

PROCEDURE

Series:	Operating Procedures	COA: HR 5.02, CR 1.02,1.06 CFOP: NA
Procedure Name:	Auxiliary Aids Plan for Persons with Disabilities or Limited English Proficiency (LEP)	
Procedure Number:	OP1110	
Revision #/Date(s):	(4) 08/22/11, (5) 07/14/14, (6) 10/11/16 (7) 08/10/2020	
Effective Date:	03/30/07	
Applicable to:	All BFP FOA Staff, Contract Providers, and Clients	

PURPOSE: To ensure BFP and its Contracted Provider's compliance with Title VI of the Civil Rights Act of 1964, Statutory Citation: 42 U.S.C. Section 2000d et seq., and to appropriately serve our applicants for employment and clients for service, BFP has implemented this policy. While this ensures compliance with the "letter of law, it is BFP's intent to also comply with the "spirit of the law" and to that end intends to ensure that any potential applicant and/or client has access to our services and employment opportunities.

PROCEDURE:

References:

DCF's Methods of Administration, Equal Opportunity in Service Delivery Procedures (CFOP 60-16)
DCF's American with Disabilities Act Procedures (CFOP 60-10)
DCF, Equal Employment Opportunity Procedures (CFOP 60-15)
DCF, Auxiliary Aids Plan for Persons with Disability and Limited English Proficiency
Section 504 of the Rehabilitation Act of 1973
Americans with Disabilities Act of 1990
Title VI & VII of The Civil Rights Act of 1964
Department of Health and Human Services, Office for Civil Rights; Policy Guidance; Title VI Prohibition against National Origin Discrimination as it Affects Persons with Limited English Proficiency.

Definitions

For purposes of this procedure only and for ease in reading, "client" shall refer to a client for services, providers of services, applicants for employment, and employees of the agencies.

Guidelines

BFP FOA and its contracted providers will make available auxiliary aids to persons with disabilities and interpreters for clients who are limited in their ability to speak, read, or understand English. Provision of these accommodations is mandated by Federal Civil Rights Laws to ensure that all clients, applicants, and employees have an equal opportunity to participate in or benefit from programs, services and employment, regardless of disability or national origin.

Auxiliary Aids may include, but are not limited to, brailled and taped material, interpreters (sign and foreign language), readers, listening devices and systems, television decoders, visual fire alarms,

captioned films, and other assistive devices. This procedure applies to all BFP offices and programs. Clients include potential clients seeking services from BFP or its contract providers.

Requests for Foreign-Language Interpreters

1. Foreign-language interpreters will be provided within seven (7) days of request by a client. Interpreter services are always provided free of charge to the client. Invoices must be maintained in the client file showing payment of these services.
2. When an interpreter is requested, staff should ascertain the language spoken by the client. If unable to recognize the language spoken, staff is to utilize the Language Identification Flashcard, which is available at the front desk of each BFP location in the Auxiliary Aids Book.
3. If a client arrives accompanied by a friend or family member to interpret for them, staff should be cognizant of the following:
 - (a) Minor children should never be used as interpreters.
 - (b) Because the potential for breach of confidentiality or a reluctance on the part of the client to reveal personal information, the use of family and/or friends as interpreters should be discouraged. However, a family member or friend may be used as an interpreter if, after having been advised that an interpreter would be provided free-of-charge, the client still desires to utilize a friend or family member and their use does not compromise the effectiveness of service delivery.
 - (c) If the individual declines the use of the free interpreter, the file must be documented to reflect that the client was offered but declined the use of a free interpreter (see Waiver of Free Communication Assistance or Other Auxiliary Aids or Services form) located as part of the Statewide Auxiliary Aids and Service Plan for Persons with Disabilities and Person's with Limited English Proficiency document in the Auxiliary Aids book found at each BFP FOA location.
4. Whenever possible on-site bilingual staff who can communicate directly with clients in their preferred language should be utilized. BFP and service provider staff should work directly with their agency's designated Single Point of Contact or designee to obtain needed services.
5. BFP and each of its contracted agencies will have a designated individual (Single Point of Contact) who is responsible for maintaining a list of community providers, employees and/or organizations that can provide interpreters and to ensure Compliance with their respective Auxiliary Plan. This list will include the name of the organization, services provided, address and contact names and numbers. This will be generated from input from the staff members of each agency and these lists will be consolidated and shared among the providers. Lists of these individuals and/or organizations with bi-lingual capabilities will be included in the Title VI binders at each of BFP's locations. Updates to this list will be made on a regular basis throughout the year.
6. To comply with the seven (7) day timeframe, all requests for interpreters (of BFP) should be made by calling the Intake phone line at BFP which is (321) 752-3226 to ensure timely response.

7. Telephone interpreter services should be used as a supplemental system when an interpreter is needed after-hours, on weekends, in emergency situations where an interpreter is required instantly or when services are needed for an unusual or infrequently encountered language.

Requests for Auxiliary Aids

1. All services available to clients must be equally available to clients with disabilities. To ensure equal accessibility of programs and services to clients with disabilities, BFP and sub-contracted staff are instructed to assess client needs by consulting with the client. As applicable, staff should also consult with counselors, parents, guardians, other family members, and/or other representatives who may be able to assist the client. All BFP staff and/or providers shall provide interpreters for the deaf and hard of hearing customers and companions in a timely manner. For unscheduled visits or any emergency situations, staff shall make an interpreter available as soon as possible but **no later than two hours from the time of the request**. The Agency will make contact with those identified on the second language lists, next will work within the network of the System of Care to obtain additional support and make other necessary contacts to meet this requirement. If the situation is not an emergency, staff shall offer to schedule an appointment and provide an interpreter as needed or requested as convenient to the customer or companion, but at least by the next business day. For scheduled events, staff shall make a certified and/or qualified interpreter available at the time of the appointment. **If the certified interpreter fails to appear for the appointment, efforts to obtain another certified interpreter as soon as possible will be made, but in no case later than two hours after the scheduled appointment.**
2. All BFP related requests for auxiliary aids and reasonable accommodations are to be directed to Contracts and Compliance Manager or designee. This contact shall be made directly through the "Intake" business phone which is: (321) 752-3226.
3. Client files are to be documented indicating that an auxiliary aid is needed and what type of accommodation has or will be provided. (See *Customer/Companion Communication Assessment and Auxiliary Aid/Service Record Form and Waiver of Right For Free Interpreter Services or Other Auxiliary Aids or Services Form*) located as part of the Statewide Auxiliary Aids and Service Plan for Persons with Disabilities and Person's with Limited English Proficiency document in the Auxiliary Aids book found at each BFP FOA location. Staff will subsequently arrange to have the appropriate auxiliary aid available for future scheduled appointments. Each deaf or hard of hearing Customer or Companion will receive a Customer Feedback (see attached) following their visit by the staff who is assisting the client in obtaining services, following each visit. (See section on documentation for details).
4. The communication options for hearing impaired persons may include but not be limited to TDD's (Telecommunication Devices for the Deaf), FAX (telephone facsimile transmittal), phone amplifiers, certified sign language interpreters, flash cards, lip-reading, written notes, supplementary hearing devices, charts, signs or a combination of these. TDD's will be available for use by clients and employees who are deaf or hearing impaired within seven days of a request. This request is directed to the BFP Intake line at (321) 752-3226. Clients in need of TDD equipment may obtain this free of charge through Florida Telephone Relay.

The Regional Distribution Center for hearing impaired equipment is located at:

Resource Center for Disability Solutions
571 Haverty Court, Ste W.
Rockledge, FL 32955
Voice: (321) 633-6011
Florida TTY: (800) 955-8771
Relay: 711

The Florida Telephone Relay service is also available. To call Florida Relay, dial 7-1-1, or use the toll-free numbers:

1-800-955-8771 (TTY)
1-800-955-8770 (Voice)
1-800-955-1339 (ASCII)
1-877-955-8260 (VCO-Direct)
1-800-955-5334 (STS)
1-877-955-8773 (Spanish)
1-877-955-8707 (French Cr)

5. If BFP refers a client elsewhere, the BFP Clinical Services Specialist or other staff member working with the client will notify the provider or referral agency of any auxiliary aid needs through the referral and authorization process. Payment for the auxiliary aid shall not be assessed against the client. A copy of all invoices showing that this service or services was paid for by BFP and/or its contracted providers must be maintained in the Client File for all the interpreter services provided as part of the Communication Plan.

Ensuring Accessibility for Meetings, Conferences, Training, etc.

1. BFP staff conducting family team conferences, seminars, training, and similar activities are responsible for ensuring that the facilities used are in compliance with ADA requirements with respect to such physical features as parking, access ramps, elevators, restrooms, stages and platforms, etc.
2. Meeting coordinators shall include a notice in program materials, stating that impaired or non-English speaking participants will be provided with necessary auxiliary aids or foreign-language interpreters at no cost. Requests for these aids and/or interpreters must be made within seven (7) days of the meeting. The notice will include the name of a contact person and a date by which the person must request such assistance. The registration process should include a method for determining the number and type of participants and/or attendees requiring assistance as well as the type of personal assistance or accommodation requested. The following provisions are required only if sensory or mobility impaired persons plan to attend or participate in the specific meeting, conference, or seminar.
 - (d) Qualified interpreters for hearing impaired persons and accessibility to Teletype (TDD) equipment. NOTE: When telephones are provided for use by participants, TDD's must be provided for participants who are deaf.
 - (e) Adequate lighting in meeting rooms so signing by an interpreter can be readily seen.



- (f) Readers or cassette recordings to enable full participation by vision impaired persons.
- (g) Foreign-language interpreters for Limited English Proficiency participants.
- (h) Agenda and other conference materials translated into usable form for impaired or limited English proficiency participants.

Costs

1. Costs for provision of any auxiliary aids or foreign-language interpreters shall not be assessed against the client. Invoices showing the agency paid for the service must be maintained in the Client Record.
2. Auxiliary aids should be obtained within the Agency's current resources, including the use of qualified volunteers and volunteer organizations, as appropriate. However, if an auxiliary aid is required and must be purchased or leased, payment will be made from the appropriate operating budget.
3. The appropriate Director or Division Head with budget approval authority over the unit, program, or facility, has the responsibility for requesting and obtaining required approval (if applicable) for the appropriate auxiliary aid or interpreter.

Notification

1. Both the DCF Nondiscrimination Policy poster and the DCF Hearing Impaired poster shall be displayed at main entrance lobby areas in each building housing BFP employees and on bulletin boards in waiting rooms or other common areas in each facility serving clients.
 - (a) The name, telephone number for the designated ADA coordinator will be listed on the hearing-impaired poster to ensure accessible services to clients or potential clients, or their representatives. The designated ADA Coordinator for BFP is the Contracts and Compliance Manager.
 - (b) Information on the availability of auxiliary aids and reasonable accommodations to persons requiring assisting devices will be included in announcements related to meetings, seminars, workshops, and conferences, as well as to services offered by program offices and contracted service providers to whom clients may be referred. This information is also provided in the Client and Family Handbook which is provided to all new Clients who receive services through BFP, Family Allies and Brevard C.A.R.E.S.

Monitoring

To anticipate future needs and for reporting purposes, requests for foreign-language interpreters will be monitored by the Contracts and Compliance Manager and/or designee. To ensure accurate monitoring, the use of staff members as interpreters must be tracked as well. Accordingly, all staff shall report to their respective Supervisors the number of times bilingual staff was utilized, and the language involved. This information shall be forwarded to the Contracts and Compliance Manager or designee by each Supervisor.

Compliance for our contracted providers will occur as part of the annual contract monitoring process conducted by the BFP Compliance and Contract staff. The review will include requesting the most recent Auxiliary Plan, requesting any client files where auxiliary aids were provided from the past year in order to do a file review, a brief interview with the Single Point of Contact for the agency, and a review of selected Human Resource files to ensure that training is documented as well as ensuring the “Support to the Deaf and Hard of Hearing Form” is completed and signed by the agency’s staff. Feedback concerning the findings of the monitoring of the agency’s Auxiliary Aid Plan will be included in the annual contract monitoring report.

Document and Records Retention

The Customer/Companion Communication Assessment and Auxiliary Aid/Service Record Form must be filled out each time the Customer or Companion needs services from the agency or other contracted provider of services. The form should indicate whether it is an initial appointment or subsequent appointment, or a reassessment of the Customer or Companions need for auxiliary aid services. The original must be maintained in the client record.

1. A Communication Plan should be developed and attached to the Customer/Companion Communication Assessment and Auxiliary Aid/Service Record Form for Customers who need long-term services from the agency or contracted providers. Communication plans must then be updated quarterly at minimum or each time there is a change or reassessment. The Communication Plan should include: A listing of service situations such as weekly staffings, group classes, etc., indicate whether the communication assistance at these services are Aid-Essential or Non-Aid Essential, the type of Auxiliary Aid that will be provided at these services, and the staff member responsible for arranging for or providing the Auxiliary Aid or Service.
2. If the communication is deemed Non-Aid Essential and there is a denial of the Aid or Service, this must be documented in the designated section of this form. It should include the name and title of the person who made the determination and the basis for the determination and the date and time of denial. At BFP, a denial determination can only be made by the Contracts and Compliance Manager and or designee.
3. The Customer or Companion Request for Free Communication Assistance or Waiver of Free Communication Assistance Form must be filled out each time the Customer or Companion needs Services from the agency. The original must be maintained in the Client File. If a Customer or Companion chooses a family member or advocate/friend to interpret for them, a Certified or Qualified Interpreter should be offered to the client in order to verify that communication is happening effectively and accurately prior to the ongoing use of the family member or friend as the interpreter.
4. The Customer/Companion Feedback Form is provided to each Customer or Companion who is provided an interpreter or other auxiliary aid or service. The purpose of the form is to collect data on the effectiveness and appropriateness of the interpreter provided. This form should be sent directly to DCF at 400 W. Robinson Street #S-936K, Orlando, Florida 32801-1782, Attention: Richard Dicks, by the Customer or Companion. Documentation in the Client file must show that the Client or Companion who was provided the Feedback the Feedback Form after each Auxiliary Aid was provided. Assistance should be offered by staff as appropriate in order for the Customer or Companion to complete the Feedback

Form. An American Sign Language video interpretation of the instructions for completing and submitting this form are posted on the DCF website.

5. By the 5th day of each month, BFP and its Contracted Providers are required to compile and submit a Monthly Summary Report documenting the details of any Auxiliary Aids services that were provided. The reporting will be accomplished through DCF's document submission setup through the Form Site: <http://fs16.formsite.com/DCFuser/form3/index.html> In addition to completing this Monthly Summary Report, each organization is required to upload a Customer/Companion Assessment and Auxiliary Aid/Service Record or Customer or companion Request for Free Communication Assistance or Waiver of Free Communication Assistance Forms filled out for services on a monthly basis via the upload feature on this website. DCF will send a confirmation of report submission via email along with a copy of the submitted Monthly Summary Report. The Contracted Provider SPOC must forward this email to the BFP Contracts and Compliance Manager or designee upon receipt of this confirmation, who in turn will send this to the DCF Contract Manager as required or requested.
6. Records regarding clients completed by BFP or our contracted provider, such as the Customer/Companion Communication Assessment and Auxiliary Aid/Service Record forms and/or Waiver of Right for Free Interpreter Service or Other Auxiliary Aids or Services form (see attached), will be forwarded to the Contracts and Compliance Manager or designee for BFP, Family Allies, and Brevard C.A.R.E.S. For other Contracted Providers, the forms should be submitted to the designated SPOC for that agency. All client records which include documentation regarding Auxiliary Aid/Service must be maintained for ten years.

BFP's compliance with the mandatory requirements of Title VI is subject to monitoring and on-site review by the U.S. Department of Health and Human Services (DHHS). Accordingly, records relating to the Agency's auxiliary aids plan as well as copies of brochures, letters, memoranda, newspaper notices, minutes of staff meetings, public service announcements on radio or TV, etc., used to inform employees or clients of this nondiscrimination policy will be documented and maintained for the required years by the designated 504 coordinator for BFP, which is the Contracts and Compliance Manager as indicated on the procedure on record retention. Individuals responsible for generating such brochures, letters, memoranda, newspaper notices, minutes of staff meetings and public service announcements are responsible for providing these copies.

Training

Training is essential to the ongoing success of providing Auxiliary Aid/Service to persons with disabilities, deaf or hard of hearing or those with Limited English Proficiency. Therefore, BFP's SPOC will attend within 30 days of assignment to the SPOC position, the DCF "HHS Effective Communication with our Deaf and hard of Hearing Customers: For Single Points of Contact-Online" Training and will attend periodic trainings as required by DCF. **All BFP new hires and their subcontracted staff will review mandatory training on the requirements for providing Auxiliary Aids during new hire orientation. This training should be completed within 30-60 days of starting employment. Documentation regarding this new hire training must be included in the employee's personnel file. In addition, annually BFP and its subcontracted providers must provide refresher training, and this must be documented in the employee's personnel file. In addition, all BFP and subcontracted providers' employees must fill out the**



“Support to the Deaf and Hard of Hearing Attestation Form” which must also be kept in the employee’s personnel file.

Complaint Procedures

Clients or potential clients who have concerns or believe they have been discriminated or retaliated against may avail themselves of either or both of the following processes:

1. Complaints or concerns can be presented directly to Contracts and Compliance Manager of Brevard Family Partnership and/or Client Relations Specialist regarding requests made through BFP. These individuals will promptly respond to the concern or complaint and when appropriate and necessary through an investigation and taking appropriate action as indicated. No client should fear retaliation for bringing a concern of discrimination and the client’s concerns will be addressed as promptly as is practicable. Complaints may be registered by calling (321) 752-4650 within 180 days of the incident.
2. Alternatively or additionally, any person who believes that he or she has been discriminated or retaliated against in violation of Section 504 of the Rehabilitative Act of 1973 and/or the Americans with Disabilities Act of 1990 may file a complaint by writing or calling: The Department of Children & Families Office of Civil Rights, 1317 Winewood Blvd., Building 1, Room 101, Tallahassee, FL 32399-0700. The telephone number is (850) 487-1901. They may also contact the Central Region’s ADA/504 Coordinator at 407-317-7552 located at 400 W. Robinson Street, Suite 936 D, Orlando, Florida 32801-1782.
3. In addition, any person who believes that he or she has been discriminated or retaliated against may also contact the Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 200, Tallahassee, Florida 32301 Phone: 850-488-7082 or Department of Health and Human Services, ATT: Office of Civil Rights within 180 days of the incident at Sam Nunn Atlantic Federal Center, Suite 3B70, 61 Forsyth Street SW, Atlanta, Georgia 32303-8909

BY DIRECTION OF THE CHIEF EXECUTIVE OFFICER:

PHILIP J. SCARPELLI
Chief Executive Officer
Brevard Family Partnership Family of Agencies

APPROVAL DATE: 8/14/2020