



PRISON LAW OFFICE

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Dear Sir or Madam:

We are sending you this letter because you say you have a hard time reading, writing, or understanding. We hope this will help you. This letter is not legal advice about the facts in your case but it will give you more information about your rights and what you can do to help yourself.

*** If you have trouble reading this, please ask staff for help ***

Summary

1. People with learning disabilities may have trouble reading, writing, spelling, doing math, or remembering or understanding.
2. If you think you have a learning disability and you need extra help you should file a form 22 or a yellow 1824 form asking to talk to education staff about your learning disability and getting help.
 - a. Education staff will then see if you have a learning disability. They will ask for your school records and talk to you and prison staff.
 - b. If you want help, please write (legal mail) to Rosen, Bien, Galvan, & Grunfeld (RBGG):

Rosen Bien Galvan & Grunfeld
Mr. Tom Nolan, Attorney
P.O. Box 390
San Francisco, CA 94104
3. Even if CDCR cannot prove you have a learning disability, education staff have to help you.
4. If you have been in school in prison for at least two years and have not made progress because of your learning disability, you can file a 22 form or an 1824 form asking staff to take you out of school and give you a different assignment (like a job).

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Learning Disabilities

What is a Learning Disability?

People with learning disabilities may have trouble reading, writing, spelling, doing math, or understanding. Some people are born with learning disabilities and others get them later in life.

Learning disabilities are covered under the Americans with Disabilities Act (ADA) and under *Armstrong v. Brown*.

Is a Learning Disability the Same As a Developmental Disability?

Learning disabilities are different from developmental disabilities. People with learning disabilities may be very smart even though they may not do well on tests. People with developmental disabilities may have lower IQ scores and can also have trouble understanding and learning.

How to Get Help for Your Learning Disability

CDCR does not test for learning disabilities. Still, CDCR must help people who may have learning disabilities.

If you think you have a learning disability, you should let education staff know. You can do this by:

1. Filing a Form 22 and asking to speak to your teacher, principal, or other education staff
2. Filing a yellow CDCR 1824 Form saying you think you have a learning disability and need extra help

Education staff should then try to get your outside school records.¹ They may also talk to you and prison staff. Staff will do this to confirm (or “verify”) you have a learning disability. If CDCR is able to find proof that you have a learning disability, education staff will give you a chrono. This chrono will say you have a learning disability and will list the extra help you need.

¹ You may need to sign a form to give education staff permission to get your school records

Some learning disabilities cannot be confirmed. This may be because staff can't find your outside school records. This may also be because no one ever tested you for a learning disability. Even if they can't verify your learning disability, CDCR should still help you.

Verification of Your Learning Disability

If any of these people have found you have a learning disability, CDCR will view this as proof of your learning disability:

- A psychologist
- A school psychologist
- An educational psychologist
- A school-based Individualized Education Program (IEP) team

If you or your family has kept records from a high school IEP, those records might help confirm your learning disability. We do not know if CDCR will look at these records if they are not sent from a school but you can still try to have your family send them.

CDCR will also view these as proof of your learning disability:

- A Probation Officer's Report where the probation officer found that your outside school said you have a learning disability
- A school transcript from an outside school that shows you were in special education classes

If you would like help with this process, please write to:

Rosen Bien Galvan & Grunfeld
Tom Nolan, Attorney
P.O. Box 390
San Francisco, CA 94104

Again, even if CDCR can't verify you have a learning disability, education staff should still give you extra help.

Help for People with Learning Disabilities

Under *Armstrong v. Brown*, CDCR has to give extra help to people with learning disabilities, whether verified or not.

For example, CDCR might give a student with learning disabilities:

- Peer note-takers
- A copy of the teacher's notes or lectures
- Extra time to do work
- Simple instructions
- Help understanding homework
- Help editing written work
- Inmate Peer Tutoring
- Tutoring in the Voluntary Education Program
- Help from a tutor from the Career Technical Education Program
- Help from the Developmental Disability Teacher (DDP)
- Extra time to finish tasks and tests
- A room to take tests without noise
- A typewriter
- Test questions read aloud
- A calculator or dictionary for tests
- Help with spelling for tests
- Extra paper for tests

This list is not a full list. If you need a different kind of help, you should ask for it.

Help for Standardized Tests

When it comes to “standardized” tests (like the GED), the rules for getting help for your learning disability are different. It is not up to CDCR to decide if you get help for these tests. The people who write the test decide if you should get this help. Ask your teacher or Testing Coordinator to help you file a form asking for extra help. The Testing Coordinator will then send your form to the people who write the test.

If You Have Trouble Making Progress in Education

If you have been in Education for more than two years, have gone to classes and done your work, but still have not made progress, you can file a Form 22 asking staff to take you out of school and give you a different assignment. Your teacher will either agree or disagree. The Inmate Assignment Office will then look at what your teacher says and may take you out of the class and put you in a different program, PIA, work, or other assignment.

During your annual classification committee, the committee might decide to put you back into education if they think this would be good for you.

* * * * *

If you have questions or would like to know more about the extra help CDCR gives to people with developmental disabilities under *Clark v. California* (also called the “DDP”) or about help for people with physical disabilities under *Armstrong v. Brown*, please let us know.

Sincerely,
The Prison Law Office.