

# Placer County Department of Human Services

EFFECTIVE DATE: <b>09/03/02</b> REVISION DATE: <b>02/01/14</b>	TITLE: <b>Learning Disabilities (LD) Policy</b>	PROGRAM: <b>ES</b>
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<b>Background</b>	<p>The Department of Health and Human Services' (HHS) Administration for Children and Families (ACF) administers the Temporary Assistance for Needy Families (TANF) program for the Federal Government. HHS' Office for Civil Rights (OCR) enforces certain Federal civil rights laws that govern TANF agencies. On January 19, 2001 OCR issued policy guidance <u><i>Prohibition against discrimination on the basis of disability in the administration of TANF.</i></u></p> <p>In the policy guidance, OCR affirmed that TANF agencies are covered entities under <u>Section 504 of the Rehabilitation Act of 1973</u> because they receive funding from the Federal government. And, as TANF agencies are usually part of local government, they must comply with <u>Title II of the Americans with Disabilities Act (ADA) of 1990.</u></p> <p>Under Section 504 and ADA Title II TANF agencies are required to ensure equal access to people with disabilities; reasonably modify policies, practices, and procedures for people with disabilities where necessary; and ensure that methods of administration do not discriminate on the basis of disability.</p> <p>On October 17, 2001, the California Department of Social Services transmitted to counties for implementation, Learning Disability Screening and Evaluation Protocols. The protocols were developed based on recommendations by the Department's Advisory Workgroup on Learning Disabilities and incorporated key provisions of OCR's policy guidance.</p> <p>On October 29, 2004, CDSS transmitted to counties CalWORKs employment services Program regulations, effective on September 15, 2004, formalizing Learning Disabilities policies and protocols and incorporating changes due to public comment, along with questions and answers</p> <p>On October 17, 2007, OCR issued frequently asked questions from TANF agencies <u><i>Meeting the needs of TANF applicants and beneficiaries under Federal civil rights laws</i></u></p>
<b>Purpose</b>	<p>The purpose of this policy is to outline the required actions necessary to provide equal opportunity to qualified individuals with learning disabilities to participate in activities and benefit from services provided by the Placer County Employment Services program, in compliance with applicable Federal and State Civil Rights laws and State regulations.</p>
<b>Regulations, Letters, Notices</b>	<ul style="list-style-type: none"> <li>• Eligibility and Assistance Standards Manual Chapter 42-701.2 (l) (2); 42-711.58; 42-722;</li> <li>• ALL COUNTY LETTER (ACL) NOs. 99-80, 01-42, 01-70, 02-13, 02-35, 02-64, 02-88 and 04-48</li> <li>• ALL COUNTY INFORMATION NOTICE (ACIN) NO. 1-16-02</li> </ul>

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### Definitions

- Learning Disabilities means a heterogeneous group of disorders manifested by significant difficulties in the acquisition and use of listening, speaking, reading, writing, reasoning, or mathematical abilities.

These disorders are intrinsic to the individual and presumed to be due to central nervous system dysfunction. Even though a learning disability may occur together with other handicapping conditions (e.g., sensory or mental impairment); or environmental retardation, social and/or emotional disturbance influences (e.g., cultural differences, insufficient/inappropriate instruction, psychogenic factors); it is not the direct result of those conditions or influences.

For the purposes of the CalWORKs Employment Services program, these disorders interfere with the participant's ability to obtain or retain employment or to participate in employment services activities.
- Screening is the first step towards identifying individuals with suspected learning disabilities. It involves the use of a recognized and validated learning disabilities screening tool that is administered by designated individuals who have been trained on how to properly administer the tool. All individuals who receive a score on the screening tool that indicates a possible learning disability must be referred for further evaluation. Individual judgment should not be substituted for the screening tool outcome.

Since no screening tool is 100 percent accurate, counties should observe the participant for other indications of potential learning disabilities, particularly if the results of the screening tool do not indicate the presence of a potential learning disability (CDSS, 2001, p.3).
- Evaluation is the process of determining whether an individual has learning disabilities and/or other co-existing disorders. It is described as follows in the Manual of Policies and Procedures (MPP) Section 42-711.58: "A participant with a suspected learning or medical problem ... shall be referred to an evaluation. This evaluation shall be performed by a professional whose training qualifies them to determine whether the participant is unable to successfully complete or benefit from a current or proposed activity assignment."
- Diagnosis is the formal identification of the specific nature of a learning disability and/or co-existing disorder that could extend beyond the testing and measuring of aptitudes, performance, and vocational interests that are associated with a learning disabilities evaluation. Only a highly trained individual such as a psychologist, clinical psychologist, school psychologist, or psychiatrist may perform a diagnosis. It is recommended that a diagnosis, rather than a learning disabilities evaluation, be obtained when formal documentation of an accommodation is needed or the participant presents significant or multiple impairments.
- Accommodations are modifications and adjustments that make it possible for a qualified individual with a disability to apply for or perform the essential functions of a job or to participate in assigned employment services activities. The county and service providers contracted by the county with CalWORKs monies must make reasonable modification of their services to accommodate participants who have a disability, including a learning disability. The accommodations should be specific to the

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	<p>participant's needs.</p> <p>When an individual is identified with a learning disability, the county and the individual will review the written learning disabilities evaluation and discuss the types of jobs or other employment services activities that might best match the individual's skills while working around his/her limitations. The written evaluation should include a range of reasonable accommodations for the individual.</p>
<b>Policy</b>	<p>In order to comply with applicable Federal and State Civil Rights laws, State Regulations and provide equal opportunity to qualified individuals with learning disabilities to participate in activities and benefit from services provided by the employment services program, Placer County Employment Services Staff will take the following required actions:</p> <p><b>LD Screening</b></p> <ul style="list-style-type: none"> <li>• Offer participants a screening at the first employment services contact (i.e., orientation or appraisal) or by no later than the assessment.(42-722.11)</li> <li>• Provide information about the screening, both verbally and in writing at the first employment services contact, including a description, of the purpose and benefits of the screening and evaluation. (42-722.12)</li> <li>• Screen participants who request or agree to be screened at any time during their employment services participation before they are assigned to another activity. (42-722.14)</li> <li>• Use the Learning Needs Screening, a widely recognized and validated screening tool that was recommended for county use by the CDSS Learning Disabilities Advisory workgroup. (42-722.32)</li> <li>• Assign workers who have been trained on how to properly administer the screening tool and to the degree possible, have a working relationship with the participant. (42-722.311(a) (b))</li> </ul> <p><b>Declining LD Screening and/or Evaluation</b></p> <ul style="list-style-type: none"> <li>• Follow the specified process when a participant declines screening and/or evaluation, including informing participant that his/her activities will not include any accommodations, that he/she may receive a screening or evaluation upon request at any later time, reading and discussing the waiver of LD screening and /or evaluation with the participant and have participant sign the waiver. (42-722.21)</li> <li>• Provide screening and evaluation as soon as administratively feasible to individuals who initially declined to be screened or evaluated, but at a later time request screening or evaluation. (42-722.23)</li> </ul> <p><b>LD Evaluation</b></p> <ul style="list-style-type: none"> <li>• Address participant's health and behavioral health related concerns according to the specified order of referral prior to referring for LD evaluation. (42-722.16)</li> <li>• Refer clients who are suspected of having a learning disability for evaluation as soon as administratively feasible, including participants who have been identified using the Learning Needs Screening tool, who have previously been identified, or who are suspected of having LD even though the LNS did not indicate potential LD. (42-722.41)</li> </ul>

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	<ul style="list-style-type: none"> <li>• Use trained, qualified learning disabilities evaluation professionals who use recognized and validated learning disabilities evaluation tools to identify learning disabilities and to determine the appropriate accommodations for individuals with learning disabilities. (42-722.46)</li> <li>• Obtain an evaluation report that contains at least the required core information necessary to identify learning disabilities and determine necessary accommodations for participants to work and/or participate in employment services activities. (42.722.51)</li> <li>• Provide a copy of the report and explanation of the results to the participant (42-722.53)</li> <li>• Inform the participant of the right to file for a state hearing if the participant disagrees with the county actions based on the evaluation. (42-722.53)</li> </ul> <p><b>Accommodations</b></p> <ul style="list-style-type: none"> <li>• Include information from LD evaluation when developing or amending an employment services plan, for participants with LD, to determine appropriate activities, accommodations and services. (42-722.53)</li> <li>• Allow participants with LD to participate in supplemental activities such as but not limited to Adult Basic Education, Literacy tutoring, and study time in order to meet participation requirements. (42-722.6)</li> </ul> <p><b>Noncompliance and Sanction</b></p> <ul style="list-style-type: none"> <li>• Find good cause if a participant is identified as having a learning disability that contributed to his or her failure to participate. (42-722.7)</li> <li>• Prohibit sanction of individuals because they refuse to be screened or evaluated (42-722.22)</li> <li>• Rescind a sanction if a participant is identified as having a learning disability that was a contributing factor to noncompliance. (42-722.7)</li> </ul> <p><b>Confidentiality</b></p> <ul style="list-style-type: none"> <li>• Treat participants' medical records and written learning disabilities evaluations as confidential documents that should only be shared with other counties, other learning disabilities evaluators, outside agencies, and employment services partner agencies on a "need-to-know" basis with participant's written permission. (42-722.54)</li> </ul> <p><b>Inter County Transfer</b></p> <ul style="list-style-type: none"> <li>• Forward a copy of LD evaluation to the second county when a participant with an identified LD moves to another county, with the participant's written permission. (42-722.8)</li> <li>• Develop a new or modify an existing employment services plan of a participant identified as having LD when they transfer to this county to reflect appropriate employment services activities and necessary reasonable accommodations based on the review of documents received, reevaluation of the original assessment, discussions between the county and the participant, and availability of resources. (42-722.8)</li> </ul>
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