



Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Transitional Assistance
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Field Operations Memo 2007-1
January 10, 2007

To: Transitional Assistance Office Staff
From:  John Augeri, Assistant Commissioner for Field Operations
Re: TAFDC – OCR/DTA Agreement Regarding the Learning Disabled:
Department Obligations

Background

Field Operations Memo 2005-58 advised TAO Staff about a *pending* agreement with the Office of Civil Rights (OCR) to provide Learning Disability screenings to applicants and recipients and includes procedures for conducting the screenings.

The Department and OCR have finalized the Resolution Agreement to ensure that eligible TAFDC applicants and recipients with learning disabilities have equal access to participate in DTA’s Employment Services Program (ESP). DTA signed the agreement to ensure that TAFDC applicants and recipients have the opportunity for screening and assessment for learning disabilities.

TAFDC applicants and recipients whose screening indicates that they might have a learning disability and who participate in the Employment Services Program (ESP) may qualify for a further assessment.

AU Managers should continue to encourage applicants and recipients to take advantage of this opportunity. The screening should be seen as a tool for AU Managers to help applicants and recipients reach self-sufficiency.

Purpose of Memo

The purpose of this memo is to inform TAO Staff about the Department’s obligations under the agreement with OCR.

**Department's
Obligations**

Under the agreement with OCR, DTA must inform TAFDC applicants and recipients that:

- DTA has an obligation to conduct Learning Disability Screenings and Assessments for applicants and recipients. The screenings and assessments are conducted on a **voluntary** basis;
 - applicants and recipients are entitled to equal access to all DTA programs and services;
 - DTA *must* make reasonable accommodations and/or modifications to its programs, practices and procedures to enable disabled people to have equal access;
 - applicants and recipients may give DTA documentation that shows a diagnosis of a learning disability. Documentation must give enough information for DTA to determine whether the applicant or recipient is entitled to reasonable accommodations and/or modifications to its programs, practices and procedures;
Note: If the documentation *does not* give enough information to establish a diagnosis of learning disability or *does not* give enough information to determine appropriate reasonable accommodations, DTA will offer the applicant or recipient the Learning Disability Screening.
 - if the TAFDC applicant or recipient informs DTA that he or she is having difficulty meeting Work Program requirements and/or may need an accommodation to meet DTA's requirements or access DTA services, the AU Manager will encourage the applicant or recipient to discuss the issue with a TAO Accommodation Team member or DTA's Equal Opportunity Officer *at any time*;
 - DTA will post the "Notice of Resolution Agreement" (Attachment A) on its internet web site, in its TAOs and will advertise the agreement in the Boston Herald;
 - DTA contractors have the same ADA obligations as DTA;
 - DTA will train TAO Staff to conduct the Learning Disability screening; and
 - while awaiting the results of a Learning Disability assessment, ***no*** Work Program sanctions for the recipient will be authorized.
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Special Mailings Current TAFDC ESP participants will be sent the “Notice to Current ESP Participants” (Attachment B) during the week of **1/22/07** to inform them of the opportunity to have a Learning Disability Screening done.

Also during the week of **1/22/07**, the Department will mail the “Notice to Former TAFDC Recipients” (Attachment C), informing any former TAFDC recipient who closed on or after January 19, 2001 for failure to comply with his or her EDP about the following:

- the availability of screening and assessment, if appropriate, for learning disabilities;
- the continuing right to reapply for TAFDC and to request an extension of time-limited benefits if he or she has reached the end of the 24 month time-limited benefit period;
- if screening indicates a possible learning disability and the former recipient wants to participate in an ESP activity (and accepts referral to the activity), he or she will be afforded the opportunity for a learning disability assessment and if eligible, his or her AU will be reopened **without the need to meet the Work Program requirement, pending the outcome of the screening;** and
- after reopening and screening, the recipient will have to comply with the terms of his or her EDP but can request ADA reasonable accommodation(s) to help with compliance.

Questions If you have any questions, please have your Hotline designee call the Policy Hotline at 617-348-8478.

Attachment A

NOTICE OF RESOLUTION AGREEMENT

The U.S. Department of Health and Human Services Office for Civil Rights and the Massachusetts Department of Transitional Assistance have agreed to resolve complaint #01-98-3055 regarding recipients of Transitional Aid to Families with Dependent Children (TAFDC) with learning disabilities. The effective date of this agreement is December 28, 2006 and will be in force for four years.

The agreement's major terms include the following:

- Free screening for learning disabilities for TAFDC applicants and recipients;
- If the screening indicates a potential learning disability and the recipient wishes to participate in the Employment Services Program, free formal assessments for learning disabilities. These assessments will include diagnoses and possible accommodations;
- Relief from work program sanctions if noncompliance is caused by a learning disability;
- ADA and learning disability training for all Department local office workers; and
- Department monitoring of, and assistance to, its service providers in serving individuals with learning disabilities.

The full text of the agreement can be found on the Department's website, <http://www.mass.gov/dta>.

Client Name
Client Address

SSN: 000-00-0000
TAO

Date

IMPORTANT

Dear *Client Name*:

We are writing this letter to inform you of a new opportunity provided to all TAFDC applicants and recipients.

TAFDC applicants and recipients are now eligible for **free learning disability screenings**. If you have trouble reading, writing or understanding information, you may want to be screened. If your screening indicates a possible learning disability, we will set up and pay for an in-depth assessment. The purpose of this assessment is to provide you with recommended ways to help you learn and also to improve your work opportunities.

If you want a free learning disability screening, just ask your worker.

Client Name
Client Address

SSN: 000-00-0000
TAO

Date

IMPORTANT

Dear *Client Name*:

Our records show that you or a household member were closed due to failure to meet your requirements on your Employment Development Plan (EDP). The Department under an agreement with the Office for Civil Rights (OCR) is writing to inform you that:

- we are offering you the opportunity to have a screening and assessment for learning disabilities, to determine if that is a barrier to your meeting your EDP requirements;
- you always have the right to reapply for TAFDC and to request an extension of time-limited benefits if you have reached the end of the 24 month time-limited benefit period;
- if the learning disability screening indicates a possible learning disability and you want to participate in an ESP activity (and accept a referral to the activity), you will be given the opportunity for a learning disability assessment and if otherwise eligible, your case will be reopened **without the need to meet the Work Program requirement;** and
- after reopening, you will have to comply with the terms of your EDP but can request reasonable accommodation(s) to help with meeting your EDP.

If you have any questions regarding this notice, you may contact the Department of Transitional Assistance Recipient Services Unit at 1-800-445-6604.