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PURPOSE

The purpose of this policy is to provide guidelines to be used when screening and working with participants who have a diagnosed or suspected learning disability or developmental disability (LD/DD). The intent of regulation is to ensure that participants with learning disabilities are screened, and where there is evidence of LD, obtain a professional learning disability evaluation (LDE) and appropriate assistance to help them participate in Welfare-To-Work (WTW) to become employed and self-sufficient.

- The assigned Initial Services Worker (ISW) or Case Manager (CM) administers the screening tool.
- The Assessment contractor administers the evaluation.
- The participant has the option of declining the screening and/or evaluation, with no WTW penalties.

REFERRAL CRITERIA

An ISW/CM may become aware of a participant's diagnosed or suspected learning disability through:

- A participant's self-disclosure;
- Medical records;
- Information received during administration of the LD Screen in Initial Services, or at other times;
- Information received during an assessment;
- Reports received from SSA WTW partners and other service agencies and organizations; or
- The participant's failure to make satisfactory progress in an assigned activity.

When the ISW/CM becomes aware of or suspects a learning disability in a participant, a referral to the Assessment contractor is made, with the participant's consent, for an LDE to determine whether the participant is able to successfully complete or benefit from participation in a WTW assignment. The reasons for the referral must be discussed with the participant and their participation in the LDE should be encouraged. When a participant is hesitant to be screened/evaluated or declines the screening/evaluation, the ISW/CM should explain the advantages to cooperating:

- The opportunity for a professional evaluation of a potential disability.
- The benefits of an LDE (e.g., the right to reasonable accommodations in WTW activities and employment).

Attachment 1 provides characteristics and manifestations of individuals with possible LD.

The ISW/CM is required to offer a learning disability screening to a participant who was not previously offered a screening or who previously declined a screening, when certain events occur. The offer must be presented both orally and in writing. These events include:

- The participant is in the good cause determination, compliance, or sanction processes; or
- The participant is failing to maintain satisfactory progress in their WTW activities, including employment, or is failing to progress in their assigned activities.

Attachment 2 is a prepared script about the availability of LD screening. This must be given to the participant and the WTW and CalWIN case comments should reflect that a copy was provided to the participant. (Refer to Case Comments Resource Guide.) A dated copy is to be filed in the WTW Folder as well. Providing the participant with a copy of this script satisfies the requirement to present the offer of LD screening and evaluation in writing. The ISW/CM must still request that the participant sign the WTW 17 – Waiver of the CalWORKs LD Screening and/or Evaluation (Attachment 6) if the participant declines to be screened and/or evaluated.

The ISW/CM will telephone the Assessment contractor to schedule an appointment and specify that the referral is for an LDE. The CM will also complete the Assessment Referral/Response Form (F063-41-162 E) to be faxed or emailed in addition to the phone contact. Refer to CalWORKs Policy 210 – Assessment.

ADMINISTER-ING THE LD SCREENING

At Appraisal for new English-speaking participants, the ISW/CM is required to offer the LD Screening via the WTW 18 – Learning Needs Screening-County Copy & WTW 19 – Learning Needs Screening-Client Copy (Attachment 3 & Attachment 4), to those English-speaking participants not previously evaluated for LD. The ISW/CM will also offer the LD Screening to:

- Exempt participants who volunteer to participate in WTW
- Participants who lose their exempt status and become mandatory participants
- WTW participants who are working
- 16 and 17-year old non-parenting teens who are required to participate in WTW because they lost their student exemption

The LD Screening referenced in this procedure is only to be administered to participants whose primary language is English and who received their primary education in the United States.

If the screening results indicate evidence of LD and the participant agrees to the full LDE, the ISW/CM will offer to refer the participant for further evaluation as outlined above.

Upon referral, the ISW/CM will update the activity status and attendance in WTW activities in CalWIN per the Participation Tracking Resource Guide and enter CalWIN Case Comments per the Case Comments Resource Guide.

If a participant identifies behavioral health issues or physical health issues during the screening process, the ISW/CM will suggest to the participant that they obtain an appropriate medical or other examination before a referral to an LDE to minimize the likelihood of false LD indicators.

The LD Screening will be filed in the WTW Folder and retained permanently.

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LANGUAGES OTHER THAN ENGLISH

As of this writing, there is no standard and validated LD screening tool for languages other than English.

Actual LD evaluation is currently available for Spanish speakers. Since screening is not required, participants whose primary language is other than English may be referred to an LDE based on the ISW/CM's suspicion of LD. The same referral process is to be used for referrals in other languages.

ISW/CM's are required to offer an evaluation to Spanish-speaking participants with suspected learning disabilities. Until validated screening tools in other languages become available, there are steps that an ISW/CM can take to determine if a Limited English Proficient participant may have a potential learning disability and needs to be referred for an evaluation.

First, the ISW/CM can ask the participant questions to help determine if the participant may have difficulties learning, such as:

• How many grades did you complete in school?
• Did you pass those grades?
• How many schools did you attend to complete those grades?

Not advancing many grades and frequently changing schools are not necessarily indications that an individual has a learning disability. However, they do reflect a lack of educational experience, and one would expect that an individual with this background would have a great deal of difficulty in successfully completing educational programs.

Second, the ISW/CM can also ask questions to determine if the individual may have a potential learning disability. Below are several examples:

• Do you have difficulty following instructions or directions either verbally or in writing?
• Did you experience problems learning in your native language, both spoken and written, while growing up, as compared to other children of the same age? If the response is yes, did the problems continue throughout your childhood and adolescence?
• What was easy for you to learn, and conversely, what was difficult to learn?

If the participant indicates long-term learning difficulties in his/her native language, then this is an indication of a potential learning disability that needs to be explored further. The ISW/CM can also determine if a potential learning disability exists through observations of the participant's performance in the work and/or classroom setting by observing and comparing the participant's abilities to that of his/her ethnic peer group.

INITIAL SERVICES WORKER

ISWs will offer and administer the LD screen at Appraisal and offer a referral for an LDE for those participants screening positive for LD. The ISW will retain the case in Initial Services until the LDE Report is received and take appropriate action based on the results of the report. The participant may follow a regular WTW flow and be referred to JSR, or the participant may need to be sent to Assessment and the case transferred to Ongoing Services/Case Management.

REVIEW OF THE LDE REPORT

Upon completion of the evaluation, the LD evaluator will discuss the evaluation results with the participant. The contractor will send an LDE Report via an email attachment directly to the ISW/CM, and include any necessary documentation. A password will be required to open the email attachment. This will ensure confidentiality for participants when sending the documents via e-mail. The password will be established by Program and will be universal for all LDE Reports.

• If the case is no longer assigned to the ISW/CM receiving the LDE Report, that ISW/CM will then forward the LDE Report to the appropriate ISW/CM.
• The ISW/CM will print the LDE Report and file in the case folder, and delete the email and attachment.
• If the ISW/CM needs a hard copy of the original LDE Report the ISW/CM should contact Program through the chain of command.
• Upon receipt of the LDE Report, the ISW/CM will update the activity status and attendance in WTW activities in CalWIN per the Participation Tracking Resource Guide and enter CalWIN Case Comments per the Case Comments Resource Guide.
• The ISW/CM is to schedule an appointment and see the participant within seven days.
• At the appointment, the ISW/CM should discuss the LDE results with the participant, determine which WTW activities would be most appropriate, and discuss any changes needed to an existing WTW Plan. (Refer to CalWORKs Policy 211 – Welfare-To-Work Plan).

***Note**: Existing WTW assignments may not need to be changed as a result of the LDE.*

• The LDE may be shared with or copied for the participant, but caution must be exercised to maintain the participant's self-esteem.
• With the appropriate authorization from the participant for release of information, the LDE may be shared with WTW activity providers to assist them in providing needed accommodations. (Refer to Attachment 5, WTW 20 – Permission to Release LD Information)

WTW ACTIVITIES

If the CM determines that the participant can continue to participate in WTW, the participant may be referred to the following activities, as appropriate:

• Any allowable WTW activity, including the participant's previous activities;
• Existing special programs that meet the specific needs of the participant. Hours spent in these special programs will count towards meeting participation requirements.

CLIENT REFUSAL TO PARTICIPATE/CLIENT APPEAL

Participation in the LD screening and evaluation is voluntary. At the point of screening, if the participant refuses to take the screening, they must be provided with and asked to sign the WTW 17 – Waiver of CalWORKs LD Screening and/or Evaluation (Attachment 6). The CM will provide a copy of the signed waiver to the participant and inform the participant that:

• Their WTW Plan activities, if any, will not reflect any accommodations for a learning disability; and
• They may ask for a learning disability screening or evaluation at a later time.

If the participant refuses to sign the WTW 17, a case narration of the refusal to sign is considered the same as a signed waiver.

Client Appeal

Pursuant to MPP Section 42-711.582, a participant has the right to appeal the LDE through the state (fair) hearing process. The CM will inform a client who wishes to appeal an LDE of the filing process.

The appropriate Regional Manager or the Case Management contractor's manager will notify WTW Program of a client wishing to appeal an LDE. Notification should be via an e-mail containing identifying information for the participant and a description of the participant's issue.

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PARTICIPANTS IN A COMMUNITY COLLEGE SIP

WTW participants in an approved Self Initiated Program (SIP) at a Community College or other institution with a Disabled Student Center will receive Learning Disability Evaluations not through the County provider, but from the Community College, which has funding specifically for this purpose.

The college LDE has an educational focus that is more appropriate for a SIP participant. Where evidence of LD/DD is identified in a SIP participant, the CM will communicate with the school counselor and arrange to have the participant attend an LDE through the college. The accommodations to be provided will be written into the participant's WTW Plan as described below and the college LDE will be considered to meet the LDE requirement for the entire time the client participates in the SIP.

- If the college is not willing to release a copy of the LDE for the case record, the WTW Plan documentation is sufficient.
- Concurrent participation in Work Study will not affect this procedure.

Should the participant leave the SIP/Work Study activity or need to attend other WTW activities based on a Vocational Assessment, the CM would refer the participant to the County LDE.

SIP participants may participate in special classes or tutorials if they are evaluated as having learning disabilities. The hours of these classes and tutorials are to be allowed toward the 32-hour SIP participation requirement if the educational institution determines them to be necessary for the participant to complete the SIP.

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VOCATIONAL ASSESSMENT AND THE LDE

Many participants who received a Vocational Assessment will already have received this screening. These participants do not need to be re-screened; they should be asked to sign the Waiver as well. Signed Waivers must be retained in the case record permanently and refusals to sign a waiver must be narrated.
Those participants who have already received a Vocational Assessment would also be referred for an evaluation for a learning disability if the assessment mentions a need for follow-up on the LD or if the CM becomes aware of new information regarding the participant's potential need for an LDE.
If an LDE is completed for a participant, and then the participant is sent to Vocational Assessment, the CM must notify the Assessment contractor of this and possibly include a copy of the LDE with the Assessment referral.

WTW PLAN

Participants identified as having either a learning disability or evidence of developmental disability are entitled under the Americans With Disabilities Act to reasonable accommodations in their WTW activities. The CM must discuss the results of the LDE with WTW activity providers, except for private employers, and document the accommodations that will be provided to the client.
These identified accommodations must be documented in the WTW Plan or in the case record for those clients not signing a WTW Plan. If a WTW 2 is already in place, then a new WTW 2 including the accommodations and any other changes must be signed. Refer to CalWORKs Policy 211 – Welfare-To-Work Plan.
When a participant's activity is unsubsidized employment, it is the participant's choice to notify their employer about LD/DD issues. The CM should encourage the participant to request reasonable accommodations in the workplace.
If an employed participant is in a WTW Plan and the CM is aware of the accommodations provided at the participant's workplace, these may be included in the WTW Plan.
Attachment 7 provides strategies for reasonable accommodations.
***Note**: Ancillary may in some instances be able to pay for the purchase of accommodation needs.*

COMPLIANCE

Should a participant refuse or fail to attend the LD evaluation or take the appropriate examinations, they will be expected to comply with all WTW program requirements, including the requirements to attend Vocational Assessment (as distinguished from the LDE), make satisfactory progress in their assigned activity(ies), and to participate the minimum number of required hours. Failure to do so will result in cause determination, compliance, and sanction processes, as appropriate. Refer to CalWORKs Policy 240 – Good Cause/Compliance/Sanction.
The ISW/CM and other appropriate service providers should encourage participation and cooperation with the LD evaluation. A participant may be rescheduled if they do not show for a first appointment, but any and all barriers to attending must be addressed prior to re-referral.

CONFIDENT-IALITY OF THE LDE

The LDE is highly confidential and is to be treated as any other medical record, and filed in the case record accordingly. The signed authorizations to release information contained in most referrals to WTW activity providers are sufficient to share the LDE with those activity providers. The CM should provide information to the WTW activity provider about whether the LDE has been shared with the participant. In cases where there is not an authorization, the CM will use the WTW 20 – Permission to Release LD Information (Attachment 5) in order to be able to share the LDE.

GOOD CAUSE/ EXEMPTION

Temporary good cause, and rarely exemption may be explored, given the participant's circumstances and the severity of the disability, if identified.

DOCUMENT-ING THE CASE RECORD

The CM will thoroughly document any steps taken to obtain a learning disability evaluation for a participant, record the results of the evaluation, and thoroughly document any other related issues.

REFERENCE

EAS 42-711.58, 582
CalWORKs Policy 210 – Assessment
CalWORKs Policy 211 – Welfare-To-Work Plan
CalWORKs Policy 240 – Good Cause/Compliance/Sanction

ATTACHMENTS

1. Learning Needs Manifestations
1. Learning Disability Script (English Version)
1. WTW 18 - Learning Needs Screening - County Copy
1. WTW 19 - Learning Needs Screening - Client Copy
1. WTW 20 – Permission to Release LD Information
1. WTW 17 - Waiver of LD Screening and/or Evaluation
1. Strategies for Reasonable Accommodations

RESOURCE GUIDES

Participation Tracking Resource Guide
Case Comments Resource Guide

FORMS

Assessment Referral/Response Form (F063-41-162 E)

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