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Procedure Name: Rights and Auxiliary Aids Plan for Persons with Disabilities or Limited English Proficiency

Policy Number: OP BC 1028

Revision #/Date: (1)12/10/2012, (2) 6/26/2017

Effective Date: 05/11/2012

Applicable to: Brevard C.A.R.E.S. Staff

SUBJECT: Rights and Auxiliary Aids Plan for Persons with Disabilities or Limited English Proficiency (LEP)

PURPOSE: To ensure 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 applicants for employment and clients for service. Brevard C.A.R.E.S. has implemented this procedure. While this ensures compliance with the “letter of law”, it is Brevard C.A.R.E.S. intent to also comply with the “spirit of the law” and to that end intends to ensure that all families served have access to Brevard C.A.R.E.S. services.

PROCEDURE:

References:

Department of Children and Families (DCF) Method of Administration, Equal Opportunity in Service Delivery Procedures (CFOP 60-16)

DCF 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 and 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. Brevard C.A.R.E.S. serves individuals with developmental disabilities and promotes meaningful participation, inclusion and self- determination using a strength based approach that safeguards the emotional, physical and psychological well- being of the family served. The primary caregiver is the source of information about the need for services and the information gathered during the assessment process through completion of the Strength and Cultural Discovery. In the Brevard C.A.R.E.S. model, the family is treated as an equal partner in the planning process and the family is driving the process through the identification of the family's needs, goals and vision.

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Brevard C.A.R.E.S. supports persons with developmental disabilities to establish meaningful social relationships, build and maintain a natural support system and to exercise their rights and responsibilities.

Guidelines:

Brevard C.A.R.E.S. and its contracted service 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 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. Brevard C.A.R.E.S. information is available in languages representative of consumer groups (English and Spanish). Handbooks are available in large print and in taped audio version. The organization has a sufficient number of bilingual persons available that represent the linguistic capabilities of English, Spanish, French and Creole. Clients include potential clients seeking services from Brevard C.A.R.E.S. or its subcontracted service providers.

Procedures for use of interventions that Limit Movement, Diminish Sensory Experience, Limit Personal Freedom or Cause Personal Discomfort:

Brevard C.A.R.E.S. does not use interventions that limit physical movement, diminish sensory experience, limit personal freedom or cause personal discomfort.

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 clients 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 in the front lobby of Brevard C.A.R.E.S. The information is also available on the agency website at www.brevardcares.org.
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 of the potential 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 is discouraged. However, upon execution of a Release of Information from the family, 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 the free interpreter. The

documentation is recorded on the Waiver of Right for Free Interpreter Service or Other Auxiliary Aids or Services form.

4. Whenever possible on site bilingual staff who can communicate directly with clients in their preferred language are utilized. Brevard C.A.R.E.S and services providers should work directly with their agency's designated Single Point of Contact or designee to obtain needed services.
5. Brevard C.A.R.E.S and each of its contracted agencies have a designated Single Point of Contact who is responsible for maintaining a list of community providers, employees and/or organizations that can provide interpreters. This list includes the name of the organization, services provided, address and contact names and numbers. This is 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 the Brevard C.A.R.E.S. location. Updates to this list will be made on a regular basis through the provider meetings.
6. To comply with the seven (7) day timeframes. All requests for interpreters of Brevard C.A.R.E.S. should be made by calling the Brevard C.A.R.E.S. office at 321-631-2737 to ensure timely response.
7. Telephone interpreter services should be used as a supplemental system when an interpreter is needed after hours, on the weekend, and in emergencies situations where an interpreter is required instantly or when services are needed for an unusual or infrequently encountered language.

Procedures for Helping Persons with Assistive Technology;

1. Brevard C.A.R.E.S. provides assistive technology or helps the individual gain access to assistive resources as needed through the individual's involvement in the selection of specific technologies that are available. This ensures that the individual is afforded the opportunity to try the device to ensure proper working order and that the person has been trained on the particular assistive device or technology.
2. Brevard C.A.R.E.S. and contracted providers do not use any interventions that produce adverse side effects or are deemed unacceptable according to professional standards.
3. All services available to clients are equally available to clients with disabilities. To ensure equal accessibility to clients with disabilities, Brevard C.A.R.E.S. and contracted providers have been instructed to assess client's 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 Brevard C.A.R.E.S. staff and/or providers provide interpreters for the deaf and hard of hearing customers and companions in a timely manner. For unscheduled visits or any emergency situations, staff will make an interpreter available as soon as possible but no later than two hours from the time of the request. The agency will first make contact with those identified on the second language lists and 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 offers to schedule an appointment and provide an interpreter as need or requested as convened to the customer or companion, but at least by the next business day. For scheduled events, staff shall make a 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.

4. All Brevard C.A.R.E.S. related request for auxiliary aids and responsible accommodations are to be directed to the Brevard C.A.R.E.S. Executive Director at 321-632-2737 ext. 1008.
5. Client files must obtain the documentation that an auxiliary aid is needed and what type of accommodation has or will be provided. See Customer Companion and Communication Assessment and Auxiliary Aid/Service Record Form and Waiver of Right for Free Interpreter Services or Other Auxiliary Aids or Services Form. 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 Single Point of Contact or designee following each visit.
6. 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 combination of items. 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 Brevard C.A.R.E.S. office at 321-632-2737. 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:

The Space Coast Center for Independent Living
803 N. Fiske Blvd.
Cocoa, FL 32922
321-622-9141 (Voice)
321-632-9134 (TTY)

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 (ASC II)
1-877-955-8260 (VCO-Direct)
1-800-955-5334 (STS)
1-877-955-8773 (Spanish)
1-877-955-8707 (French Creole)

7. If Brevard C.A.R.E.S. refers a client elsewhere, the Coordinator 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 Brevard C.A.R.E.S. and/or its contracted providers must be maintained in the Client File for all of the interpreter services provided as part of the Communication Plan.

Ensuring Accessibility for Meetings, Conferences and Trainings:

1. Brevard C.A.R.E.S. 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/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 requesting assistance as well as they type of personal assistance or accommodation requested. The following provisions are required only if sensory or mobile impaired persons plan to attend or participate in the specific meeting, conference or seminar.
 - (a) 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.
 - (b) Adequate lighting in meeting rooms so signing by an interpreter can be readily seen.
 - (c) Readers or cassette recordings to enable full participation by vision impaired persons.
 - (d) Foreign-language interpreters for Limited English Proficiency participants.
 - (e) Agenda and other confidential materials translated into usable form for impaired or limited English proficiency participants.

Service Planning and Referral Procedures:

1. Service planning is done in partnership with the family based on the family's identified needs.
2. The Brevard C.A.R.E.S. Family Partner and Coordinator develop the fullest and most independent life possible in the community while promoting family self- determination, self-sufficiency and sustainability.
3. Family Team Conferencing and the development of the Family Care Plan often serves as a means for resolving conflict between the identified family member and other's working with the family and staff facilitating these processes are skilled at conflict resolution.
4. Brevard C.A.R.E.S. implements family preservation and family support services to strengthen the family unit and to prevent out of home care placement.
5. As the family needs and goals are identified, the appropriate intervention and support is provided for the family; this includes an array of support available to assist caregivers through the Brevard Family Partnership network of contracted providers and varies depending on the family's needs. Such service might include behavioral management, case management, counseling, respite services and support groups. Information about appropriate support and education regarding sexuality and relationships are tailored to the assessed needs and capacity of the individual. This can include family planning, health, disease management and prevention and the prevention of sexual abuse and exploitation.
6. The protective factors are also discussed to improve parent protective capacities and include concrete support in times of need, knowledge of parenting, parental resilience, social connections and social and emotional competence of children.

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 are 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 is made from the Brevard C.A.R.E.S. Flexible Support funds.
3. The assigned Coordinator or Program Manager, has the responsibility for requesting and obtaining authorizing 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 area of the Brevard C.A.R.E.S. facility 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 is listed on the hearing impaired poster to ensure accessible serves to clients or potential clients, or their representatives. The designated ADA Coordinator for Brevard C.A.R.E.S. is the Brevard C.A.R.E.S. Executive Director.
 - (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.

Monitoring:

To anticipate future needs and for reporting purposes, requests for foreign language interpreters will be tracked by the Brevard C.A.R.E.S. Executive Director and Brevard Family Partnership Director of Contracts and Compliance. To ensure accurate monitoring, the use of staff members as interpreters must be tracked as well. Accordingly, all staff shall report quarterly to the Program Manager the number of times that bilingual staff were utilized and the language that was involved. This information shall be forwarded quarterly to the Brevard C.A.R.E.S. Executive Director or designee. Compliance for contracted providers will occur as part of the annual contract monitoring process conducted by the Brevard Family Partnership Director of Contracts and Compliance.

Documents 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. A denial determination can only be made by the Executive Director 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, Brevard C.A.R.E.S. is 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 Executive Director or designee must forward this email to the BFP Director of Contracts and Compliance 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 Brevard C.A.R.E.S., 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 Executive Director. All client records which include documentation regarding Auxiliary Aid/Service must be maintained for ten years.

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Brevard C.A.R.E.S. compliance with the mandatory requirements of Title VI is subject to monitoring and on site review by the United States 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, and 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 three years by the designated 504 Coordinator. Individuals responsible for generating such brochures, letters, memoranda, newspaper notices, minutes of staff meeting and public service announcements are providing these copies.

Records regarding clients completed by Brevard C.A.R.E.S. or subcontracted providers, such as the Customer Companion Communication Assessment and Auxiliary Aids or Services records forms, and/or Waiver of Right for Free Interpreter Service or Other Auxiliary Aids or Services form is forwarded to the Brevard C.A.R.E.S. Program Manager, Contract Manager or designee.

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, Brevard C.A.R.E.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 Brevard C.A.R.E.S. 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 Brevard C.A.R.E.S. 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 against or retaliated against may avail themselves to either or both of the following processes.

1. Complaints or concerns can be presented directly to the Brevard C.A.R.E.S. Executive Director or designee regarding requests made through Brevard C.A.R.E.S. These individuals will promptly respond to the concern or complaint by conducting 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 321-632-2737.
2. Alternatively or additionally, any person who believes that he or she has been discriminated or retaliated against in violation of Section 503 of the Rehabilitative Act of 1973 and/or the Americans with Disabilities Act of 1990 may file a complaint by writing at:

The Department of Children and Families
Office of Civil Rights
1317 Winewood Blvd., Building 1, Room 101
Tallahassee, FL 32399-0700

Persons may also file a complaint by telephone number at 850 487-1901.

The Central Region's ADA/504 Coordinator may also be contacted at 407-317-7552 (located at 400 West Robinson Street, Suite 936 D, Orlando, Florida 32801-1782.)

3. In addition, any person who believes that he or she has been discriminated against or retaliated against may (within 180 days of the incident) also contact:

Florida Commission on Human Relations,
2009 Apalachee Parkway
Suite 200
Tallahassee, Florida 32301
Phone: 850-488-7082

Or

The Department of Health and Human Services
ATT: Office of Civil Rights
Sam Nunn Atlantic Federal Center
Suite 3B70
61 Forsyth Street SW
Atlanta, Georgia 32303-8909.

BY DIRECTION OF THE EXECUTIVE
DIRECTOR:



Phebe Powell
Executive Director

Signature Date: 6/27/2017