

# Adult Education Students with Disabilities

Revised 09.21.11 Effective 09.21.11  
Revised 04.14 Effective 07.01.14

## Introduction

The economic success of the United States is determined in part by the educational accomplishments of society. Students who are engaged in the academic experience and are learning will usually meet their educational goal of graduation. Even when differences in gender, ethnicity and economic status are controlled, students with disabilities are among those in greatest danger of dropping out of school. Congress has found that millions of Americans have one or more physical or mental disabilities, and that the number of Americans with disabilities is increasing. Individuals with disabilities constitute one of the most disadvantaged groups in society. Discrimination continues to persist in the areas of education, public accommodations, and access to public services, as well as employment. Disability is a natural part of the human experience and does not minimize the rights of individuals to live independently, enjoy self-determination, make choices, be contributing members of society, pursue meaningful careers, and enjoy full inclusion in the economic, political, social, cultural, and educational mainstream of American society.

The Americans with Disabilities Act (ADA, PL 101-336) is a civil rights law passed in 1990. ADA promotes the rights of all people with disabilities. It is similar to, yet more extensive than Section 504 of the Rehabilitation Act of 1973, which empowers individuals with disabilities to maximize self-sufficiency, personal independence, inclusion, and integration into society. ADA provides protection to individuals with disabilities similar to those provided to individuals on the basis of race, color, sex, national origin, age, and religion. Individuals who associate with or have a relationship with an individual with a disability are also protected. ADA guarantees opportunities for individuals with disabilities in public accommodations, employment, transportation, state and local government services, and telecommunications. By breaking down barriers, ADA enables the community to benefit from the skills and talents of individuals with disabilities, allowing increased purchasing power and the ability to use it, leading to fuller, more productive lives for all members of society.

Section 504 of the Rehabilitation Act of 1973 protects the rights of persons with disabilities in programs and activities receiving federal financial assistance. Section 504 protects the rights of those with visible disabilities as well as individuals with hidden disabilities.

The Individuals with Disabilities Education Act (IDEA) of 2004, as amended, provides youth and adult students through the age of 21 with disabilities, who have not graduated from high school regardless of reason for not attending school, with an opportunity to earn a regular high school diploma. Youth are assured a free and appropriate public education that includes special education and related services meeting the student's unique education needs specific to his/her Individualized Education Program (IEP).

## **Purpose**

The purpose of ADA and Section 504 is to set standards to which adult education programs must adhere to ensure equal access for all persons. Federal law (ADA and Section 504) requires all programs to adhere to policies ensuring compliance and accessibility that are comparable to those afforded to individuals without disabilities.

IDEA is used in tandem with ADA and Section 504 in protecting the rights of school-age students with disabilities who have not graduated with a high school diploma. The rights of their parents are protected as well, while the student is a minor. IEPs are developed for the student to ensure that his/her unique individual needs are taken into consideration in preparing for employment, post-secondary education and training and independent living.

### **IDEA State Standards**

Special education rules and procedures as established by the Utah State Office of Education (USOE) for school-age students with disabilities who have not graduated with a high school diploma must be followed. These rules apply to eligible adult education students attending adult education programs in cooperation with a public education school district, charter school, or state or local adult correctional facility. The rules also apply to K-12 students' ages 16 through 21 with disabilities who have "dropped out" of public education programs.

### **ADA State Standards**

With limitations defined by law, the Americans with Disabilities Act, as recognized by the USOE for adult education students, recognizes and guarantees individuals with disabilities opportunities for education equal to those of their non-disabled peers. ADA standards apply to students accessing adult education programs in cooperation with public education school districts, charter schools, community-based organizations, or state and local adult correctional facilities.

### **Section 504 State Standards**

Section 504 of the Rehabilitation Act of 1973, as recognized by the USOE, empowers adult education students who have visible or hidden disabilities to maximize their personal independence and self-sufficiency inclusive of education opportunities. Section 504 standards apply to students accessing adult education programs in cooperation with public education school districts, charter schools, community-based organizations, or state and local adult correctional facilities.

### **Disabilities Descriptors**

A person is *regarded* as having an impairment if he/she (1) has a physical or mental impairment that substantially limits major life activities, (2) has a record of such impairment, or (3) does not have a physical or mental impairment but is treated by another person as having such impairment. Under certain circumstances other individuals are also protected, including (1) individuals (e.g., parents) associated with an individual known to have a disability, and (2) those who are coerced or subjected to retaliation for assisting individuals with disabilities in asserting their rights under ADA.

Section 504 defines a person with disabilities as any person who:

- Has a physical or mental impairment which substantially limits one or more major life activities.
- Has a record of such impairment.
- Is regarded as having such an impairment.

The definition of a person with a disability does not include:

- Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders.
- Compulsive gambling.
- Kleptomania.
- Pyromania.
- Psychoactive substance use disorders resulting from current illegal drug use.

Physical or mental impairments may include physiological disorder, cosmetic disfigurement, anatomical loss affecting one or more body system including neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

Hidden disabilities are not readily apparent to others might include specific learning disabilities, diabetes, epilepsy, low vision, poor hearing, heart disease, allergies, or chronic illnesses. Chronic illness involves a recurring and long-term disability such as diabetes, heart disease, kidney and liver disease, high blood pressure, or ulcers.

Specific examples of possible qualifying disabilities would include epilepsy, paralysis, HIV infection, AIDS, substantial hearing or visual impairments, a record of cancer, or mental illness. A person with minor, non-chronic conditions of short duration, such as a sprain, broken limb, or the flu, is generally not covered.

A determination must be made as to whether a person with a mental or physical limitation is considered disabled and protected under ADA and Section 504. The mental or physical disabilities must result in substantial limitation of one or more of the major life activities, including caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

### **Specific Learning Disabilities**

Myths:

- Disabilities go away.
- Disabilities can be overcome.
- If a person is diagnosed with one disability, “that is all there is.”

A person who has a learning disability may have another accompanying disorder. Accompanying disorders may include one or more of the following:

- Attention Deficit Hyperactivity Disorder (ADHD)
- Anxiety disorders – panic attacks, social phobias, obsessive-compulsive disorder (OCD), intermittent explosive disorders
- Mood disorders – depression, manic disorders, Bi-polar disorders
- Post-traumatic stress disorder
- Pervasive developmental disorders – autism, Asperger’s syndrome
- Developmental disorders
- Mild to moderate brain injuries
- Seizure disorders
- Tic disorders
- Sensory integration dysfunction
- Substance abuse
- Asthma
- Allergies
- Physical disability
- Medical disability

## **Program Responsibilities**

It should be noted that all Utah adult education programs receive public funds through state and/or federal sources; therefore, all programs have responsibilities to adhere to standards that provide protections under ADA, Section 504 and IDEA 2004.

Programs must:

- Notify the public that its programs are “open to all individuals regardless of race, color, national origin, sex and disabilities” (Title VI, Civil Rights Act of 1964). This information must be on all brochures and fliers, as well as publicly posted in a central location at each program site.
- Ensure that otherwise qualified individuals with disabilities are not excluded, taking into account the needs of such persons in determining the services to be provided.
- Ensure that all program services are accessible and barrier-free in accordance with ADA; this may be accomplished by redesigning equipment, reassigning classes, ensuring that pathways to programs and classes are fully accessible, or providing equitable services at alternate accessible sites.
- Ensure that notification is given to both students and staff regarding grievance procedures for civil rights and sexual harassment complaints. Written documentation that students

and staff have been informed of the grievance procedure must be maintained in the student and personnel files.

- Ensure that assessments administered to an individual with a disability that impairs sensory, manual, or speaking skills, are administered in such a way that test results accurately reflect the skills and aptitude that the assessment purports to measure, rather than reflecting the impaired sensory, manual, or speaking skills of the individual.
- Provide appropriate academic interventions that afford an individual with a disability an equal opportunity to participate, to obtain the same results, to gain the same benefit, and to reach the same level of achievement as others participating in adult education programs.
- Ensure that counseling services or community resources/services are equitable to those provided to non-disabled students with the same objectives, interests and abilities; this does not preclude a program from providing factual information about requirements or obstacles that might interfere with a disabled person's pursuit of a goal.
- Provide a free and appropriate education for each student who is disabled regardless of the nature and severity of the disabilities.
- Ensure that each student is provided with educational opportunities with non-disabled students to the maximum extent appropriate.

For youth who have an IEP and have not graduated from high school or, as an adult education student, they are eligible for Free Access to Public Education (FAPE) regardless of whether or not they may have successfully obtained a GED<sup>®</sup> or the resulting Utah High School Completion Diploma. (Board Rule R277-733-7-E-5) Programs must consult with the local school district's special education department for further directions to ensure that appropriate educational standards are met. Further direction can also be obtained through the state adult education office.

### **Out-of-School Youth (16-22) and Special Education Services Funding**

Out-of-school youth between the ages of 16 and 22 who have a special education Individualized Education Program (IEP) and have not graduated with either a K-12 diploma or a Utah High School Completion Diploma (which is based on the successful passing of the GED<sup>®</sup> Tests) are entitled to special education services provided through the local school district special education department. (Board Rule R277-733-8-K-M) The following procedures are to be followed and apply to all adult education programs, including both school districts and community-based organizations.

- The adult education program (i.e., school district or community-based sponsored program) is to notify the local school district special education department of a student who may be eligible for special education services. The adult education program may

receive notification that a student is being referred to the adult education program in one of two ways:

- Self-referral (e.g., the student walks into an adult education program indicating that he/she has received previous special education services).
  - Through a written release of information generated by a local school district or referring agency (which could be the Department of Workforce Services or the Division of Rehabilitation Services) indicating that a student is eligible, or potentially eligible, for special education services and would like to transfer to an adult education program.
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- The local district special education department will facilitate and determine special education eligibility, following evaluation and eligibility procedures as outlined in the Utah Special Education Rules at <http://www.schools.utah.gov/sars/Laws,-State-Rules-and-Policies/Rules-and-Regulations.aspx>
  - Services provided to an eligible student will be determined by an IEP team consisting of the student; a special education teacher; an adult education teacher; an LEA representative who meets the requirements as specified in the Utah Special Education Rules; a person who is able to interpret the instructional implications of the evaluation results (this may be a member of the team previously described); others as determined by the student or school program; and, with the consent of the student, a representative of any agency that might be responsible for providing or paying for transition services, which may include but not be limited to the Department of Workforce Services or the Division of Rehabilitation Services.
  - The IEP team determines where special education services can best be provided, e.g. transitional high school, post-high program in the K-12 system, or in an adult education program (either school district or community-based organization). Note: If the student desires to seek a K-12 diploma, he/she must meet all educational outcomes (credits) as required by his/her IEP and the local school district, including standardized assessment outcomes. As of this time these requirements may be modified by the IEP team as appropriate for the student. Special education students, like all students who desire an adult education secondary diploma must meet the current graduation requirements for any diploma (K-12 or adult education). Completion of the required credits is the sole basis for the issuing of a diploma. The only document that supports completion of K-12 courses is a K-12 transcript. Letters addressed to an adult education program “to issue credit” based on completion of “experiences or other activities” are not to be considered as a source for awarding academic credit.
  - Regardless of where the student’s education needs are best served (in a school district-sponsored program or a community-based education program), the local school district is responsible to assist the adult education program in selecting the most appropriate strategies and educational materials in meeting the student’s educational needs.

- If the most appropriate provider of services is a community-based organization, the program should be recognized in UTopia as a “site” of service within the school district adult education program that the adult education student resides.
- The school district is responsible to ensure that qualified out-of-school youth participating in the local adult education program receive special education services through a recognized K-12 school, and if need be, for providing the information necessary to create a new (or modify an existing) record in CACTUS to that effect for special education SCRAM reporting purposes.

Funding associated with following the above procedure is as follows:

- The district, in compiling and submitting the required SCRAM information for the identified out-of-school youth, will receive the state-allocated funding as well as the allocated federal IDEA discretionary funds calculated on the district student population.
- The district accounting department is responsible for the division of the funds as follows:
  - The district will “keep” the “state special education add-on” WPU.
  - The adult education program will receive, from the local school district, the regular WPU for the time the student is enrolled and engaged in the adult education program up to 990 hours of instruction per fiscal/program year.
- When entering the student information into UTopia, the student’s funding code would be entered as either:
  - 4 – “The student is under 18 years of age, not a high school graduate, currently attending both the K-12 program and an adult education program.”
  - 5 – “The student is 18 years of age and over or emancipated, not a high school graduate, currently attending both the K-12 program and an adult education program.”
  - 8 – “The student is a summer senior, class has graduated, currently attending an adult education program to complete courses for a K-12 diploma.”

The special education student, in any of the above scenarios, is considered a K-12 student; as such, the adult education program is to receive the district WPU for providing adult education services for the student. These students are not counted in the adult education state funding formula or as enrollees on the National Reporting System report. Student data for special education students are reported in UTopia as funding codes of 4, 5, or 8. However the “number” of special education student is reported on the Secondary Status Measures Report that identifies persons with disabilities in the federal National Reporting System (NRS) report.

### **Intake Procedures**

Program intake procedures – including orientation, enrollment and assessment – must be open and free of discrimination and bias. *Program staff members may not make inquiries at the time of enrollment as to whether an applicant is a person with a disability.* However, after enrollment inquiries on a confidential basis may be made with the goal of determining the need for possible program accommodations. Questions that may be asked might include:

- Have you ever had any special classes or help in school or at work? (If “yes” you may ask what, where, and why.)
- Do you think you have trouble learning?
- Have you ever had any accommodations in school or at work? (This may include calculators, extra time, elevator key, etc.).

If, after consultation with the student:

- A disability is suspected, but cannot be documented by the student, the program staff may consider using a screening instrument to ascertain a possible disability, realizing that the diagnosis of a disability can only be made by a certified diagnostician.
- The student discloses that he/she has a disability, the student would need to sign a release of information allowing the program access to his/her medical or educational records in order to verify a disability.

### **Termination of K-12 Special Education Services**

A student’s entitlement to special education services, whether through the K-12 district program options or an adult education program, ends when:

- The student is evaluated and found no longer eligible for special education services, or
- The student graduates with a K-12 high school diploma or adult education secondary diploma, or
- The student reaches maximum age for eligibility (at the beginning of the school’s winter holiday for those who turned 22 on or after the beginning of the school year and before December 31; and at the end of the school year for those who turn 22 after December 31 and before the end of the school year.)

Note: Termination of K-12 special education services does not mean that the student’s issues and service accommodations also disappear; rather, it means that the student is no longer eligible for special education services. Any needed accommodations would be addressed through Section 504 of the Rehabilitation Act; an overview of Sec. 504 is available at <http://www.hhs.gov/ocr/civilrights/resources/factsheets/504.pdf>



## Student Education Occupation Plan (SEOP) Assessment Procedures

The following acceptable assessment accommodations are those that are recognized by test publishers for state-required SEOP assessments.

These accommodations are suggestions only. Accommodations are based on the needs of the individual learner and not on a disability category. Any assessment accommodation should be consistent with the test publisher’s recommendations and the student’s SEOP.

### POSSIBLE ASSESSMENT ACCOMODATIONS

(As recommended by Test Publishers)

<b>TABE</b>	<b>BEST</b>	<b>CASAS</b>
Extra time	Test item restated	Plain straight-edge ruler
Test reader for directions		Magnifying strips or glass
Test reader for passages and items		May take one test per day rather than all in one session
Spelling assistance		Colored overlays
Test items restated/paraphrased		Sign language interpreter for instructions only
Alternate test settings		Alternate test settings
Recorded responses		Ear plugs
Calculators or math tables		Simple calculator for Level A/B only
Marking in test booklets		Computer – spelling and grammar check disabled
Braille or enlarged print		Braille or enlarged print
		Extra time
		Frequent breaks
		Headphones for listening test
		Scribe/writer/communication board

When selecting and administrating tests to a student with a disability it is **BEST** practice to administer the test in such a fashion that the results will accurately reflect the student’s aptitude or achievement level rather than reflecting the student’s impaired sensory, manual, or speaking skills. Assessment results should be interpreted in light of the accommodation(s) used.

A suggested disability screening tool is in Appendix B.

Formal diagnosis of a disability can only be completed by the following professionals:

- Learning disabilities – clinical psychologist, school psychologist, education diagnostician.
- ADHD – clinical psychologist, physician, psychiatrist.
- Mental health – psychiatrist, school psychologist, private practice counselor.

As with all assessments, disability assessments are to remain confidential, shared only with staff on a need-to-know basis, and must be stored in a student file in a secure fashion. Student records are to be released to a requesting individual or agency only upon receipt of a student-signed release.

**Academic Procedures**

As in all education programs, instruction should:

- Be designed to meet the student’s individual needs.
- Be based on the student’s strengths.
- Be flexible.
- Be agreed upon by both the student and the instructor(s).

Individuals with hidden disabilities are frequently not readily identified. For example, a student who has a hearing impairment may be unable to understand much of what a teacher is saying; a student with a specific learning disability may be unable to process oral or written information; a person with an emotional disability may be unable to concentrate or participate in an adequate manner as required in a “traditional” classroom environment. As a result, such individuals will be unable to demonstrate their ability to attain educational benefits equal to those of non-disabled students. In each of these examples teachers may perceive these students as being slow or lazy, or as a discipline problem.

Academic adjustments and accommodations are to be made based on the individual’s disability and need that allow the person with a disability to demonstrate the same skill/final product as a non-disabled student. The student’s SEOP and program adjustments should be reviewed, at a minimum, after sixty hours of academic instruction. A more appropriate time for review would be at the end of each instructional unit. The purpose of meeting with the student is to determine progressive gains, the success of adjustments, and the focus of continued educational opportunities.

Adjustments may include auxiliary aids to academic requirements as necessary to ensure that the student with disabilities has an equal educational opportunity.

**Examples of Academic Adjustments**

Project-based learning assignments	Braille or large print	Extended time to complete assignments
Magnifying strips	Modifying instructions	Graphic organizers
Taped texts	Chunking/slicing	Jigsaw reading
Pre-reading	Modification of exams	NCR note paper
Color overlays	Wide-ruled paper	Calculator
Computer	Electronic dictionary	Color coding

NOTE: Programs are not responsible to provide attendants, individually prescribed devices, readers for personal use or study, or other devices or services of a personal nature.

## Student Responsibilities

The student must:

- Request an academic accommodation.
- Provide current documentation of a disability and the need for academic accommodation.

Documentation must:

- Be prepared by an appropriate professional, such as a medical doctor, school or clinical psychologist, qualified diagnostician.
- Include a written statement of the diagnosis of the current disability, date of the diagnosis, how the diagnosis was reached, and credentials of the diagnosing professional.
- Include a statement of how the current disability affects a major life activity.
- Include a statement of how the current disability affects academic performance.
- Include recommendations regarding appropriate accommodations.

A student who has a history of receiving special education services, has an Individualized Education Program (IEP), and has not reached his/her 22<sup>nd</sup> birthday is entitled to a Free and Appropriate Public Education (FAPE).

An adult education student **of any age**, who has a Section 504 accommodation plan, after providing written documentation as described above, should receive academic accommodations as necessary, being mindful that the accommodation must be a result of a current disability affecting a major life activity or academic performance.

If a student self-discloses that he/she has an IEP or a Section 504 accommodation plan but cannot provide the requested documentation, accommodations should be made in good faith in order for the student to benefit from the educational experience.

## 504 Accommodations

An “accommodation test” question that should be asked is: “Will a reasonable adjustment or modification provide an opportunity for a person with a disability to achieve the same level of performance and to enjoy benefits equal to those of an average, similarly situated person without a disability?”

- Accommodations do not have to ensure equal results or provide exactly the same benefits. Programs are only required to accommodate a “known” disability for a qualified

student. The requirement will generally be triggered by a request from an individual with a disability, who frequently will be able to suggest an appropriate accommodation.

- Accommodations made to ensure that a program is accessible to a student are the responsibility of the program, not the student. In determining what accommodations might be needed, the following should be considered:
  - ❖ Barriers that may result from the interaction between the documented disability and the learning environment.
  - ❖ Providing accommodations that do not compromise the safety standards of the program.
  - ❖ Whether or not the student has access to the program and staff without accommodations.
  - ❖ Whether or not the essential elements of the program or service are compromised as a result of an accommodation.
  - ❖ Section 504 accommodations are not “permanent.” When the student’s mental or physical impairment no longer substantially limits the student’s ability to learn, the student is no longer eligible for the accommodation.
  - ❖ A student who is currently engaged in the illegal use of drugs (alcohol is not included), unless he/she is in a rehabilitation program, is excluded from Section 504 accommodations.
  - ❖ A medical diagnosis or illness does not automatically qualify a student for a Section 504 accommodation. The illness must cause a substantial limitation on the student’s ability to learn or conduct other major life activities. For example, a student who has a mental or physical impairment would not be considered a student in need of an accommodation if the impairment does not in any way limit the student’s ability to learn or carry out another major life activity, or only results in some minor limitations.
  - ❖ Accommodations must be made on an individual basis.
  - ❖ If the student does not request an accommodation, the program is not responsible to provide one except where an individual’s known disability impairs his/her ability to know of, or effectively communicate the need for, an accommodation.
  - ❖ If a student requests an accommodation but cannot suggest an appropriate accommodation, the student and the program staff should work together to identify one.

An Adult Education Services Student Accommodation(s) Plan (Appendix C) must be completed between both the student and a program staff member. Accommodations provided for students should be documented, including the success or failure of the accommodations. Agreed-upon accommodations must be applied to both instructional and assessment settings.

## **Confidentiality**

Academic information obtained while a student (either disabled or not disabled) is/was enrolled in your program, and information received from an outside agency to assist with the student's academic success, may not be shared outside of your program **without a signed** release of information form specifying the agency representative or diagnostician to whom the information is to be released. Information pertaining to a student's disability is confidential and must be treated as such. Such information must be stored in a secure fashion.

Release forms (for receiving or releasing information) must meet the following standards:

- Be on agency or private provider letterhead.
- Be specific as to what information is to be released.
- Specify to whom the information is to be released.

Release forms must also contain a section that validates the nature of the requested action, including the student's signature and date. For example: *"This release of confidential information is only valid for a time period not greater than 90 days from the date of this signature or until canceled in writing by the undersigned. I understand that the information released will remain confidential and will not be shared with any other agency or persons without my written consent. This information form has been read/reviewed with me and I understand its content."*

Samples of release forms can be found in Appendix D.

Note: Diagnostic information that is received by your agency may contain a statement that precludes you from releasing the information further to another agency. It is the responsibility of the program to abide by this compliance statement. Pay particular attention to the following guidelines when releasing student information:

- Student information is not to be transferred to a requesting agency by faxing or other means of electronic transfer, including e-mail, Internet or telephone.
- A program log must be maintained in perpetuity for student information released to another agency. At a minimum this must contain the date of the request, name of the student, records requested, where sent, and purpose of release.
- All student intake and SEOP forms must be free of confidential questions.

Written 6.15.06 Effective 3.13.07  
Revised 1.14.08 Effective 3.17.08  
Revised 6.26.09 Effective 7.1.09

## Appendix A

### Definitions

**Academic interventions:** Teaching strategies or techniques that can enhance a student's learning process. Examples: color markers, color overlays, line markers.

**Accommodation:** An adjustment made in an adult education program that allows a student equitable access to educational opportunities afforded to all students.

**Americans with Disabilities Act (ADA):** Civil rights law passed in 1990 that protects and promotes the rights of persons with disabilities.

**Asperger's syndrome:** A subcategory of autistic disorder.

**Autistic disorder:** Marked impairment in the use of multiple nonverbal behaviors such as eye-to-eye gaze, facial expression, body postures, and gestures to regulate social interaction; can include failure to develop peer relationships appropriate to developmental level, lack of social or emotional exchange, delay in or total lack of spoken language, or apparent inflexible adherence to specific nonfunctional routines or habits.

**Auxiliary aids and services:** Includes qualified interpreters or other effective methods of making orally delivered materials available to individuals with hearing impairments. It also includes qualified readers, taped texts, or other effective methods of making visually delivered materials available to individuals with visual impairments.

**Bi-polar disorder:** Major affective disorder characterized by episodes of mania and depression.

**Deafness:** Hearing impairment so severe that the individual is impaired in processing language information through hearing with or without amplification.

**Depressive disorder:** Mood disturbance characterized by an abnormal emotional state, resulting from despair and discouragement from, and proportionate to, some personal loss or tragedy. This disorder is exaggerated by feelings of sadness, melancholy, dejection, worthlessness, emptiness, and hopelessness that are inappropriate and out of proportion to reality.

**Disability:** A physical or mental impairment that substantially limits one or more major life activities, a record of such an impairment, or being regarded as having such an impairment.

**Equal access:** Equal opportunity of a qualified person with a disability to participate in or benefit from educational aids, benefits, or services.

**Free and Appropriate Public Education (FAPE):** A term used in public education to refer to the provision of regular or special education and related aids and services that are designed to meet individual educational needs of students with disabilities as adequately as the needs of students without disabilities are met, and based upon adherence to procedures that satisfy the Section 504 requirements pertaining to educational setting, evaluation and placement, and procedural safeguards.

**Free education:** Provision of educational services without cost to the person with a disability, except for those fees that are also imposed on non-disabled persons.

**Handicapped person:** Any person who (1) has a physical or mental impairment which substantially limits one or more major life activities, (2) has a record of such an impairment, or (3) is regarded as having such an impairment.

**Individualized Education Program (IEP):** A written plan for a student with a disability that is developed, reviewed, and revised annually, at a minimum, reflective of the student's strengths, limitations and academic goals.

**Intellectual disability:** Intelligence significantly below average general intellectual functioning.

**Intermittent explosive disorder:** Failure to resist aggressive impulses that result in serious assaultive acts or destruction of property. The degree of aggressiveness is grossly out of proportion to any precipitating psychosocial stressors.

**Major life activities:** Those basic activities that the average person in the general population can perform with little or no difficulty. Functions include caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. Other major life activities include, but are not limited to, sitting, standing, lifting, reaching, and mental and emotional processes such as thinking, concentrating and interacting with others.

**Manic disorders:** Distinct period of abnormally and persistently elevated, expansive and/or irritable mood. Mood disturbance causes marked impairment in employment functioning or social activities/relationships with others.

**Obsessive-compulsive disorder:** Obsessions or compulsions that reoccur severely enough to be time consuming (taking more than an hour a day), cause marked distress, or significantly interfere with a person's normal routine, employment, academic functioning, or usual social activities and relationships. The disturbance is not due to the direct physiological effects of substance abuse or general medical condition.

**Panic attack:** A sudden onset of intense apprehensiveness or terror, often a sense of impending doom, feeling of personalization or derealization or both, coupled with fear of losing control. Accompanying the mental state are emergency physical symptoms and signs of automatic hyperactivity such as sweating, pallor, choking sensations, palpitations, dizziness or vertigo. Attacks usually last minutes; however, some may continue for more than an hour.

**Post-traumatic stress disorder (PTSD):** Development of characteristic symptoms following exposure to an extreme traumatic stressor.

**Reasonable accommodation:** Equal access to educational opportunities afforded to all students. Making existing facilities readily accessible and usable by individuals with disabilities; this term also includes acquisition or modification of equipment or devices, appropriate adjustment of examinations, education materials, and the provision of qualified readers or interpreters that allows for equal access to educational opportunities afforded to all students.

**Record of impairment:** History of, or misclassification as having, a mental or physical impairment that substantially limits one or more major life activities.

**Special education:** Specifically designed instruction, at no cost to the student that meets the student's unique needs, and is conducted in the classroom, home, or institution.

**Specific Learning Disability (LD):** Disorder in one or more of the basic psychological processes involved in understanding or using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or do math calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia. Individuals who have learning problems that are primarily the result of visual, hearing, motor or intellectual disabilities, emotional disturbances, or environmental, cultural or economic disadvantage are not considered as having this disorder.

**Tic disorders:** Single or multiple motor and/or vocal tics. The tics occur many times daily, nearly every day.

**Transition and transition services:** Individualized, coordinated set of activities that promote movement between adult education program activities and post-secondary education, Department of Workforce Services, vocational rehabilitation, employment, training or independent living.

**Traumatic Brain Injury (TBI):** Acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability, psychosocial impairment, or both, that adversely affects the person's performance. This term also applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech. The term does not apply to injuries to the brain that are congenital or degenerative, nor does it pertain to brain injury as a result of birth trauma.

**Undue hardship:** Action requiring significant difficulty or expense.

**Visual impairment:** Impairment in vision that, even with correction, adversely affects performance.



## Appendix B

# LEARNING NEEDS SCREENING TOOL

## Background and Development

The Learning Needs Screening Tool is a brief, oral interview developed through an intensive authentic research project for the State of Washington Division of Employment and Social Services Learning Disabilities Initiative (November 1994-June 1997) under contract with Nancie Payne, MS, Senior Consultant, Payne & Associates, Inc., Olympia, Washington.

Funded by federal and state resources, the research, as well as the Learning Needs Screening Tool, are in the public domain and can be accessed by anyone who wishes. However, prior to implementation or use in a program or system, several facts must be noted:

- The research was conducted with a welfare clientele; thus the tool may not be valid with other populations. Use with other populations not having the same or similar characteristics as the research study could lead to misinterpretation of information and put the client screened by the Tool at risk, as well as the entity using the Tool.
- The Learning Needs Screening Tool has not been validated and **is not** an appropriate tool to use in its present form with populations who have limited English proficiency (LEP).
- Criteria for implementation and use must be explored and clearly established in order to minimize discrimination or perceived bias when providing services. A set of standards for services should be established to ensure protection of the client and the entity using the Tool.
- All individuals should be screened for health-related needs (physical, vision, hearing, etc.) as well as other impacts (mental and emotional health) that may manifest as learning disabilities. This may mean adopting a more intensive interview protocol as a next step after initial screening. Simply screening for a condition does not allow the user to make the assumption that the individual has the condition for which he/she is being screened.
- Appropriate referrals and resources must be put into place prior to implementation. An organization or program cannot simply screen individuals without having the next steps in place. The Tool has been validated through the research and in using the Tool; the user accepts the responsibility associated with using a valid screening tool.
- Protocols for confidentiality and disclosure of information must be established.
- The organization or system's capacity to serve individuals with learning disabilities and other cognitive disorders must be evaluated.
- The Tool is most effective when proper training, implementation, and evaluation protocols are put into place.

**The Learning Needs Screening Tool is not a diagnostic tool and should not be used to determine the existence of a disability.**

# LEARNING NEEDS SCREENING

Interviewer Name:

Interview Date:

Client Name:

Date of Birth:

Social Security #:

Gender:  Male  Female

How many years of schooling have you had?

Check ALL earned:  High School Diploma  GED  Technical/Vocational Certificate

AA Degree  Other (specify): \_\_\_\_\_

What kind of job would you like to get?

Do you have experience in this area?  Yes  No

What makes it hard for you to get or keep this kind of job?

What would help?

**BEFORE PROCEEDING TO THE QUESTIONS, READ THIS STATEMENT ALOUD TO THE CLIENT:**

The following questions are about your school and life experiences. We're trying to find out how it was for you (or your family members) when you were in school or how some of these issues might affect your life now. Your responses to these questions will help identify resources and services you might need to be successful securing employment.

See final page for directions and scoring.

**The Learning Needs Screening is not a diagnostic tool and should not be used to determine the existence of a disability.**

Student's Name \_\_\_\_\_ Date of screening \_\_\_\_\_

<b>Section A</b>	
1. Did you have any problems learning in middle school or junior high school?	__ Yes __ No
2. Do any family members have learning problems?	__ Yes __ No
3. Do you have difficulty working with numbers in columns?	__ Yes __ No
4. Do you have trouble judging distances?	__ Yes __ No
5. Do you have problems working from a test booklet to an answer sheet?	__ Yes __ No
<b>Count the number of "Yeses" for Section A X 1 =</b>	
<b>Section B</b>	
6. Do you have difficulty or experience problems mixing arithmetic signs (+/x)?	__ Yes __ No
7. Did you have any problems learning in elementary school?	__ Yes __ No
<b>Count the number of "Yeses" for Section B X 2 =</b>	
<b>Section C</b>	
8. Do you have difficulty remembering how to spell simple words you know?	__ Yes __ No
9. Do you have difficulty filling out forms?	__ Yes __ No
10. Did you (or do you) experience difficulty memorizing numbers?	
<b>Count the number of "Yeses" for Section C X 3 =</b>	
<b>Section D</b>	
11. Do you have trouble adding and subtracting small numbers in your head?	__ Yes __ No
12. Do you have difficulty or experience problems taking notes?	__ Yes __ No
13. Were you ever in a special program or given extra help in school?	__ Yes __ No
<b>Count the number of "Yeses" for Section D X 4 =</b>	
<b>Total "Yeses" multiplied by factor indicated for A, B, C, D</b>	
See next page for directions and scoring.	
14. Check to see if the client has ever been diagnosed or told he/she has a learning disability. If so, by whom and when?	
<b>The Learning Needs Screening is not a diagnostic tool and should not be used to determine the existence of a disability.</b>	

## **LEARNING NEEDS SCREENING DIRECTIONS**

1. Ask the client each question in each section (A, B, C, D) and question #14.
2. Record the client's responses, checking "Yes" or "No."
3. Count the number of "Yes" answers in each section.
4. Multiply the number of "Yes" responses in each section by the number shown in the section subtotal. For example, multiply the number of "Yeses" obtained in Section C by 3.
5. Record the number obtained for each section after the "=" sign in the section subtotal.
6. To obtain a Total, add the subtotals from Sections A, B, C, and D.

**If the Total from Sections A, B, C, and D is 12 or more, refer for further assessment.**

It is recommended that interviewers ask an additional set of medical/health-based questions to gather more complete background information.

**The Learning Needs Screening is not a diagnostic tool and should not be used to determine the existence of a disability.**

## ADDITIONAL QUESTIONS THAT MAY BE ASKED

### GLASSES:

Does the client need or wear glasses? Yes \_\_\_ No \_\_\_

Was the client's last eye examination within two years? Yes \_\_\_ No \_\_\_

### HEARING:

Does the client need or wear a hearing aid? Yes \_\_\_ No \_\_\_

### MEDICAL/PHYSICAL:

Has the client experienced any of the following?:

- Multiple, chronic ear infections Yes \_\_\_ No \_\_\_
- Multiple, chronic sinus problems Yes \_\_\_ No \_\_\_
- Serious accidents resulting in head trauma Yes \_\_\_ No \_\_\_
- Prolonged, high fevers Yes \_\_\_ No \_\_\_
- Diabetes Yes \_\_\_ No \_\_\_
- Severe allergies Yes \_\_\_ No \_\_\_
- Frequent headaches Yes \_\_\_ No \_\_\_
- Concussion or head injury Yes \_\_\_ No \_\_\_
- Convulsions or seizures Yes \_\_\_ No \_\_\_
- Long-term substance abuse problems Yes \_\_\_ No \_\_\_
- Serious health problems Yes \_\_\_ No \_\_\_

Is the client taking any medications that would affect the way he/she is functioning?

Yes \_\_\_ No \_\_\_

If yes, what is the client taking? \_\_\_\_\_

How often? \_\_\_\_\_

Does the client need medical or follow-up services? Yes \_\_\_ No \_\_\_

Referrals needed/made:

\_\_\_\_\_

The Learning Needs Screening was developed for the Washington State Division of Employment and Social Services Learning Disabilities Initiative (November 1994 - June 1997) under contract by Nancie Payne, Senior Consultant, Payne & Associates, Olympia, Washington.

**Appendix C**

**Adult Education Services  
Student Accommodation Plan**

Student's Name: \_\_\_\_\_ D.O.B.: \_\_\_\_\_

Program: \_\_\_\_\_

Date accommodation(s) requested: \_\_\_\_\_

Type of accommodation(s) requested: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Data supporting requested accommodation(s):

- Medical report
- Psychiatric report
- Psychological report
- Previous record of special education IEP
- Previous record of 504 accommodation plan
- Other \_\_\_\_\_

Supporting documentation must be attached and maintained in the student file.

Agreed upon accommodation(s): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Duration of accommodation(s): \_\_\_\_\_

Student's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Staff member's signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Appendix D**

**Sample 1**

**Request of Confidential Information**

I, \_\_\_\_\_ authorize \_\_\_\_\_  
(name of person or program)

to request and receive the information specified below from the following agency or diagnostician, for the purpose of supporting my educational program.

Agency or Diagnostician's Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State and Zip Code: \_\_\_\_\_

Specific Information Requested: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

This release of information is only valid from the date of signature to \_\_\_\_ (specify ending date) or until canceled. I understand the information will be kept confidential and will not be shared with any other agency without my consent. This release of information form has been read/reviewed with me and I understand its content.

Student Signature: \_\_\_\_\_

SSN \_\_\_\_\_

DOB \_\_\_\_\_

Date \_\_\_\_\_

**Sample 2**

**Request of Confidential Information**

I, \_\_\_\_\_ authorize \_\_\_\_\_  
(student's name) (program or diagnostician)

to request the following information from the agency/diagnostician listed below.

Agency or Diagnostician's Name and Title: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone number: \_\_\_\_\_

**Information Requested:**

- \_\_\_ GED® test scores
- \_\_\_ GED® Testing Center tests taken: \_\_\_  
Approximate date of tests: \_\_\_\_\_
- \_\_\_ Academic testing
- \_\_\_ IEP or adult education SEOP
- \_\_\_ Psychological testing
- \_\_\_ Direct communication
- \_\_\_ Other items as specified: \_\_\_\_\_  
\_\_\_\_\_

The release of confidential information is only valid from the date of my signature to \_\_\_\_\_ (specify date) or until canceled. I understand the information will be kept confidential and will not be shared with any other agency or diagnostician without my consent. This release form has been read/reviewed with me and I understand its content.

Student Signature: \_\_\_\_\_

DOB: \_\_\_\_\_

SSN: \_\_\_\_\_

DATE: \_\_\_\_\_



**Sample 3**

**Release of Confidential Information**

I, \_\_\_\_\_ authorize \_\_\_\_\_  
(name of person or program)

to release the information as specified below, to the following agency or diagnostician.

Specific Information Released: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Agency or Diagnostician's Name and Title: \_\_\_\_\_

Address: \_\_\_\_\_

City, State and Zip Code: \_\_\_\_\_

This release of information is only valid from the date of signature to \_\_\_\_ (specify ending date) or until canceled. I understand the information will be kept confidential and will not be shared with any other agency/diagnostician without my consent. This release of information form has been read/reviewed with me and I understand its content.

Student Signature: \_\_\_\_\_

SSN \_\_\_\_\_

DOB \_\_\_\_\_

Date \_\_\_\_\_

**Sample 4**

**Release of Confidential Information**

I \_\_\_\_\_ authorize \_\_\_\_\_  
(name person or program)  
to release the following information to the agency/diagnostician listed below.

Information released:

- \_\_\_ TABE testing
- \_\_\_ CASAS or BEST testing
- \_\_\_ GED® tests scores
- \_\_\_ GED® Testing Center tests taken: \_\_\_\_\_  
Approximate date of tests: \_\_\_\_\_
- \_\_\_ IEP or adult education SEOP
- \_\_\_ Grade transcript
- \_\_\_ Antidotal notes
- \_\_\_ Direct communication
- \_\_\_ Other items as specified: \_\_\_\_\_

Release to:  
Name of Agency/Diagnostician: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

This release of information is only valid from the date of my signature to \_\_\_\_\_ (specify ending date) or until canceled. I understand the information will be kept confidential and will not be shared with any other agency/diagnostician without my consent. The release form has been read/reviewed with me and I understand its content.

\_\_\_\_\_  
(Student signature) (Date)

