

AEFLA-funded programs must provide equal access to programs and services for all adults, including adults with special learning needs.

Special learning needs include:

- Physical concerns or disabilities related to vision or hearing problems, mobility impairments and/or health conditions
- Learning disabilities

### Rationale

As a condition of funding, all AEFLA-funded programs must have on file a signed copy of the “Single Assurance Form for State Administered Federal Education Programs” agreeing to comply with specified federal laws and regulations, including the Americans with Disabilities Act of 1990.

Under Section 427 of the U.S. Department of Education's General Education Provisions Act (GEPA), all applicants for AEFLA funding are required to describe how they plan to ensure equity of access and participation in their federally funded programs for students, teachers, and other program beneficiaries with special needs.

Section 224 (b) 1 of AEFLA requires that the State Plan for AEFLA contain an objective assessment of learners, including individuals most in need or hardest to serve. This group includes:

- Low income adult learners who are educationally disadvantaged
- Individuals with disabilities
- Single parents and displaced homemakers
- Individuals with multiple barriers to educational enhancement, including individuals with limited English proficiency
- Criminal offenders in correctional institutions and other institutionalized individuals
- Other populations, such as homeless adults, may also be included in the descriptions

Section 224 (b) 5 of AEFLA requires that the State Plan for AEFLA contain an assurance that the eligible agency will award not less than one grant under this subtitle to an eligible provider who offers flexible schedules and necessary support services (such as child care and transportation) to enable individuals, including **individuals with disabilities, or individuals with other special needs**, to participate in adult education and literacy activities....

Section 231 (e) (3) of AEFLA requires that in awarding grants or contracts under this section, the agency shall consider the commitment of the eligible provider to serve individuals in the community who are **most in need** of literacy services, including individuals who are low-income or have minimal literacy skills; and (10) whether the activities offer flexible schedules and support services (such as child care and transportation) that are **necessary to enable individuals, including individuals with disabilities or other special needs, to attend and complete programs.**

## Implementation

AEFLA-funded programs must:

1. Evaluate the accessibility of the program's facilities for individuals with physical impairments and establish a transition plan if necessary. Any new construction must be accessible.
2. Designate a Learning Needs Coordinator (LNC) for each program site. LNCs at programs affiliated with larger organizations such as school districts or community colleges should coordinate with the ADA Coordinator within the larger organization. The LNC will document annual participation in training opportunities related to serving learners with special learning needs, including training about the legal rights of learners with disabilities. The LNCs are responsible for responding to questions and requests from individuals with special learning needs and for coordinating with the program director and host agency, if applicable, to develop and implement a written procedure that describes the implementation of the CDE/AEFL Special Learning Needs Policy.
3. Provide all adults who are most in need the opportunity to participate in orientation and assessment to determine if programs and services are appropriate for their educational needs and abilities. This includes ensuring that the orientation facilitator and assessment administrator are aware of the available auxiliary aids and services that provide a means of effective communication for individuals with disabilities.
4. Inform all learners about the legal right of individuals with disabilities to request reasonable accommodations and the process for requesting accommodations as part of the orientation and enrollment process, **before** the administration of standardized testing.
5. Refer to the state Assessment Policy regarding accommodations during testing for individuals with disabilities.
6. Allow adults with disabilities to **initiate the voluntary disclosure** of their disability and provide appropriate current documentation. DO NOT ask individuals to disclose —verbally or on forms — disability and or special learning needs information about themselves, and DO NOT attempt to encourage disclosure through indirect questions.
7. Keep written records of disabilities and/or chronic medical conditions locked and separate from learners' other records.
8. Release confidential information about learners, such as their status as an individual with a disability, only with a signed information release.
9. Post signs at each program site where orientation is conducted stating the organization is an equal opportunity educational services provider. The sign should also identify the LNC, provide his/her contact information and state that requests for accommodations from individuals with disabilities should be directed to the LNC.
10. Provide written notice in all printed materials that the program protects the rights of individuals with disabilities by providing equal access to programs and services. The notice must include the LNC's contact information.
11. Establish a data collection and data entry process to ensure that the following required disability related information is accurately reflected in CAESAR:
  - a. Students who meet the NRS definition of Disabled\*

- b. Students who meet the NRS definition of Learning Disabled\*\*
- c. Whether the disability is documented (by a certified professional, including learners with IEPs from K-12) or undocumented
- d. Accommodations provided during pre and post testing and instruction as well as accommodations offered to but refused by learners with documented learning disabilities
- e. Students who are approved for special accommodations for GED tests by the State GED Administrator or GEDTS
- f. If the program conducts a screening for potential special learning needs, such as the Learning Needs Screening Tool (also known as the Washington 13), this information must be reported

*\*The student has a physical, mental, or learning disability that restricts one or more major life activities, such as walking, seeing, hearing, or learning*

*\*\*The student has deficits related to neurological impairments in capacity in defined limited areas related to learning, including dyslexia (reading disability), dysgraphia (writing disability), dyscalculia (math disability).*

12. Establish a written procedure that describes the implementation of the CDE/AEFL Special Learning Needs Policy in collaboration with the program's board of directors, school district disabilities office, community college disabilities office, or other oversight body. All staff members who interact with potential or enrolled learners must understand and implement this procedure. The procedure must include:
  - A description of how special learning needs are addressed during orientation, enrollment, assessment and instruction.
  - A description of the procedure the program will follow when an individual provides documentation of a disability; e.g., recording it in CAESAR, the time frame and process for reviewing the request and responding, documenting accommodations offered and process for monitoring implementation.
  - A description of how the program maintains confidentiality and protects learners' right to privacy.
  - **Required only of those programs that screen for potential learning disabilities:** A description of the screening process, which includes: the research-based screening tool(s) used, how learners are identified for screening, at what point the screening is conducted; e.g., during enrollment, after classes have started), how the screening is conducted (who conducts the screening, where it is conducted and the actual process) and post-screening steps.
13. Refer to General Educational Development Testing Service (GEDTS) policy and procedure regarding accommodations for GED exams and the process for requesting accommodations.
14. Have available an up-to-date list of resources in the community that support or provide services for individuals with special learning needs. (For example: organizations that offer training on using assistive technology, organizations with licensed staff who offer psycho-educational evaluations at a reduced cost, organizations that provide reduced cost vision and hearing exams.)

**Evidence of Compliance**

1. Accessible facilities and/or transition plan on file
2. An appropriately assigned staff person at each program site is identified as the LNC; records showing that the LNC has participated annually in training
3. Documentation of orientation and enrollment processes that includes steps taken to ensure equal access to learners with special learning needs
4. Copy of state assessment policy available for reference; assessment records include information about accommodations that have been requested and utilized
5. Forms that learners must complete DO NOT request or require disclosure of individuals' disabilities or any related information
6. Records of individual learners' special learning needs properly stored and secured
7. Information release form; signed copies in files when applicable
8. Properly worded signs in visible areas at each program site where orientation is conducted
9. Printed materials contain equal access notice and direct individuals with disabilities to the program's LNC to request accommodations
10. Student records in CAESAR reflect required disability related information; NRS Table 6 (Participant Status and Program Enrollment) shows an accurate count of Disabled and Learning Disabled students enrolled each year
11. Written procedure
12. Staff who work with ASE learners can describe how learners request and access accommodations for GED exams
13. Copy of the community resource list that is available for reference by students and staff