# 2023-24 AELA Accessible Design Assurances

Introduction

To ensure educational and workforce services are provided at the highest levels of quality for the Adult Education and Literacy Act (AELA), the Office of Adult Education Initiatives (AEI) requires the following assurances.

Agreement to these assurances ensures applicants commit to follow federal and state laws regarding AELA.

### Local Accessible Design Assurances

The purpose of the Local Accessible Design Assurance is to ensure compliance with specified federal and state laws and regulations, including the Americans with Disabilities Act of 1990 (ADA).

### 1. Americans with Disabilities Act Accessibility

Grantees must 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. A site accessibility checklist for on-site facilities is available to assist programs in determining if buildings comply with the [Americans with Disabilities Act (ADA)](https://www.ada.gov/).

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### 2. Accessible Design Coordinator

Grantees must designate an Accessible Design Coordinator (ADC). ADCs at programs affiliated with larger organizations such as school districts or community colleges should coordinate with the Americans with Disabilities Act (ADA) Administrator within the larger organization.

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The Accessible Design Coordinator must fulfill the following responsibilities:

* Coordinate with the program director and larger organization, if applicable, to develop and implement a written procedure that describes the implementation of the CDE AEI Accessible Design Policy.
* Ensure that learners are informed about the availability of accommodations as part of their enrollment process/orientation.
* Ensure that program staff are fully trained on the Accessible Design Policy.
* Ensure that instructional staff implement and are supported with any accommodation required to meet learner needs.
* Ensure that the program provides fully accessible services that meet reasonable criteria.
* Respond to questions and requests from individuals with disabilities.
* Collect and securely file disability documentation from learners.
* Document and report (as applicable) accommodations requested from and provided to individuals with disabilities.
* Confidentially sharing current information about disabilities with program staff, only as necessary, as supported by the Americans with Disabilities Act (ADA) and the Family Educational Rights and Privacy Act (FERPA).
* Document annual participation in training related to serving learners with disabilities, including the legal rights of learners with disabilities. Training could include on-site training opportunities provided by the Division of Vocational Rehabilitation (DVR) or other training providers, approved online resources such as Literacy Information and Communication System (LINCS), posted webinars, etc.
* Participate in AEI trainings for ADCs as requested/required. ADCs must complete the [Programmatic Accessibility course](https://wioa-colorado.expertlearning.net/course/view.php?id=18) within the first semester of hire and/or the assignment of ADC duties. Information for this course will be available from AEI.
* Additionally, the program and ADC may support instructional staff in differentiated instruction and strategies to employ with all learners.

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### 3. Information Disclosure and Testing

Grantees must provide all adults the opportunity to participate in orientation and assessment to determine if the program and its services are appropriate for their educational needs and abilities. This participation includes ensuring that the orientation facilitators and assessment administrators are aware of and able to use strategies and tools that provide a means of effective communication for individuals with disabilities.

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During the orientation and enrollment process, and **before** the administration of standardized pre-testing (if applicable), the grantee must inform all learners about:

* the legal rights of individuals with disabilities to request reasonable accommodations, including accommodations for NRS testing (including pre-testing)
* the process for requesting accommodations; and
* the ADC’s contact information

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Signs must be posted at each program site where orientation and assessment are conducted stating that the organization is an equal opportunity educational services provider. The sign must also identify the ADC, their contact information, and state that requests for accommodations, including testing accommodations, from individuals with disabilities should be directed to the ADC. Remote learners must be provided with the ADC information in a comparable manner.

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Grantees must allow an opportunity for adults with disabilities to initiate the **voluntary** disclosure of their disabilities and provide appropriate, current, documentation. Program staff may **NOT** diagnose, attempt to diagnose, or communicate perceived diagnoses. An Accessible Design Coordinator may have a conversation with learner and ask questions about challenges and possible accommodations after which they can either refer an adult learner to a professional or agency that can formally document disabilities or offer an accommodation without documented disability. To do so the ADC must check the assessment publisher’s accommodation requirement before offering the accommodation. Some requested accommodations do not need a formal diagnosis to be offered to the learners. However, if a learner requests accommodation that does not require a formal diagnosis (please check assessment publishers’ guidelines on accommodations to ensure there is no need for formal paperwork) then a program can offer those accommodations without documentation.

In a group setting, such as orientation, grantees may encourage learners to contact the ADC if the learners:

* have a 504 plan
* have an Individualized Educational Plan
* receive Supplemental Security Income (SSI)
* receive Social Security Disability Income (SSDI)

Grantees may also include questions similar to these on enrollment forms as long as it is noted responding is voluntary or optional. If grantees choose to ask these questions, please use the following disclaimer (or a substitute with the same meaning): “information gathered is reviewed by the Accessible Design Coordinator for additional support and services. The information gathered is considered confidential and is kept in a secure location.”

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Should an individual disclose a disability that would warrant testing accommodations at any point during the orientation or enrollment process, the grantee will wait to assess the individual until appropriate documentation has been requested and received to verify disability. Refer to the state [Assessment Policy](https://www.cde.state.co.us/cdeadult/grantees/handbook/assessment) regarding accommodations during testing for individuals with disabilities.

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If measuring EFL Gain, in situations where securing documentation to provide testing accommodations is preventing a learner from starting classes for more than 2 weeks beyond the start date of the class, grantees may discuss with the learner the options to NRS pre-test without the requested accommodations. Should the learner agree, the pre-test may be administered without the requested accommodations. Documentation should be kept in the learner’s accommodations file that the ADC discussed pre-testing without accommodations with the learner and the learner agreed to this to facilitate their entry into classes.

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### 4. Data Management

Grantees must store records related to learner accommodations in a locked/secured space separate from learners’ other records, for the record retention timeframe indicated in the Grant Award Letter (GAL).

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Grantees must establish a secure and confidential data collection and data entry process to ensure that the following disability related information is accurately reflected in electronic or paper files:

* When collecting federally required Barriers to Employment data, program staff must include “disability” as a reporting option for learners to choose, and learner responses to Barriers to Employment questions must be reported in LACES.
  + No disability documentation is necessary in LACES for learners who indicate “disabled” as a barrier to employment. Only documentation of testing accommodations is required in LACES.
* Whether the disability is documented (by a certified professional, including learners with Individualized Educational Plans (IEPs) from K-12 education) or undocumented;
  + Grantees are not required to include detailed data on learner-disclosed disabilities or instructional accommodations provided to the learner in LACES but they may report these in the learner’s Demographics if desired.
* Accommodations provided during NRS pre- and post-testing and instruction, as well as accommodations offered to, but refused, by learners with documented learning disabilities;
  + Grantees must report all tests delivered with accommodations in LACES and must document, either through an accommodations documents or comment what accommodations were provided during each test.

As applicable, screening tool results for potential special learning needs, such as the Learning Needs Screening Tool (also known as the Washington 13).

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Grantees that screen for potential learning disabilities must establish a written procedure for how they screen for potential learning disabilities. In the space below, indicate with an “X” whether the grantee screens for potential learning disabilities.

**\_\_\_\_\_** The grantee does not screen for potential learning disabilities.

**\_\_\_\_\_** The grantee screens for potential learning disabilities. In the space below, provide the grantee’s screening procedure. Include all of the following:

* 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 (e.g. staff involved, location, and process); and post-screening steps.

### 5. Distance Learning and Websites

Grantees must ensure that all online courses and websites are accessible. As defined by the ADA under Title II: [Web accessibility](https://urldefense.proofpoint.com/v2/url?u=https-3A__www.w3.org_WAI_&d=DwMFaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=8hLrDtqUinBCEKqHX7ud7A&m=vMs16a5vaxKZrmrgRFx72AcWHvuK7Tiz1kS9PE1VJHs&s=9mcRIYSqDRYgq5NtbZg-RsKpKzIOWye_w4s7LL3KSL0&e=) means that websites, tools, and technologies are designed and developed so that people with disabilities can use them. More specifically, people can: perceive, understand, navigate, and interact with the Web. [Course accessibility](https://www.ahead.org/home) as indicated by AHEAD, means that an individual with a disability is given the opportunity to acquire the same information, engage in the same interactions, and enjoy the same services as a person without a disability in an equally effective and equally integrated manner, with substantially equivalent ease of use. The person with a disability must be able to obtain the information as fully, equally, and independently as a person without a disability*.* Additionally, the [Colorado Office of Information Technology can provide further guidance.](https://oit.colorado.gov/accessibility)

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### 6. Accommodating Learners with Disabilities

The program must provide a written notice in **all** promotional materials that the program protects the rights of individuals with disabilities by providing equal access to programs and services. The notice must include the ADC’s contact information.

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Service Animals may be allowed into the program. If a learner discloses that a Service Animal is needed, the grantee is allowed to ask the learner if the animal is needed because of a disability, what that disability is and what the animal is trained to do.

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### 7. Discontinuing Services to a Learner with a Disability

Refer to the Attendance Assurances for discontinuing services for learners. After requested and reasonable accommodations have been provided, should a program wish to discontinue services to a learner with disabilities, the grantee may, but is not required to, document the rationale for discontinuing services as well as efforts made to refer the learner to other services and supports during their exit from the program. This documentation is considered a best practice and, if tracked, should be stored/maintained separately with any accommodations documentation.

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### 8. Materials

The program must maintain an up-to-date list of resources in the community that support or provide services for individuals with disabilities. For example, the Division of Vocational Rehabilitation, organizations that offer training on using assistive technology, licensed staff who offer psycho-educational evaluations, and reduced-cost vision and hearing exams.

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**Local Accessible Design Coordinator Name (Printed)**

**Local Accessible Design Coordinator Signature Date**

**Program Director Name (Printed)**

**Program Director Signature Date**