



# LEARNING DISABILITIES

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AN OVERVIEW OF [ACL 01-70](#)



# Effective Date of the ACL

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- Counties must implement **no later than May 15, 2002** (extended by ACL 02-13), or sooner if they:
  - Have staff properly trained to administer the screening tool, or
  - Have contracted with outside agencies who have properly trained staff to administer the screening tool.



# Screening Protocol: Who Will Be Screened & When?

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- All new WTW enrollees must be screened at appraisal.
- All existing WTW participants must be screened at annual CalWORKs eligibility redetermination or at any earlier trigger point. (*See next slide.*)



# Recipient Screening Points

## Screen When...

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- Participants request a screening, self-identify, or seem to have auditory or visual difficulty processing information;
- In good cause, compliance, or sanctions process;
- Fail to maintain satisfactory progress;
- County worker or WTW contractor suspects participant may have a learning disability; and
- Any other situations in which participants appear to have suspected learning disabilities.



# Screening Tool

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- ACL recommends the Learning Needs Screening tool, used by the State of Washington.
- Includes additional health-related questions.
- Counties may use other validated screening tools, but they will be responsible for training staff on use of other screening tools.



# Serving Limited English Proficient (LEP) Participants

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- Screening tools for learning disabilities are validated in English language only.
- Counties must not translate English screening tools into other languages.
- Counties must provide access to comparable screening and evaluation services for LEP participants when LD suspected (e.g., refer participant to a qualified bilingual professional for a learning disability evaluation).



# Participants may decline the screening and/or evaluation

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- Counties **MUST** offer the learning disabilities screening and evaluation, but
- Participants **MAY** decline them, and are not subject to a sanction on this basis alone.



# Participants May Decline (cont.)

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- If a participant is hesitant to be screened, counties must advise him/her of:
  - The right to have or decline a learning disabilities screening/evaluation;
  - The benefits of a learning disabilities evaluation (e.g., right to ask for reasonable accommodations if participant has a learning disability); and
  - The consequences for not meeting the WTW participation requirements without an LD determination.



# If The Participant Declines An LD Evaluation

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- His/her WTW plan will not reflect any accommodations for learning disabilities; and
- S/he may ask for a screening/evaluation at a later time;
- If a learning disability is later identified, the WTW plan will be modified prospectively to provide appropriate services and accommodations for the learning disability.



# Who will provide the learning disabilities screening?

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- A designated worker who has:
  - The training to appropriately administer the screening tool; and
  - To the degree possible, a working relationship with the participant.



# Who Will Do the Screening?

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- Each county will determine who will administer the screening tool (e.g., employment case managers, social workers, eligibility workers, contracted providers, etc.)
- Counties may contract with trained qualified professionals to administer both the learning disabilities screening tool and evaluation tests.



# Protocol for Referring to LD Evaluations

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- Counties must refer for learning disabilities evaluation those participants who:
  - Have a potential learning disability based on results of the screening tool;
  - Were previously identified as having learning problems (e.g., K-12 special ed);
  - Are suspected of having a learning disability, even if the screening tool doesn't indicate this.



# When to refer for a learning disabilities evaluation?

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- Should be referred as soon as administratively feasible after the screening tool indicates a potential learning disability.
- Evaluation should take place either before or concurrently with the assessment process.



# Who will do the evaluation?

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- Per CDSS regulations, participants must be referred to a qualified, trained professional.
- This person must be qualified to conduct tests to identify learning disabilities and determine appropriate accommodations.



# What types of tests will be used in the evaluation?

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- Only validated tests can be used to measure the following areas:
  - Aptitudes and information processing;
  - Achievement; and
  - Vocational interests, as needed to assist in the development of the WTW plan.
- The evaluator determines the tests used. These should match, to the extent possible, a participant's goals.



# Collaboration of Assessor and Evaluator

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- If the evaluation is done by someone other than the CalWORKs assessment worker, the worker will need to collaborate with the evaluator.
- The worker must use the results from the learning disability evaluation and the CalWORKs assessment to develop the best WTW plan for the participant.



# Consulting with Specialists

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- Assessors should consult with an LD specialist when questions exist about:
  - Whether additional testing is needed;
  - How significant the LD is, and whether it affects his/her ability to participate in WTW activities;
  - Suspected co-existing disorders.



# Co-Existing Disorders

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- If the LD evaluation identifies, or indicates a suspicion of, co-existing or other disabilities, the County **must:**
  - Discuss the findings with the participant;
  - Refer the participant for evaluation and treatment of other conditions; and
  - Jointly develop a WTW plan with appropriate accommodations.



# The Evaluation Must Include Core Information

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- Evaluation must be a written report and include:
  - Relevant vocational/educational background & history;
  - General aptitude/cognitive level;
  - Other issues, e.g., physical/mental problems;
  - Areas of strength; areas of deficit;
  - Recommended accommodations/assistive technology for the WTW plan; and
  - Summary.



# Optional Information for Evaluation

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- Identification of local resources;
- Documentation of accommodations & assistive technology needs for other purposes (e.g., driver's license exam; GED exam, etc.)
- Discussion of participant's short/long-term employment goals and general/specific vocational recommendation, to the extent that the evaluator feels qualified to address these issues.



# What must the county do with the written evaluation?

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- Review the evaluation to determine if there are any learning or other disabilities.
- If no learning disability, inform the participant of the findings, who will begin/continue with the activities in WTW plan.



# If There is a Learning Disability.....

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- The County **must:**
  - Ensure that the WTW plan incorporates the results from the assessment tests and the learning disabilities evaluation, and develop the WTW plan jointly with the recipient.
  - Provide a copy and an explanation of the evaluation test results to participant.
  - Discuss the recommended WTW activities and reasonable accommodations.
  - Include the learning disabilities evaluator in the discussion whenever possible to answer question & get feedback from the participant.



# County Do's and Don'ts

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- **Do** develop or modify the WTW plan to reflect appropriate activities and necessary reasonable accommodations based on the mutual agreement of the county & participant.
- Do **NOT** limit the range of services or WTW activities simply due to a participant's learning disabilities.



# Documenting LD for Other Services

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- In addition to providing the recipient with the evaluation, the county must provide the participant with documentation of the LD, so the participant can verify the need for reasonable accommodations or services.



# LD and the Good Cause & Non-compliance Processes

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- County will consult with the evaluator to see if the disability contributed to the participant's failure to participate.
- If it was a contributing factor, the participant has good cause and shall not be sanctioned.
- The county and the participant will review the WTW plan & modify it to reflect appropriate activities and necessary accommodations.



# LD and Curing a Sanction

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- The county will determine if the learning disability contributed to the participant's noncompliance.
- If it was a contributing factor, the county will rescind the sanction and issue any benefits to which the individual is eligible.
- The county & participant will review the plan and modify it accordingly.



# Other conditions?

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- If the participant has other physical, mental, behavioral, or developmental conditions:
  - Discuss findings with participant;
  - Refer participant for evaluation and treatment, as appropriate; and
  - Develop a WTW plan and provide accommodations for verified disabilities.



# Appeal Rights

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- If a participant disagrees with the learning disabilities evaluation, plan development, etc., s/he may file an appeal.
- If the participant feels that discrimination occurred, s/he may file a discrimination complaint.



# Other Significant Policy Changes...

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- **Determining the appropriateness of job search** as a first activity
  - Follow the LEP model for job search.
- **Granting good cause for fewer hours of participation**
  - First explore backfilling hours with other activities that support the participant's employment goals & are consistent with his/her learning disabilities evaluation.



# Skipping Job Search

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- Skip or shorten job search if it won't be beneficial.
- Minimum considerations:
  - Employability skills;
  - Available jobs in demand occupations suitable to the individual's skills;
  - Employment history and effect of LD on work history;
  - Whether individual is aware of the types of jobs or job-settings in which s/he is likely to obtain or retain employment.



# Shortening Job Search

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- If assigning up-front job search, must inform participant in writing and orally, that job search can be shortened if not beneficial and means of doing so.



# Significant Policy Changes (cont.)

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- **Inter-county transfers**

- With participants permission, forward the learning disability evaluation to receiving county.
- Receiving county will develop/amend WTW plan accordingly.

- **Confidentiality of medical records & learning disability evaluation**

- Records must be treated as confidential documents and should be shared on a “need-to-know” basis.



# Remedies

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- **Retrospective adjustment of the 18 and 24-month time clock when participant:**
  - Has learning disabilities that were unidentified and/or not accommodated,
  - Signed a WTW plan, and
  - Did not make satisfactory progress or benefit from the WTW activity.



# New Forms, Notice & Guides

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- **ACL includes:**

- 4 new forms;
- 1 new notice;
- Guide on characteristics & manifestations of individuals with possible learning disabilities;
- Guide on common workplace accommodations for adults with learning disabilities;
- Explanation of reasonable accommodations and participant disclosure of disability and self-advocacy



# More to Come....

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- Per conversation with CDSS, state will be developing regulations to:
  - clarify when a reduction of hours is an accommodation vs. indication for exemption;
  - clarify exemptions.



# Accommodations versus Exemptions

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- Evaluators are to review the extent to which the individual is “unable to successfully complete or benefit from a current or proposed activity assignment.” MPP §42-711.58.
- Exemptions apply when the recipient has a condition that is expected to last at least 30 days and that significantly impairs the individual’s ability to be regularly employed or participate in welfare-to-work activities. MPP §42-711.441.



# Accommodations and Exemptions (cont.)

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- At some point, the reduction of hours is “significant” and the person should be exempt.
- At some point the provision of other accommodations may result in participation limits that are a significant impairment of the person’s ability to participate.