



2018-19 Accessible Design Policy (Formerly Learning Needs)

Adult Education and Family Literacy Act

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Rationale

To ensure equitable access to programs and services for all Adult Education and Family Literacy Act (AEFLA) eligible learners, including those with disabilities, the Office of Adult Education Initiatives (AEI) has the following Accessible Design policy.

This policy pertains to services provided to a learner who has a record of or is regarded as having any type of physical or mental impairment, including a learning disability that substantially limits or restricts one or more major life activities (e.g., walking, seeing, hearing, speaking, learning, and working). Grantees will provide reasonable accommodations to those adults with disabilities who have the ability to benefit from services.

As a condition of funding according to General Education Provisions Act (GEPA), all grantees must have on file a signed copy of the Program Assurances Form which assures compliance with specified federal laws and regulations, including the Americans with Disabilities Act of 1990 (ADA).

Under Section 427 of the 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 learners, teachers, and other program beneficiaries with disabilities.

Section 231(e)(2) of the Workforce Innovation and Opportunity Act (WIOA) requires that granting of awards or contracts under AEFLA shall consider the ability of the eligible provider to serve eligible individuals with disabilities, including eligible individuals with learning disabilities. According to Section 203(4) of WIOA, an eligible individual means an individual:

- who has attained 17 years of age;
- who is not enrolled or required to be enrolled in secondary school under State law; and
- Who:
 - is basic skills deficient;
 - does not have a secondary school diploma or its recognized equivalent, and has not achieved an equivalent level of education; or
 - is an English language learner.

Section 231(e)(11) of WIOA requires that granting of awards or contracts under AEFLA shall consider whether an eligible provider's activities offer flexible schedules and coordination with Federal, State, and local support services (such as child care, transportation, mental health services, and career planning) that are necessary to enable individuals, including individuals with disabilities, to attend and complete programs.

Requirements

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. A site [accessibility checklist](#) is available to assist programs in determining if buildings are in compliance with the ADA.
2. Establish a written procedure that describes the implementation of the CDE/AEI Accessible Design 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. A description of how disabilities are addressed during orientation, enrollment, assessment, and instruction.



- b. A description of the procedure the program will follow when an individual provides documentation of a disability (e.g., process to record in the statewide database, the timeframe and process for reviewing the request and responding, documenting accommodations offered, and process for monitoring implementation).
 - c. A description of how the program maintains confidentiality and protects the privacy rights of learners with disabilities.
 - d. **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 (e.g., who conducts the screening, where it is conducted, and the actual process), and post-screening steps.
3. 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) Coordinator within the larger organization. Responsibilities of the ADC are listed in the next section.
4. Provide all adults the opportunity to participate in orientation and assessment to determine if programs and 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.
5. Inform all learners about the legal rights 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 pre-testing.
6. 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 ADC, provide his/her contact information, and state that requests for accommodations from individuals with disabilities should be directed to the ADC.
7. Provide 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.
8. Allow adults with disabilities to initiate the voluntary disclosure of their disability and provide appropriate current documentation. Program staff must NOT ask individuals, verbally or on forms, to disclose disabilities and/or special learning needs information about themselves, and must NOT attempt to encourage disclosure through indirect questions.
9. Should an individual disclose a disability that would warrant testing accommodations at any point during the orientation or enrollment process, wait to assess the individual until appropriate documentation has been requested and received to verify disability.
10. Refer to the state Assessment Policy regarding accommodations during testing for individuals with disabilities.
11. Store written records of disabilities and/or chronic medical conditions locked and separate from learners' other records, for the time indicated in the Program Assurances Form and/or Grant Award Notification (GAN). Ensure that AEFLA paper and digital files are being kept for three years plus the current year.



12. Release confidential information about learners, such as their status as an individual with a disability, only with a signed information release.
13. 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:
 - a. 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. Staff using LACES who can view learner barriers to employment should be trained on how the local program maintains confidentiality and protects a learner’s right to privacy.
 - b. Whether the disability is documented (by a certified professional, including learners with IEPs from K-12) or undocumented;
 - c. Accommodations provided during pre- and post-testing and instruction, as well as accommodations offered to, but refused, by learners with documented learning disabilities;
 - d. 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.
14. An academic progress policy should be included to allow the grantee to discontinue services for a learner under specific circumstances. For example, if a learner has not benefited from instruction, i.e., no education level gain or measurable progress toward a stated goal over the last ____ hours of instruction where necessary accommodations have been implemented and documented, and a good faith effort as described above has been made by the grantee, the grantee may determine the program is not a good fit for the learner and discontinue services, and ensure that learners are referred to an agency that can serve them.
15. Maintain an up-to-date list of resources in the community that support or provide services for individuals with disabilities. (For example: 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).

Accessible Design Coordinator Responsibilities

The Accessible Design Coordinator responsibilities include:

- Coordinating with the program director and host agency, if applicable, to develop and implement a written procedure that describes the implementation of the CDE/AEI Accessible Needs Policy.
- Ensuring that learners are informed about availability of accommodations as part of their enrollment process/orientation.
- Ensuring that program staff are fully trained on the Accessible Design Policy.
- Ensuring that instructional staff are supported with any accommodations required to meet learner needs.
- Ensuring program provides fully accessible services that meet reasonable criteria.
- Responding to questions and requests from individuals with disabilities.
- Reporting and documenting needs of individuals with disabilities.
- Collecting and securely filing accepted documentation from the learner.
- 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).
- Documenting annual participation in training related to serving learners with disabilities, including the legal rights of learners with disabilities. Training could include on-site trainings by Division of Vocational



Rehabilitation (DVR) or other training providers, approved online resources such as Literacy Information and Communication System (LINCS), posted webinars, etc.

- Attending AEI trainings for ADCs as requested.
- Additionally, the program and ADC may support instructional staff in differentiated instruction and strategies to employ with all learners.