, you have *Miranda* rights:
 - Right to remain silent, anything can be used against you in court, right to an attorney
 - You can invoke them by simply saying you want an attorney or lawyer. This is not an admission of guilt.



Autism and Employment



- Autistic adults have the lowest employment rate amongst all disabled people
- **36%** of people with intellectual & developmental disabilities are paid employees (The Arc, 2017)
- The private sector tries to increase autistic employment (Autism at Work)
- Public policy tries to increase the autistic employment rate
 - The ADA protects against employment discrimination
 - So does 503, and the Workforce Recruitment Program
 - Programs with 14(c) certificates



Your Rights With Workplace Accommodations

- The **Americans with Disabilities Act** forbids employers from discriminating against a qualified individual with a disability.
- Under the ADA, you don't have to disclose until an accommodation is needed.
- Title I of the ADA requires employers provide **reasonable accommodation** to qualified individuals with disabilities who are employees or applicants, except when it would cause an undue hardship.
- Reasonable accommodations should help the individual perform the **essential functions of the job**.
 - “The fundamental job duties of the employment position the individual with a disability holds or desires.” 29 C.F.R. § 1630.2 (n)(1).
- Ideas for accommodations and info on specific disabilities can be found at the **Job Accommodation Network** (askjan.org).



Protecting Your Rights

- If your request is done verbally, send a follow-up letter or e-mail to “recap” what was discussed and print a copy to keep at home.
- This will give your employer the opportunity to let you know if there was a miscommunication and ensure you have documentation of the request.
- If the accommodation they grant is not what you asked for, or if your request is completely denied, ask for their response and rationale in writing if they did not already provide it in that format.
- If you feel that your rights have been violated after the above, seek help from an advocate or attorney.

DISABILITY RIGHTS
ARE CIVIL RIGHTS



Unfair Labor Practices: Subminimum Wage

- Illinois is phasing out subminimum wage with the signing of the Dignity in Pay Act (HB793). Governor JB Pritzker signed it into law on January 21, 2025
- The Fair Labor Standards Act (1938): part of Great Depression era recovery
Established child labor regulations, minimum wage, overtime pay, and record-keeping.
BUT: Section 14(c) of the Fair Labor Standards Act allows authorized employers with certificates from the federal government to **pay workers with disabilities less than the federal minimum wage.**
- Who are 14(c) certificate holders?
 - Typically, they are nonprofits and manufacturers
 - A list is publicly available on the U.S. Department of Labor website



Additional Resources on Autism + Civil Rights

- Autistic Self Advocacy Network Plain Language Guides
- National Disability Rights Network
- Autism Society
- Additional concerns: social security, Medicaid, guardianship



Questions and Discussion

