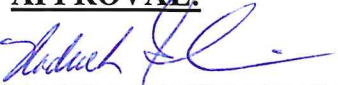




DEPARTMENT NAME: Administration		
SUBJECT: Auxiliary Aids for Persons with Disabilities, Hearing Impairments, or Limited English Proficiency		POLICY NUMBER: AD-008
APPROVAL: 	EFFECTIVE DATE: 10/27/2020	REPLACES : Updates Policy AD-008

- I. **PURPOSE:** To ensure that all clients have equal opportunities to participate in or benefit from programs and services regardless of disability or national origin. This policy serves as the agency’s Auxiliary Aids Plan.
- II. **REVIEW HISTORY:** Reviewed and Updated 10/22/2020
- III. **CONTACT:** Executive Assistant to the Chief Executive Officer (CEO)
- IV. **PERSONS AFFECTED:** All agency staff and the people served by the Children’s Network of Southwest Florida (CNSWFL)
- V. **POLICY:** The Children’s Network of Southwest Florida will provide, at no cost to the client/customer or companion, appropriate auxiliary aids, including certified American Sign Language interpreters, to persons with disabilities where necessary, to afford such persons an equal opportunity to participate in or benefit from all programs and services.

All qualified and potential customers are entitled to an equal opportunity to use and benefit from the programs and services of the Children’s Network of Southwest Florida. This includes reasonable accommodations to ensure that programs and services are equally accessible to and equally effective for otherwise qualified persons with disabilities or Limited English Proficiency(LEP).

Auxiliary aids will be available for use by customers, potential customers, and companions in each phase of the service delivery process (e.g., telephone inquiries, requests, intake interviews, service delivery, counseling, complaints, testing, treatment, and training, etc.) This service will be at no cost to the client/customer or companion.

A copy of this policy can be available upon request in alternative formats as will all referenced forms, currently available on the T:/ drive of the agency’s electronic systems.

VI. **RATIONALE:** Persons being served by the Children's Network of Southwest Florida deserve to receive equal benefit from services.

VII. **RATIONALE:** Why this particular strategy has been chosen

VIII. **CROSS REFERENCES:**

- a. Title VI of the Civil Rights Act of 1964, as amended, 42 United States Code (USC) 2000d et seq; 45 Code of Federal Regulations (C.F.R.), Part 80; and 28 Code of Federal Regulations (C.F.R.), Part 42.
- b. Section 504, Title V of the Rehabilitation Act of 1973, as amended, 230 US 1681 et seq; 45 C.F.R., Part 80, 84 and 28 C.F.R. Part 42
- c. Section 508 of the Rehabilitation Act of 1973, as amended.
- d. The Omnibus Budget Reconciliation Act of 1981, as amended, 42 USC 9849 and Civil Rights Restoration Act of 1987, Public Law 100-259.
- e. The Americans with Disabilities Act of 1990, Title I and II, as amended.
- f. The Americans with Disabilities Act Amendment Act of 2008 (ADAAA).
- g. CFOP 60-16, Civil Rights, Methods of Administration: Equal Opportunity in Service Delivery.
- h. CFOP 60-10, Chapter 1 Americans with Disabilities Act (ADA) Accommodation Procedures for Applicants/Employees/General Public.
- i. Health and Human Services (HHS) Office of Civil Rights,
- j. Section 110.201(3), Florida Statutes (F.S.), requires each state agency to comply with all federal regulations necessary to receive federal funds.

IX. **DEFINITIONS:**

ADA/Section 504 Coordinators or Civil Rights Officers. This is an individual charged with implementing the requirements of Titles I and II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act; ensuring the provision of auxiliary aids and services for customers with disabilities, requiring auxiliary aids and services to ensure effective access to services offered by the Children's Network of Southwest Florida . Within the Children's Network of Southwest Florida , Civil Rights Officers are designated ADA/Section 504 Coordinators.

Client. As used in this plan, this term includes anyone applying for or participating in the services provided by the Children's Network of Southwest Florida, its Contracted Client Services Providers and their subcontractors. It includes persons making general inquiries or in any way seeking access to or receiving information from the Children's Network of Southwest Florida , its Contracted Client Services Providers and their subcontractors, either in person, in writing or via telecommunications. This may also be referred to as "customer or customers".

Companion. As defined in the HHS Settlement Agreement, is any individual who is deaf or hard of hearing (including LEP who has low vision or blind, deaf or hard of hearing) and is one of the following:

- (a) A person whom the customer indicates should communicate with staff about

the customer, such as a person who participates in any treatment decision, a person who plays a role in communicating the customer's needs, condition, history, or symptoms to staff, or a person who helps the customer act on the information, advice, or instructions provided by staff;

(b) A person legally authorized to make healthcare or legal decisions on behalf of the customer; or

(c) Such other person with whom staff would ordinarily and regularly communicate about the customer.

Customer or Customers. This is any individual who is seeking or receiving services from the Children's Network of Southwest Florida, its Contracted Client Services Providers and their subcontractors. This may also be referred to as "client or clients".

Deaf. A term used to describe a person having a permanent hearing loss and being unable to discriminate speech sounds in verbal communication, with or without the assistance of amplification devices.

Disability. A condition that substantially limits a major life activity, such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, lifting, sleeping, and working.

Discrimination. The failure to treat persons equally because of their race, sex, color, age, religion, marital status, national origin, political beliefs, or disability.

Florida Relay Service (FRS). A service offered to all persons in the state that enables a hearing person to communicate with a person who has a hearing or speech disability and must use a TDD/TTY, through a specially trained operator called a communications assistant.

Hard of Hearing. A term used to describe a person having permanent hearing limitations, which is severe enough to necessitate the use of auxiliary aids or services to discriminate speech sounds in verbal communication.

Hearing Disability. An all-inclusive term used to describe any hearing loss. A person with a hearing disability could be either deaf or hard-of-hearing.

Interpreters for Persons who are Deaf or Hard of Hearing.

(1) Certified Deaf Interpreter (CDI). An individual who is deaf or hard of hearing and has been certified by the Registry of Interpreters for the Deaf as an interpreter.

(2) Certified Interpreter. A qualified interpreter who is certified by the National Registry of Interpreters for the Deaf, or other national or state interpreter assessment and certification program.

(3) **Intermediary Interpreter.** A Certified Deaf Interpreter or Deaf Interpreter, also known as a relay or intermediary interpreter, can be used in tandem with a qualified sign language interpreter.

(4) **Oral Transliterations/Oral Interpreters.** Individuals who have knowledge and abilities in the process of speech reading, speech production and the communication needs of speech readers.

(5) **Qualified Interpreter.** An individual who is able to interpret competently, accurately, impartially and effectively, both receptively and expressively, using any specialized terminology necessary for effective communication with a Customer or Companion who is deaf or hard of hearing.

(6) **Sign Language Interpreter.** A person who engages in the practice of interpreting using sign language.

(7) **Tactile or Close Vision Interpreter (For Individuals who are Deaf-blind).** An individual who accurately facilitates communication between individuals who are deaf and blind.

Interpreters for Persons who are Limited English Proficient. There are two (2) types of language assistance services:

(1) **Interpretation.** Interpretation is an oral language assistance service. Oral language assistance service may come in the form of "in-language" communication (a demonstrably qualified staff member communicating directly in an LEP person's language) or interpreting.

(2) **Translation.** Translation is a written communication service. *Translators* convert written materials from one language into another. They must have excellent writing and analytical ability, and because the translations that they produce must be accurate, they also need good editing skills.

Limited English Proficient (LEP). Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English.

Manual Disability. A term used to describe a condition, which limits or prevents the use of a person's upper extremities (arms, hands).

Mental Disability. Any mental or psychological disorders such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

Mobility Disability. For the purpose of this procedure, this term is used to describe a condition that substantially limits a person's upper or lower body mobility. It includes those persons who have limited use of arms, shoulders; persons who are in wheelchairs or on crutches; people of short stature; those who cannot perform certain hand movements or have difficulty controlling movement; and people with breathing difficulties or stamina limitations. It also includes person with visual disabilities.

Physical Disability. A broad term, which includes physiological disorders or conditions, cosmetic disfigurement and anatomical loss. It includes orthopedic, visual, speech, and hearing disability, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, HIV disease (symptomatic or asymptomatic), tuberculosis, drug addiction and alcoholism.

Program Accessibility. An American with Disabilities Act standard, which means a public entity's programs, services, or activities, when viewed in their entirety, must be readily accessible to and usable by individuals with disabilities. The concept of program accessibility is intended to make the contents of the program, service or activity equally available and accessible to persons with disabilities without excessive renovations of facilities.

Translator. An individual who is able to interpret the meaning of a text in one language (the "source text") and the production, in another language (the "target language") of an equivalent text (the "target text," or "translation") that communicates the same message.

TTY/TDD. TTY (Teletypewriter) or TDD (Telecommunications Device for Deaf) devices that are used with a telephone to communicate with persons who are deaf or hard of hearing or who have speech limitations by typing and reading communications.

Visual Disability. A generic term used to describe any loss of vision.

I. PROCEDURES:

A. For Persons who are Deaf or Hard of Hearing.

Staff will conduct an assessment, prior to services, to determine the customer or companion's preferred method of communication. Staff shall consult with the customer to determine his or her preferred communication method, and if applicable, with assigned caseworkers, counselors, parents, family members, guardians or other representative. The customer will complete the Request for or Waiver of Free Communication Assistance form. Staff will then complete the Customer Companion Communication Assessment Form.

The communication options for persons who are deaf or hard of hearing may include but not be limited to CART, Florida Relay Service, TDDs (Telecommunication Devices for the Deaf), FAX (Telephone Facsimile Transmittal), Video Remote Interpreting (VRI), Video Relay Interpreting, Assistive Listening Devices such as Pockettalkers, phone amplifiers, certified sign language interpreters, flash cards, lip-reading, written notes, supplementary hearing devices, charts, signs or a combination of these, as appropriate. These devices are typically available through the interpreting agency providing the

services. Caution should be exercised when a client's preference is lip-reading or written notes, as these are not effective in complex or lengthy communication situations.

If a client requests an auxiliary aid with which staff is unfamiliar or does not know how to access, staff shall contact the Single Point of Contact (SPOC) for guidance.

If an interpreter is needed, staff shall request services through the Utilization Department of CNSWFL. Verification of the interpreter's certification is on file with CNSWFL.

The use of auxiliary aids, certified sign language interpreters, or translators will be at no cost to the customer or Companion.

Documentation of Customer Companion Communication Assessment form shall be recorded in the case file or record.

Communication Plans shall be developed for long-term or residential services. A Communication Assessment shall be completed at the initial contact, the Communication Plan developed in accordance with the services to be provided and the client's preferences, , and the type of auxiliary aid provided at each contact documented in the client file or record.

Each customer or companion who is deaf or hard of hearing shall be provided a Customer Feedback Form by the Single Point of Contact, or designee, following their visit. The Customer Companion Feedback Form is provided to the customer or companion to ensure the effectiveness and appropriateness of the auxiliary aid or service provided and the performance of the interpreter provided. Staff shall document the case notes indicating the form was provided.

The following toll-free numbers may be used to access Florida Relay:

1-800-955-8771 (TTY)
1-800-995-8770 (Voice)
1-800-955-1339 (ASCII)
1-800-955-5334 (VCO-Direct)
1-800-955-8773 (Spanish)
1-800-955-8707 (French Creole)

Provision of Interpreters in a Timely Manner- Staff shall provide interpreters for customers and companions who are deaf or hard of hearing in a timely manner in accordance to the following standards:

1. If it is a scheduled appointment, you must have a certified interpreter at the time of the scheduled appointment. If the interpreter fails to appear, staff shall

take whatever additional actions are necessary to make a certified interpreter available to the customer or companion as soon as possible, but in no case later than two (2) hours after the scheduled appointment, or as convenient to the customer or companion.

2. If it is a non-scheduled appointment or non-emergency situation, you must provide a certified interpreter within two hours of the request, or at least by the next business day. In emergency situations an interpreter shall be made available as soon as possible, but in no case later than two (2) hours from the time the customer or companion requests an interpreter, whichever is earlier.

3. Non-Scheduled Interpreter Requests. If the situation is not an emergency, staff shall offer to schedule an appointment (and provide an interpreter where necessary for effective communication) as convenient to the customer or companion, but at least by the next business day.

4. Scheduled Interpreter Requests. For scheduled events, staff shall make a certified interpreter available at the time of the scheduled appointment. If an interpreter fails to appear for the scheduled appointment, staff shall take whatever additional actions are necessary to make a certified interpreter available to the customer or companion who is deaf or hard of hearing as soon as possible, but in no case later than two (2) hours after the scheduled appointment.

B. For Persons who have Low Vision or Blindness

The staff, with client input, will determine the best method of communication for persons who have low vision or blind.

Staff shall document in the client's file the type of auxiliary aid and service provided during their contact with the client.

C. For Persons who have Sensory, Speech or Mobility Limitations

Facilities used for meetings, conferences and seminars will be reviewed for accessibility by the unit sponsoring the activity.

When meetings, conferences and seminars are scheduled, information will be included in advertisements, conference registration materials or meeting notices that participants will be provided with the necessary auxiliary aid at no cost to them. The information will include the name of a contact person and a date by which the person must request such assistance.

Certified or qualified interpreters for persons with speech, sensory or mobility limitations and accessibility to Teletype (TTY) or Telecommunications Device for Deaf (TDD) equipment.

Adequate lighting in meeting rooms so signing by an interpreter can be readily seen.

Readers or cassette recordings to enable full participation by person with visual limitations.

Agenda and other conference materials translated into usable form.

Parking spaces clearly marked with appropriate ramps and curb cuts will be provided for persons with disabilities.

Where parking is available on or adjacent to the site, one 96" wide space with a 60" access aisle shall be set aside for the car of each participant, with mobility limitations, requesting it in advance of the meeting. Two accessible parking spaces may share a common access aisle.

Where parking is not available on or adjacent to the site, valet parking or other alternative accommodations for participants with mobility limitations will be provided.

Entrance ramps will be available and appropriate

Meeting rooms will be all on one level or capable of being reached by elevators or ramps that can be independently traversed by a participant with mobility limitations.

Stages, platforms, etc., to be used by persons in wheelchairs will be accessible by ramps or lifts.

Seating arrangements for persons in wheelchairs will be adapted to integrate persons who are mobility limited rather than to isolate them on the group's perimeter.

Accessible restrooms: Level access for each sex on each floor, Turn around space 5' X 5', Door clearance of 32", Grab rails provided, Shelves, racks, dispensers, etc., not more than 48" for forward reach or 54" for side reach, restroom signs indicating accessibility.

D. For Persons who have Limited English Proficiency (LEP)

The Children's Network staff will take reasonable steps to provide services and information in the appropriate language, other than English to ensure that persons who are Limited English Proficient are effectively informed and can effectively participate in and benefit from its programs, services and activities. Language interpreters will be available for use by clients and potential clients in each phase of the service delivery process (e.g., telephone inquiries, requests, intake interviews, service delivery, counseling, complaints, testing, treatment, and training, etc.) This service will be at no cost to the client.

E. Effectiveness of Communications

In the event that communication is not effective or if the nature of the communication changes significantly after the initial communication assessment, Children's Network staff shall re-assess which appropriate auxiliary aids and services are necessary for effective communication. This shall be accomplished where possible in consultation with the person seeking the auxiliary aids or services.

F. Denial of Auxiliary Aids and Services

If staff coordinating services determines after conducting the communications assessment that the communication situation is not Aid Essential and does not warrant provision of the auxiliary aid or service requested by the customer or companion, staff shall advise the person of the denial of the requested service and shall document the date and time of the denial, the name and title of the staff member who made the determination, and the basis for the determination. Staff shall provide the customer (and companion, if applicable) with a copy of the denial. Staff shall record the denial of the requested auxiliary aid or service on the Customer or Companion Communication Assessment and Auxiliary Aid/Service Record.

G. Training

New employee orientation will include training on CFOP 60-10, Chapters 1, 3 and 4, Title II of the Americans with Disabilities Act of 1990, CFOP 60-16, Methods of Administration, and Section 504 of the Rehabilitation Act of 1973. **This will be accomplished within 60 days of commencing employment for staff providing direct client services.** All staff will receive training annually on how to provide assistance to persons with disabilities and who are Limited English Proficient. This training is mandatory and will be tracked in the Human Resources Training/Tracking System (HRTS). Training will include:

1. Procedures for serving customers and companions who are deaf, hard of hearing, low vision, blind, and person who have mobility limitations.
2. Procedures for serving clients who are Limited English Proficient.
3. Awareness of deaf or hard of hearing; speech limitations; low vision and blindness; reading limitations and dyslexia; and mobility limitations.
4. Available communication options.
5. How to provide reasonable accommodations for customers and potential customers, i.e., how to access or purchase auxiliary aids, interpreter services and physical modifications.
6. Requirements for making meetings, conferences and services accessible.
7. Awareness of the Auxiliary Aids and Service Plan, including how to access the Plan.

H. Translator Services

As translator services may vary by county and by availability, staff will access all translator services through the Utilization Management Department of CNSWFL.