

10-006 A. LEARNING DISABILITIES

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Regulations

State law and regulations governing CalWORKs requires the removal of barriers that prevent the Learning Disabled from participation in the Welfare-to Work Program. An advisory group was established to develop policies and procedures to assist in identifying those CalWORKs recipients with a Learning Disability.

LD Definitions

1. [Learning Disabilities \(LD\)](#)

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 concomitantly 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.

These disorders interfere with the participant's ability to obtain and retain employment or enter and participate in the CalWORKs Welfare-to-Work program.

2. [Learning Disabilities Screening](#)

Screening is the first step towards identifying individuals with suspected learning disabilities. It involves the use of a recognized and validated (tested and approved) learning disabilities screening tool that is administered by designated individuals who have been trained on how to properly administer the tool.

3. Evaluation

Evaluation is the process of determining whether or not an individual has learning disabilities and/or other co-existing disorders. The Evaluation must be performed by a professional whose training qualifies him/her to determine whether or not the participant is unable to successfully complete or benefit from a current or proposed activity assignment.

4. Diagnosis

A Diagnosis is the formal identification of the specific nature of a learning disability and/or co-existing disorders 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, licensed individual such as a Licensed Psychologist; Licensed Clinical Psychologist; Licensed Educational Psychologist; Licensed Psychiatrist; Licensed Clinical Social Worker specialized in diagnosing and treating learning disabilities; or a Licensed Marriage and Family Therapist specialized in diagnosing and treating learning disabilities may perform a diagnosis.

5. Reasonable Accommodations

Reasonable 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 Welfare-to-Work (WTW) activities.

6. Client Disclosure of a Disability and Self-Advocacy

The choice of whether or not to disclose a disability, including but not limited to learning disabilities, is up to the individual. The individual is not required to disclose a disability, unless he/she is requesting reasonable accommodations.

Offering LD Screening

Employment Sites must offer all new and existing WTW participants the opportunity to be screened for LD.

1. Providing Information About the Availability of LD Screening During WTW Orientation

During WTW Orientation, Employment Sites must provide information to all new WTW participants about the availability of LD Screening. Employment Sites must include all the information provided in the “Script on Learning Disabilities Screening” into their WTW Orientation. If any participant requests a screening during the WTW Orientation or Appraisal, Employment Sites must ensure that they are screened prior to being assigned to any WTW activity, including but not limited to Initial Job Search (JCL/JSN).

2. Offering LD Screening to WTW Participants

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In addition to providing information at the WTW Orientation about the availability of LD Screening, Employment Sites must make a one-on-one, face-to-face “offer” of LD Screening to all new and existing WTW participants, who have not yet been offered screening.

New WTW Participants Screening

New WTW Participants

Employment Sites must offer Learning Disabilities Screening to **all new WTW participants by the WTW Assessment or Modified Assessment**. A new participant is one who is referred by the Human Services Specialist (HSS) to CalWORKs WTW:

- For the very first time in the participant’s lifetime; and
- On or after September 2002.

“New” participants are those who have never been in WTW in San Diego County prior to implementation of LD Screening.

LD Screening During Modified Assessment

For participants completing a Modified Assessment, the LD Screening offer may be conducted through a telephone call. However, if the participant chooses to be screened, the actual LD Screening must be conducted in person, one-on-one.

If the participant declines to be screened, the Screener must complete the *Waiver of CalWORKs Learning Disabilities Screening and/or Evaluation (WTW 17)*.

The results of LD screening offers made during Modified Assessment must be documented in WTW case comments and coded in CalWIN.

CalWIN LD Coding

The CalWIN “Maintain Employment Participation Services” screen must be completed with certain codes to verify each LD Screening and Evaluation outcome. These codes are:

<u>Learning Disabilities Screening Outcome</u>	
000	No Validated LD Screening Tool Exists in Participant's Primary Language
001	Waived Screening
002	Screened/Scored Negative for Potential LD
003	Screened/Scored Positive for Potential LD

<u>Learning Disabilities Evaluation Outcome</u>	
004	LD Evaluation Waived
005	LD Evaluation Not Completed (Participant was referred to LD Evaluation, but never showed or dropped out.)
006	LD Evaluation Completed/LD Negative
007	LD Evaluation Completed/LD Positive
008	LD Evaluation and Diagnosis Completed/LD Positive

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Reference: [How To #235 Learning Disabilities Coding](#) for instructions on CalWIN LD Screening and Evaluation outcome coding.

LD Screening for Existing Employed Participants

For all existing employed participants who had previously completed a Modified Assessment, the LD Screening Offer must be completed at any one of the following points, **whichever occurs first**:

- The participant has used 42 months or more of his/her CalWORKs 48-Month Time Limit; or
- The participant visits the Employment Site; or
- The participant is suspected of having a potential learning disability, as identified by the County, a WTW contractor, or the participant; or
- The participant is in good cause determination, noncompliance, or sanction; or
- The participant is failing to maintain satisfactory progress or failing to progress in his/her assigned WTW activities, including but not limited to his/her employment.

Participants who visit the Employment Site and participants who lose their jobs must be immediately offered LD Screening on a one-on-one, face-to-face basis.

Successfully employed participants who do not visit the Employment Site may be offered LD Screening by telephone, following the procedures for LD Screening offers during Modified Assessment. If the participant elects to be screened, the LD Screening **must** be administered on a one-on-one, face- to-face basis.

Employment staff must document in WTW case comments all attempted contacts with the participant to offer LD Screening. If

Employment staff has been unable to contact the participant after several attempts, they may mail the Learning Disabilities Screening Offer Notice and the WTW 17 to the participant to complete the LD Screening offer.

LD Forms

The following is a list of forms that are currently available for Learning Disabilities Screening:

Number	Name	Language
LDE	Learning Disability Evaluation	English
LDS	Learning Disability Evaluation	Spanish
WTW 17 (12/15)	Waiver of CaWORKs Learning Disabilities Screening and/or Evaluation	English Spanish
WTW 18 (12/15)	Learning Needs Screening – County Copy	English
WTW 19 (11/15)	Learning Needs Screening – Client Copy	English
WTW 20	Permission to Release Learning Disabilities Information	English Spanish
26-19	Learning Disabilities Communication Form	English

Note: When referring for LD Evaluation, Employment Case Manager's (ECM), must include the following in the referral packet:

- *Permission to Release Learning Disabilities Information* (WTW 20);
- *Learning Needs Screening* (WTW 18), for participants whose primary language is English; **and**
- A completed copy of the *Learning Disability Evaluation* (LDE - English) or (LDS - Spanish).

LD Waiver

Participants have the right to decline LD Screening and/or Evaluation and cannot be sanctioned for refusing to be screened or evaluated. When a WTW participant is hesitant to be screened and/or evaluated or declines a screening and/or evaluation, the Employment staff must explain all of the following:

- The right to decline Learning Disabilities Screening and/or Evaluation;
- The benefits of Learning Disabilities Screening and/or Evaluation; and
- The consequences for not meeting the WTW participation requirements.

To help put the client at ease about Learning Disabilities Screening and/or Evaluation, Employment staff should also explain all of the

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- The indicators and facts about learning disabilities, as listed on the Script on Learning Disabilities;
- The components of the Learning Disabilities Evaluation, the Learning Disabilities Report, and the Exit Interview; and
- The types of reasonable accommodations available.

Steps for Completing LD Waiver

If after receiving the information detailed above, the participant still declines to be screened and/or evaluated, Employment staff must take **all** of the following steps to complete the WTW 17:

Step	Action
1	Reaffirm that the participant has a right to decline Learning Disabilities Screening and/or Evaluation;
2	Inform the participant that his/her WTW Plan will not reflect any accommodations for learning disabilities;
3	Inform the participant that he/she may ask for a Learning Disabilities Screening and/or Evaluation at a later time. However, if at a later time, a learning disability is identified, the WTW plan will be modified to provide appropriate services and accommodation;
4	Hand the participant a copy of the <i>Waiver of Learning Disability Screening/Evaluation (WTW 17)</i> to read along;
5	Read to the participant the benefits of Learning Disabilities Screening and Evaluation and the consequences of not meeting WTW participation requirements, directly from the WTW 17;
6	If after reading the WTW 17 to the participant, he/she still declines the screening or evaluation, obtain the participant's signature and date on the WTW 17;
7	Give the participant a copy of the WTW 17
8	Ensure that the original WTW 17 is imaged, as appropriate, to the electronic WTW case file;
9	Enter a case comment to document that the participant waived LD Screening and/or Evaluation, as appropriate; and
10	Enter all required Learning Disabilities CalWIN Coding, as appropriate. NOTE: For participants who decline LD Screening and/or Evaluation that was offered via telephone call, the Employment Case Manager (ECM) must read the WTW 17 to the participant over the telephone and mail the form to the participant along with a postage-paid, return envelope. The ECM must instruct the participant to sign, date, and return the original WTW 17 and keep a copy for his or her records.

	If the participant returns all copies of the WTW 17, the ECM must mail the participant a copy.
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Required Learning Disabilities CalWIN Coding

ECMs must carefully track the outcomes of all Learning Disabilities Screening and Evaluation offers, referrals, and outcomes, using the required Learning Disabilities CalWIN Coding.

Eligibility Operations (EO) will use CalWIN LD Coding to track outcomes and progress by Region and learning disabilities services providers. Therefore, it is critical that ECMs enter all CalWIN LD Coding immediately following the outcome.

Case File Documentation

Employment Sites have sole discretion in designating and training staff to complete the requirements outlined in this CPG chapter. However, ECMs are ultimately responsible for all required learning disabilities WTW case file documentation. In the event that the WTW case is audited for compliance with the policies and procedures set forth in this chapter, accuracy and/or errors will be attributed to the ECM of record at the time of the audit.
