

Reasonable Modifications and Auxiliary Aids and Services

Policy No. CM-730.05

Effective Date: 6/30/2021

No. of Pages: 6

Policy

To ensure that participant or applicants, upon request, receive the services and benefits of the program in the most integrated setting possible the LA must:

- Make reasonable modifications, and
- Offer auxiliary aids and services.

Participants and applicants always have the right to choose standard service delivery processes even when special aids and services are available.

Proof of a disability is not required to honor a reasonable modification/auxiliary aid or service request except where required by other program rules.

Applicants, participants, and companions who have vision, hearing, or speech disabilities will be provided with necessary auxiliary aids and services, upon request.

LEP persons with a disability must receive language assistance services.

The LA must post the Georgia WIC ADA Notice:

- in each clinic,
- on the homepage of Georgia WIC websites, and
- on applicant online platforms.

The [Georgia WIC ADA Notice](#) must be communicated in a format and language that individuals with disabilities can understand.

LA website pages and linked documents must be compliant with the accessibility requirements of Section 508 of the Rehabilitation Act of 1973 (Section 508).

Individuals who rely on wheelchairs, mobility aids, Other Power-Driven Mobility Devices (OPDMD) as well as service animals and miniature horses that have been individually trained to assist individuals with disabilities must be welcomed into Georgia WIC clinics.

When structural changes or alterations are planned for facilities, accessibility must be addressed.

LA must designate a Section 504/ADA coordinator to implement and coordinate this policy at the local level for Georgia WIC (See Local Agency Section 504/ADA Coordinator Checklist).

The LA must not deny a modification request.

Purpose

To ensure equal and effective access to WIC benefits and services while minimizing hardships for people with disabilities who may need reasonable modifications or auxiliary aids and services.

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Procedures

- I. Notify applicants and participants of their rights, utilizing the Georgia WIC ADA Notice or the WIC Participant Education Tool, to ensure provision of:
 - A. Reasonable modifications
 - B. Auxiliary aides and services
- II. Provide services in a setting that allows people with disabilities to fully interact with currently abled persons.
- III. Interpret the [Georgia WIC ADA Notice](#) for applicants or participants with Limited English Proficiency ([See Language Assistance Policy No. CM-730.01](#)).
- IV. Contact Georgia WIC Section 504/ADA Coordinator for translation of Georgia WIC ADA Notice, vital documents, and nutrition education information in preferred alternative formats (e.g., large print, braille, audio recording) for individuals with disabilities.
- V. Provide materials in preferred alternative formats for individuals with disabilities.
- VI. Identify Health District's/Board of Health Section 504/ADA coordinator (s) and request assistance in meeting reasonable modification and auxiliary aids or services requests as well as when renovating or opening Georgia WIC Clinics.
- VII. Consult with the Georgia WIC Section 504/ADA Coordinator for assistance with requests that cannot be accomplished at the local agency level or when the fulfillment of the requests might be significantly delayed.
- VIII. Follow [Discrimination Complaint Policy No. CR-1140.01](#) for an applicant/participant/companion who feels they have been discriminated against due to the denial of a reasonable modification or requested auxiliary aid or service.
- IX. Assess LA implementation of Reasonable Modification and Auxiliary Aids and Services Policy No. CM-730.05 annually using the Section 504/ADA Coordinator Checklist.
- X. Use Georgia Relay for people who are hearing impaired, have difficulty speaking, or have some other disability requiring the use of relay calls.
<https://georgiarelay.org/services/>
- XI. Utilize [Physical Presence Policy No. CT-800.13](#) exemptions for disability when appropriate.
- XII. Ensure wheelchair, mobility aids, and OPDMD access to WIC Clinics.

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- XIII. Provide individualized and appropriate food benefits within program rules and Georgia WIC Policy to people with disabilities.
- XIV. Document requested and provided reasonable modifications and auxiliary aids and services in the health record.
- XV. Utilize the tools available at <https://www.section508.gov/test/web-software> to ensure compliance with the accessibility requirements of Section 508 for the following:
 - A. Websites and online application/benefit systems
 - B. Documents linked to website and social media
 - C. Materials sent via electronic means

Authority

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

[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](#)

FNS Instruction 113-1, Section VII

7 CFR § 246.7 (m)

7 CFR § 246.8(c)

7 CFR § 246.11(c)(3)

7 CFR § 246.14(c)(5)

7 CFR Part 15 (b)

Georgia WIC Policies and Procedures

[Medical Documentation Policy No. NS-210.12](#)

[Tailoring and 999 Food Packages Policy No. NS-210.16](#)

[Issuance of Ready to Feed Products Policy No. NS-210.18](#)

[Georgia WIC Approved Formulary Policy No. NS-210.20](#)

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[Medical Diagnosis Policy No. NS-210.19](#)

[Emory Genetics WIC Clients Policy No. NS-210.15](#)

Definitions/Supporting Information

ADA Coordinator (aka Section 504 Coordinator) – The Americans with Disabilities Act (ADA) requires state and local governments with 50 or more employees to designate at least one person to serve as the ADA coordinator. The ADA Coordinator's name and contact information must be provided to all interested parties. Likewise, federal financial assistance recipients that employ 15 or more persons must designate at least one person to coordinate disability compliance under Section 504 of the Rehabilitation Act of 1973. One person can fulfill the role of both Section 504 and ADA coordinator.

ADA Notice – Requirement under the ADA and Section 504. State and local governments and recipients of FFA must provide public notice about these statutes. The notice must be targeted to the applicants, beneficiaries, and other people interested in the program's services or benefits. The notice must address employment, effective communication, making a reasonable modification to policies and programs, not placing surcharges on modifications or auxiliary aids and services, and filing complaints. The notice must be provided in the most effective way for the target audience and is an ongoing requirement (i.e., a one-time notice is insufficient.)

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.

Braille – A touch reading system for the blind that employs embossed dots evenly arranged in quadrangular letter spaces or cells. In each cell, it is possible to place six dots, three high and two wide.

Companion – 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. Department staff are required to provide effective communication for companions who have communication disabilities.

Fundamental alteration – Only "reasonable" modifications are required. Any modification that would result in a "fundamental alteration", which is a change in the essential nature of the entity's programs or services, or undue financial burden is not required. Similarly, if an applicant, participant, or companion with a communication disability requests a specific auxiliary

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aid or services, the LA must honor the person's choice, unless it can demonstrate that another equally effective means of communication is available or that the use of the means chosen would result in a fundamental alteration or an undue burden. If the choice expressed by the person with a disability would result in an undue burden or a fundamental alteration, the LA still must provide another aid or service that provides effective communication, if possible.

A high-level official must decide to deny a reasonable modification or requested auxiliary aid or service because the provision of such would result in an undue burden or fundamental alteration, either the Department head or his/her designee – the state WIC Director, and must be accompanied by a written statement of the reasons for reaching that conclusion. Denial of a reasonable modification request or auxiliary aids or service must not result in the denial of access to the program or other benefits or services.

Integrated setting – A setting that allows people with disabilities to interact with currently abled persons to the fullest extent possible.

Persons with disabilities - Person who has a physical or mental impairment that substantially limits one or more major life activities or bodily functions, has a record of such an impairment or is regarded as having such an impairment.

Qualified interpreter disability - An interpreter who, via a [video remote interpreting \(VRI\) service](#) or an on-site appearance, is able to interpret effectively, accurately, and impartially, [both](#) receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include, for example, sign language interpreters, oral transliterators, and cued-language transliterators.

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

Reasonable modification - removing barriers or making changes in policy, practice, or procedure when necessary to allow individuals to participate equally in the program.

Service Animal – A dog that is individually trained to do work or perform work tasks for people with disabilities. Although not a service animal, a miniature horse that is individually trained to do work or perform tasks for an individual with disabilities has the same protections as a service animal.

TDD – Telecommunications Device for the Deaf – Device that allows a conversation to take place over the telephone by sending typed messages through phone lines to the TDD screen.

TTY – Teletypewriter, a precursor to the TDD, is a mechanical teletypewriter for the deaf and speech impaired.

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TRS – Telecommunication Relay Service – A telephone service that allows persons with hearing or speech disabilities to place and receive telephone calls. TRS is available in all 50 states, the District of Columbia, Puerto Rico, and the US territories for local and/or long-distance calls.

Notice of Language, Communication or Accessibility Services – A short statement that provides notice to Limited English Proficiency individuals and the general public to inform about Free Language Assistance and Auxiliary Aids and Services.

Transition Plan – Public entities and public accommodations that provide WIC services must develop a transition plan for making structural changes or alterations to its facilities, websites, and online automated benefits systems to ensure program accessibility for persons with disabilities. At a minimum, a transition plan should include: (1) a list of the barriers that limit accessibility, (2) a detailed outline of the methods that will be used to eliminate the barriers to accessibility, (3) a schedule for the necessary steps, and (4) the name of the person responsible for implementation. Public programs must make the transition plan publicly available. For more information go to https://www.ada.gov/regs2010/titleII_2010/title_ii_primer.html.

Video Relay Service – A subscriber-based service for people who use sign language and have videophones, smartphones, or computers with video communication capabilities.

Video Remote Interpreting (VRI) - A fee-based service that uses video conferencing technology to access an off-site interpreter to provide real-time sign or oral interpreting services for conversations between hearing people and people who are deaf or have a hearing loss. When used, VRI must meet the technological requirements described at 28 CFR § 36.160(d).

Wheelchairs, Mobility Aids, and Other Power-Driven Mobility Devices – A device that assists people with mobility, circulatory, respiratory or neurological disabilities to help with access to areas where members of the public are allowed to go.