

**County of San Diego, Health and Human Services Agency (HHSA)
CalWORKs Program Guide**

Learning Disabilities

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Revision Date:

10/20/2017

Background:

Per state regulations (ACL 16-93, ACL 15-101, MPP 42-722)

The Learning Disabilities Association of America (LDA) describes Learning Disabilities (LD) on its website (<http://ldaamerica.org/types-of-learning-disabilities/>) as neurologically based processing problems that can interfere with learning skills such as reading, writing and/or math; and can interfere with other skills such as organization, time planning, abstract reasoning, long- or short-term memory and attention.

Since Learning Disabilities may interfere with the participant's ability to obtain or retain employment or to participate in Welfare-to-Work (WTW) activities, state regulations require WTW agencies to offer screenings and evaluations for potential LD, and to provide reasonable accommodations needed to help the participant be successful in completing his/her WTW activities.

This policy revision is to include instructions for screening forms that have been validated for use with clients whose primary language is Spanish; and to reformat and simplify previous policy instructions.

Policy:

10-006.1 Screening requirements

Employment Sites must offer Welfare-to-Work (WTW) participants a screening for Learning Disabilities (LD) at the first WTW contact (i.e. orientation or appraisal). Information must be provided both verbally and in writing to WTW participants about the screening, including a description of the purpose and benefits of screening and evaluation.

10-006.2 Providing Learning Disabilities Screening

Employment Sites must provide the LD screening to all WTW participants who request it, if there is a validated screening tool available in the participant's primary language. If no validated screening tool exists in the participant's primary language, he/she may request a direct referral for a LD evaluation.

10-006.3 Participants who decline the Learning Disabilities Screening/Evaluation

Participants have the right to decline LD screening and/or evaluation and cannot be sanctioned for refusing to be screened or evaluated.

The *Waiver of CalWORKs Learning Disabilities Screening and/or Evaluation (WTW 17)* is provided only if a participant, who after being fully informed of the benefits of LD screening and evaluation, decides not to be screened or evaluated.

If a participant initially waives the screening and requests a screening at a later date, the screening must be performed as soon as possible.

10-006.4 Learning Disabilities Evaluation

A referral to an LD evaluation is required if a WTW participant is suspected of having a learning disability. This includes individuals who meet at least one of the following criteria:

- Have been identified as having a potential learning disability based on the LD screening score

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- Are suspected of having a learning disability even if the screening did not indicate a potential learning disability
- Were previously identified as having learning disabilities (i.e. special education)
- Have requested a referral to a learning disability evaluation because no validated screening tool exists in their primary language.

Only professionals trained in learning disabilities evaluations, who use recognized and validated learning needs evaluation tools to identify learning disabilities and to determine the appropriate accommodations for individuals with learning disabilities, are to provide the learning needs evaluations.

Participants have the right to decline the LD evaluation. If a participant declines to participate in the LD evaluation, his/her WTW activities will not include any accommodations for a learning disability.

The Learning Disabilities Evaluation includes:

- Discussion about learning/education experiences
- Observations of work habits and classroom ability
- Testing for learning aptitudes and vocational interests
- Evaluation for other impairments to participation

10-006.5 Learning Disabilities Evaluation Report

The WTW participant will receive a copy of a Learning Disabilities Evaluation Report and an explanation of the evaluation results from the Learning Disabilities Specialist during an exit interview or from his/her WTW Employment Case Manager (ECM).

The Learning Disabilities Evaluation Report must include at a minimum the following core information:

- Relevant vocational/educational background and interests
- General aptitude/cognitive level
- Areas of strengths and areas of deficiencies
- Summary of the participant's conditions and services needed

The Learning Disabilities Evaluation Report may also include:

- Local resources to assist participants
- Documentation of recommended accommodations and/or assistive technology needs
- Discussion of participant's short/long-term employment goals and general/specific vocational recommendations

If a participant provides **previous LD evaluation results** that were conducted outside of the WTW program the ECM will evaluate whether to accept the results or to obtain a second opinion by referring the participant for another evaluation.

10-006.6 The County response to the Report

If the participant does not have a learning disability, the participant must begin or resume his/her WTW assignment without special accommodations while participating in WTW; since it was determined that he/she did not have a learning disability.

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If the participant does have a learning disability that interferes with obtaining or retaining employment or participating in a WTW activity, the WTW plan must be developed or modified as necessary to reflect the appropriate activities and accommodations based on the results of the LD evaluation, and discussions between the ECM and the participant.

The participant has the right to file for a state hearing if he/she disagrees with the county actions based on the evaluation.

10-006.7 Confidentiality

The participant's medical records and written LD evaluations are confidential documents and are only to be shared with other counties, other LD evaluators, outside agencies and WTW partner agencies on a "need-to-know" basis. The participant's written consent must be obtained for this information to be shared with individuals or organizations outside the county welfare department.

10-006.8 Learning Disabilities Participation Requirements

Unless exempt from participation (per CPG 10-020.A WTW Exemptions) an individual with a learning disability generally must participate for the required number of hours specified in CPG 10-003.A WTW Hourly Participation Requirements. If the LD Evaluation Report recommends fewer hours of participation, the ECM may modify the WTW plan as necessary to reflect reasonable accommodation to help the participant be successful in completing his/her WTW activities.

For participants with learning disabilities, the required hours of participation may include supplemental activities that support the participant's employment goals and are consistent with the recommendations of the learning disabilities evaluation report and WTW plan, such as, but not limited to:

- Adult Basic Education
- Literacy Tutoring
- Additional Study time

10-006.9 Good Cause Determinations, Compliance process, Stopping WTW Sanction

If a learning disability is confirmed through an evaluation during a participant's good cause determination or compliance process, the ECM must determine if the disability contributed to the participant's failure. If it is determined that the learning disability diminished the participant's ability to participate:

- The participant shall be considered to have good cause for his/her failure to participate in the required hours, or if appropriate, to be exempt from WTW activities
- The participant shall not be considered to have an instance of noncompliance.
- As necessary, the ECM must also review the WTW activity and/or WTW plan and modify it appropriately for the participant's disability.

If a learning disability is confirmed through an evaluation for an individual who is attempting to stop his/her WTW sanction, the ECM must determine if the disability contributed to the participant's noncompliance. If it is determined that the learning disability was a contributing factor to the instance of non-compliance:

- The ECM will rescind the sanction and the participant will not be considered to have an instance of noncompliance.
- The ECM will give the participant the choice of:

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- receiving retroactive aid payments for the months the participant was improperly sanctioned, which would reduce by a corresponding number of months, the remaining time on aid; or
- prospectively resuming receipt of cash aid and WTW services effective the date the participant is no longer sanctioned.
- As necessary, the ECM will review the WTW activity and WTW plan and modify it appropriately for the participant's disability.

If the learning disability was not a contributing factor to noncompliance, the sanctioning process will continue in accordance with WTW regulations.

10-006.10 Inter-County Transfers of Individuals with Learning Disabilities

When a CalWORKs recipient with a verified learning disability moves from one county to another, the first county must, with the participant's written permission, forward a copy of the written learning disabilities evaluation to the second county.

The second county must develop a new, or modify the existing, WTW plan, as necessary, to reflect appropriate activities and necessary reasonable accommodations.

The participant shall not have good cause for failure to participate in the second county, based on the second county's failure to provide services and accommodations that were identified as necessary for the participant in the first county's learning disabilities evaluation report, when the participant refuses permission for the first county to forward the report.

Processing Guides:

10-006.A Learning Disabilities Screening Process

10-006.B Learning Disabilities Evaluation Process

10-006.C Learning Disabilities Participation Requirements

References:

ACL 16-93 Spanish Language Learning Needs Screening

ACL 15-101 Revisions to CalWORKs Learning Disabilities Forms

MPP 42-722 Learning Disabilities Protocols and Standards

Sunset Date:

This policy will be reviewed for continuance by October 31, 2020.

Approval for Release:



Rick Wanne, Director
Eligibility Operations