

Qualified and Competent Language/Communication Assistance Services
CM-730.03

Effective Date: June 30, 2021

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Policy

Local agencies must employ or contract with qualified and competent language/communication assistance services, to ensure meaningful access for Limited English Proficient (LEP) persons and equally effective communication for people with disabilities. Companions for people with disabilities must also be provided access to language and communication assistance. This service must be available at all WIC program delivery points of contact, at no cost.

Bilingual, interpreter and translator staff must complete a language proficiency test demonstrating fluency in and ability to communicate information accurately in English and in the non-English language(s). The language proficiency test must be conducted by a contracted qualified and competent language/communication service provider for verbal and written skills, as applicable.

When participants opt to use their own language or communication assistance, the participant must be informed that they are responsible for the cost.

Minors must only be permitted to interpret or translate for LEP persons within the Georgia WIC program during significant emergency situations.

Minors may never be used as interpreters for a person with a disability.

Purpose

To ensure LEP persons are provided WIC services and benefits in a language understood by the LEP person at no cost. To ensure that people with a disability and their companions receive communication assistance services upon request at no cost.

Procedures

- I. Ensure the delivery of qualified and competent language and communication assistance services by any of the following:
 - A. Maintain documentation of fluency (test results) for each language that the bilingual employee utilizes while providing WIC services whether for translation (written fluency) or direct service delivery (verbal fluency).
 - B. Maintain verification of interpreter/translator professional certification, qualification, or training in the employee's file.
 - C. Access interpreter or translation services through the Georgia Department of Public Health State-wide contract for Translation Interpretive Services.
 - D. Utilize the Department of Public Health's State Refugee Health Program interpreters (only available in some parts of the state) for qualified and competent interpretation.
 - E. Contract with professional, competent, qualified translators or interpreters not listed in the State-wide contract, as needed.

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- II. Offer qualified and competent interpreter services at any WIC program delivery point of contact, when requested or determined as needed.
- III. Advise the participant that refusing Georgia WIC Qualified and Competent Language Assistance Service will have no impact on receipt of Georgia WIC Services or Benefits.
- IV. Utilize the DPH ["Notice of Free Interpretation Services"](#) posters/flyers to determine the language needing interpretation.
- V. Provide sight translation of vital program information if a material is not translated or if the applicant/participant/companion is illiterate.
- VI. Utilize competent and qualified interpreters to fully explain the content of materials that you would normally provide in support of educational content.
- VII. Ensure vital information about WIC that appears on local agency websites is available to individuals with LEP in the most commonly encountered languages.
- VIII. Document the primary language spoken by the LEP customers and the language assistance provided in the health record.
- IX. Document the preferred method of communication assistance and the communication assistance provided in the health record.
- X. Should a participant refuse staff's offer of Georgia WIC language and communication assistance, voluntarily secure the applicant's or participant's signature on the Waiver of Rights to Free Interpreter Services Form and follow the below procedure:
 - A. Ensure the accompanying adult agrees to interpret.
 - B. Ensure reliance on the accompanying adult is appropriate under the circumstances.
 - C. Explain the waiver of rights to free interpreter and communication assistance services in their preferred language utilizing a professional or staff interpreter if the waiver of rights is not available in their preferred language or if the applicant/participant/companion is illiterate.
 - D. Have Applicant/Participant and Interpreter sign the waiver.
 - E. Place or scan a copy of the signed Waiver in the participant's health record.
 - F. Document the refusal on the waiver in place of signature if participant refuses to sign.
- XI. Secure a qualified, competent interpreter to replace the applicant/participant/companion's informal interpreter if staff observes bias or ineffective communication.

Authorities/Resources

Georgia Department of Public Health Policy #GC-09011 "Policy Regarding Service to Persons with Limited English Proficiency and with Disabilities"

Title VI of the Civil Rights Act of 1964, (42 USC § 2000d *et seq.*) at 7 CFR 15.1

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No. of Pages: 4

WIC regulation for Non-English Materials at 7CFR 246.8(c)

USDA Guidance to Federal Financial Assistance Recipients Regarding the Title VI Prohibition Against Nation Origin Discrimination Affecting Persons with Limited English Proficiency. [79 Fed. Reg. 70771, (Nov. 28, 2014) (“USDA LEP Policy Guidance”)]

[Title II](#) and [Title III](#) of the Americans with Disabilities Act of 1990 (ADA), as amended by the ADA Amendments Act of 2008 (Public Law 110-325, 42 USC § 12101 et seq. at [28 CFR 35](#) and at [28 CFR 36](#).

[2010 Standards for Accessible Design for State and Local Government Facilities \(Title II\)](#)

2010 [Standards for Accessible Design for Public Accommodations and Commercial Facilities \(Title III\)](#)

[Section 504 of the Rehabilitation Act of 1973 at 7 CFR 15b](#)
[Section 508 of the Rehabilitation Act of 1973](#)

Food and Nutrition Service, Civil Rights Compliance and Enforcement – Nutrition Programs and Activities (FNS-113-1)

Georgia WIC [Language Assistance Policy No. CM-730.01](#)

www.lep.gov

Definitions/Supporting Information

Auxiliary aids and services – Items, equipment or services that assist in effective communications for a person who has a disability; includes, without limitation, qualified sign language interpreters, telephone handset amplifiers, assistive listening devices, closed caption decoders, real-time captioning, TTY/TTD relay services for deaf and hard-of-hearing; screen reader software, Braille Embossers, text to Braille converter, large print materials, alternative keyboards for individuals who are blind and have low vision; and acquisition or modification of equipment or devices and other similar actions. This list is not exhaustive.

Bilingual Staff – staff who are fluent in two languages.

Companion (for disability) – Any family member, friend, or associate of a person seeking or receiving an entity’s goods or services who is an appropriate person with whom the entity should communicate.

Equally Effective Communication – Occurs when communication with people with disabilities is equally effective as communication with people without disabilities.

Fluency – the ability to speak, read, or write a language accurately, easily, well and quickly.

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Limited English Proficiency (LEP) – Refers to persons who do not speak English as their native or primary language, and who a limited ability to read, speak, write or understand English.

Meaningful Access – The applicant or participant receives all quality program services and benefits in a language they can understand.

Minor - Anyone under the age of eighteen (18), unless documentation shows the individual is lawfully emancipated, an armed service member, or married.

Primary/preferred language – the language a person is comfortable using to communicate with their provider; often the first language that a person has been exposed to from birth or a person's native language.

Qualified, Competent Interpreter – Highly trained individual who mediates spoken communication between people speaking different languages without adding, omitting, or distorting meaning or editorializing. A qualified, competent interpreter adheres to generally accepted interpreter ethics and principles, including confidentiality, and has demonstrated his or her competency through an independent assessment of communication skills. Competency requires more than self-identification as being bilingual.

Qualified, Competent Translator – A highly trained individual who is able to render text from a source language into a target language while preserving meaning and adhering to generally accepted translator ethics and principles., including confidentiality. This requires the ability to understand the cultural context of the source and target languages. A qualified, competent translator has demonstrated his or her competence to translate through an independent language assessment.

Qualified Reader – A person who can read effectively, accurately, and impartially using any necessary specialized vocabulary.

Sight Translation – Occurs when a qualified and competent interpreter or bilingual staff reads the written text silently in English and simultaneously speaking the content in the preferred language of the applicant/participant/companion. All approved interpreter and translator vendors on the statewide contract utilize competent and qualified interpreter/translators.