
Attachment

The United States Department of Health and Human Services (HHS), Office for Civil Rights, issued [guidance](#) related to serving individuals with disabilities or limitations to work. The 1996 Personal Responsibility and Work Opportunity Reconciliation (PRWORA) expressly states that the anti-discrimination and civil rights laws apply to Temporary Assistance for Needy Families (TANF) recipients, the entities that receive TANF funds and the entities that operate programs using TANF funds.

Specifically,

- *TANF agencies must comply with Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, Title II of the Americans with Disabilities Act of 1990 and Workforce Investment Act (WIA) Section 188¹.*
- *Title II of the ADA provides that no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs or activities of a public entity, or be subjected to discrimination by any such entity².*

Many cash assistance recipients referred to the WT program for engagement have limitations that are not obvious but impact the participant's ability to achieve self-sufficiency. The goal of the program is to engage program participants in meaningful activities so they can develop a plan to self-sufficiency and reach critical milestones prior to cash assistance expiring.

Several studies have identified the importance of working with cash assistance recipients to identify barriers to employment and addressing such barriers³:

- Cash assistance recipients with a learning disability, low education level, or both have a greater challenge understanding the requirements of the program and following the steps required to stay in compliance with the program.
- Cash assistance recipients with a hidden disability, learning disability, or low education level are more likely to be sanctioned if issues are not identified or addressed during program engagement.

Sanctions, though required by federal and State law, impact the State's performance. Families who are sanctioned are also less likely to successfully move to self-sufficiency. The goals of the WT program are to identify issues, such as hidden disabilities, so staff can:

¹ The United States Department of Health and Human Services (HHS), Ignorance of Disability is No Excuse (presentation)

² United States Department of Health and Human Services (HHS), *Prohibition Against Discrimination against Disability in the Administration of TANF*

³ Center on Budget and Policy Priorities, "[Improving TANF Program Outcomes for Families With Barriers to Employment](#)" Goldberg, West Coast Poverty Center, University of Washington, "[Review of Research on TANF Sanctions](#)" "[The Use of TANF Work-Oriented Sanctions Illinois, New Jersey and South Carolina](#)", Pavetti

- help the participant understand what (s)he needs to do to move forward, in a clearly written plan;
- offer the participant services and/or modifications to activity sites; and
- engage the participant in activities that are meaningful.

The *Learning Needs Screening Tool* is designed to help WT program staff quickly identify those participants who may need additional assistance or specialized services to be successful. The *Learning Needs Screening Tool* was created by Payne & Associates through an intensive research project for the State of Washington, Division of Employment and Social Services. This tool has been suggested as a best practice by HHS.

The screening tool is not designed to determine if an individual has a hidden disability. It is designed to screen individuals to determine if they need further assessment by a qualified professional. It was created specifically for welfare program staff, such as Florida's WT program career specialists and case managers. Program staff would simply ask a series of questions and sum up the results. If the WT participant has a score that indicates (s)he may need additional assistance, program staff should refer the program participant to a community provider or partner agency identified by the RWB for in-depth assessments. The community partner or provider agency should provide information back to the program staff indicating:

- whether additional assessments were conducted;
- the results of the assessments;
- additional services that may be needed;
- where to access the appropriate services; and
- accommodations needed in education/training activities or in the workplace to make these activities meaningful.

Program staff should use this information to ensure the participant is:

- referred to the appropriate service provider(s);
- assigned to the appropriate activities; and
- provided access to additional resources so the education, training, worksite, employment, and/or job search activity can be both meaningful and successful.

Program staff should read the questions on the *Learning Needs Screening Tool* to the participant and record the score on the score sheet at the first one-on-one appointment. This may be conducted at the first case-management appointment when the initial assessment is reviewed with the program participant.

The screening tool should be completed before the participant is required to take any other "formal" assessment, such as the Test for Adult Basic Education (TABE), the System of Assessment and Group Evaluation (SAGE), the Career Scope, WorkKeys, or any other assessment used to determine activity placement. Otherwise, the participant's scores may not reflect his/her true abilities. If the result of the *Learning Needs Screening Tool* or other locally used hidden disability assessment indicates the participant needs to be referred for more in-depth assessment, the participant should be referred for in-depth assessment to see if the individual has a hidden disability, prior to formal testing.

RECOMMENDED ACTION:

The RWBs should:

1. Examine their WT program assessment local operating procedure. Update the procedure to include the use of either the *Learning Needs Screening Tool* or another locally used Hidden Disability Screening tool as a part of the initial assessment process. If the region has a Hidden Disability Screening tool that is used locally, the region **must** ensure that the tool has been validated.

What does it mean to have a validated assessment or screening tool?

Assessment validation means to recognize, establish, and illustrate the worthiness or legitimacy of the assessment. This includes whether or not the assessment is *fair, reliable, relevant and effective*.

2. Identify partner agencies and qualified professionals who can:
 - a. provide in-depth learning disability assessments;
 - b. provide in-depth hidden disability assessments;
 - c. provide services to those participants with a learning or hidden disability;
 - d. offer accommodations in the classroom and workplace.

Participants who meet one of the following criteria should be referred to qualified professionals for in-depth assessments:

- a. scores 12 or higher on the learning needs tool;
- b. scores as indicated on the tool's key; or
- c. shows some indication of a hidden disability based on the locally used hidden disability screening assessment.

RWBs should have an assessment local operating procedure. The local operating procedure should include the process for screening for hidden disabilities and the tool that is used to screen for hidden disabilities. Program staff should also be required to use assessment information to assign activities in an appropriate manner, including the requirement to offer services and/or make modifications to the activities and provider locations as recommended.

3. Train staff to:
 - a. Introduce the *Learning Needs Screening Tool* or *locally used hidden disability screening assessment*.
 - i. Participants should be told that each person is asked these questions.
 - ii. The information provided is designed to help program staff identify any issues that could interrupt their progress.
 - iii. Information provided is confidential. The information is shared with referring agencies to help identify services the participant may need to move forward in their self-sufficiency plan.

- b. Use the *Learning Needs Screening Tool* or locally used hidden disability screening assessment.
 - c. Refer program participants to the appropriate partner agencies.
 - i. Program staff should have the list of providers.
 - ii. The list should identify what the provider offers (in-depth assessment, money to modify a worksite, etc.).
 - iii. Staff needs to have a clear step-by-step process for referring individuals who score at a certain level.
 - d. Secure the results of in-depth assessments from partner agencies.
 - i. When a participant is referred to an assessment agency, the agency should offer the WT program staff information about the participant's potential limitations, hidden disabilities, learning disabilities, etc.
 - ii. The agency should also offer to the WT program staff information about services the participant needs to be successful. For example, the participant may need glasses, large print books and modifications on the computer to be successful in school and work.
 - e. Use the results to offer services and assign activities.
 - i. Staff should be trained to use the recommendations or information from the assessing agency to offer appropriate services, which may include making accommodations at activity sites to help the participant be successful.
4. Quality assurance is critical to WT program success. The RWB should review participant files to:
- a. ensure that program staff is completing the *Learning Needs Screening Tool* or *locally used hidden disability assessment* **with** the participant at the first one-on-one appointment.
 - b. ensure program staff are referring participants who score higher than 12 or show some indication of a hidden disability based on the locally used hidden disability assessment, for in-depth assessments. If the individual indicates a potential physical impairment or issue, the file should reflect that the participant was referred to partner agencies for additional services.
 - c. ensure staff are obtaining the results of the in-depth assessment following referral to a qualified professional. The file should include the assessment professional's recommendations for services and accommodations.
 - d. ensure the recommendations were used when the WT participant was assigned to a countable work activity, assigned to barrier removal activities and/or referred for additional services.

The ultimate goal is to help program participants achieve self-sufficiency using countable work activities. We want all participants to benefit from the program. As stated in HHS' presentation, ***Ignorance of Disability is No Excuse: Screening TANF Customers for Hidden Disabilities to Ensure Equal Opportunity***, we want to "provide TANF clients with disabilities services that are appropriate and give clients an equal opportunity to benefit from the agency's job placement, education, skills training, employment and other TANF activities." To be successful in assigned activities, many program participants will need services beyond the "typical" ones such as a gas card, a bus pass or a childcare referral. The *Learning Needs Screening Tool* is a great tool to help staff identify if a program participant needs to be assessed by a qualified agency. The qualified agency can assess the program participant and provide information and strategies to help participants move forward.