



DIVISION OF DEVELOPMENTAL DISABILITIES
Olympia, Washington

TITLE: LIMITED ENGLISH PROFICIENT (LEP) CLIENTS POLICY 5.05

Authority: 42 USC 2000
28 CFR 35, 34 CFR 104, 45 CFR 84
Chapter 49.60 RCW
RCW 74.04.025
WAC 10-08-150, *Adjudicative Proceedings--Interpreters*
Chapter 388-03 WAC, *Rules and Regulations for the Certification of DSHS Spoken Language Interpreters and Translators*
Chapter 388-271 WAC, *Limited English Proficient Services*

Reference: DSHS Administrative Policy 6.12, *Adjustment of Workload for Staff Who Provide Translation and Interpretation Services Outside of Their Workload*
DSHS Administrative Policy 7.20, *Communication Access for Persons Who are Deaf, Deaf/Blind, and Hard of Hearing*
DSHS Administrative Policy 7.21, *Provision of Services to Limited English Proficient (LEP) Clients*

PURPOSE

To establish a process to provide equal access to Division of Developmental Disabilities (DDD) services and programs to persons who do not speak or have a limited ability to speak, read, or write English well enough to understand and communicate effectively.

SCOPE

This policy applies to all employees of DDD.

DEFINITIONS

Auxiliary Aids includes qualified interpreters, assistive listening systems (loop FM and infrared), television captioning and decoders, video tapes, both open and closed captioned, TTYs, transcriptions, readers, taped texts, Braille and large print materials. Any similar device

or service that is needed to make spoken or aural language accessible is also considered an auxiliary aid.

Certified Interpreter/Translator means a person who has passed the required DSHS language fluency examination in the certified languages or has passed a DSHS recognized written translation examination offered by another organization (e.g., American Translators Association, etc.). Language fluency includes an understanding of non-verbal and cultural patterns to effectively communicate in that language. The person must understand the client's culture and be able to integrate that understanding into the translation of written material.

Note: Currently DSHS only certifies, through the testing process, the following languages: Cambodian, Chinese-Cantonese, Chinese-Mandarin, Korean, Laotian, Spanish, Russian, and Vietnamese. All other interpreters/translators for languages other than those listed above are screened and qualified to provide those services by DSHS.

Contracted Service Provider is a person or an agency that contracts with DSHS to provide the amount and kind of services requested by DSHS or provides services under the contract only to those beneficiaries individually determined to be eligible by DSHS.

Limited English Proficient (LEP) is a limited ability to speak, read and/or write English well enough to communicate effectively. Clients determine if they are limited in their ability to speak, read or write English. This definition includes persons with sensory impairments.

Primary Language is the language identified by the client as the language in which he/she prefers to communicate.

Sensory Impaired means a person who is hard of hearing, deaf, partially sighted and/or blind or physically unable to speak.

Sign Language and Sign Systems mean visual or tactile ways of communicating thoughts, ideas and feeling through American Sign Language or manual signs and gestures with specifically defined vocabulary.

Written Communications are DSHS publications, department forms, and documents that:

- Describe services, clients' rights and responsibilities, or changes in benefits, eligibility or service; or
- Request information from a client, a response on the part of a client, or notify a client of an adverse action; or
- Require a client's signature or informed consent.

POLICY

- A. All persons who are Limited English Proficient (LEP) must have equal access to DDD services. Effective communication will be provided through DSHS certified bilingual

- staff. When that is not possible, a DSHS contracted interpreter must be provided to a client who requests the service, at no cost to the client.
- B. Clients must be informed about and provided with free interpreter services as necessary to ensure equal access. Notification of this right must be included on all announcements for meetings to which clients, their parents/families, or the public are invited to participate.
- C. DDD will deliver services that recognize individual and cultural difference. All clients will be given equal access to services, information, and programs, regardless of whether the department or contracted providers deliver services.
- D. Individuals who reside in DDD Residential Habilitation Centers (RHCs) will have their need to receive assistance with verbal and written communication addressed in their Individual Habilitation Plan (IHP).

PROCEDURES

A. Interpreter Services for LEP and Clients with Sensory Impairments

1. Interpreters are used when interpreter services are:
 - a. Requested by the client;
 - b. Necessary for a client's eligibility for services; and/or
 - c. Necessary for the client to access services.
2. LEP and Sensory Impaired (SI) clients are offered interpreter services or auxiliary aids at no cost to them and without significant delay.
 - a. Staff will identify LEP and SI clients during assessment and re-assessment.
 - b. Staff will inform LEP and SI clients of their right to request an interpreter or auxiliary aide.
 - c. Staff must not allow children under the age of 18 years to serve as interpreters.
 - d. LEP or SI clients may secure the services of their own interpreter at their own expense.

- e. LEP Interpreters and Translators for Spoken Languages must be certified and/or qualified by DSHS and comply with the DSHS code of professional conduct.
 - f. Interpreters for Sign Language must register with the DSHS Office for the Deaf and Hard of Hearing Services (ODHHS).
3. All signs on display in division offices and Residential Habilitation Centers (RHCs) that describe services, rights or responsibilities must be multi-lingual. The eight (8) primary translated languages recognized by DSHS and DDD are Cambodian, Chinese, Korean, Laotian, Russian, Somali, Spanish and Vietnamese.
4. Division staff must:
- a. Use the statewide Translation contract, American Sign Language contract or the Interpreter Brokerage contract for Spoken Languages, as appropriate;
 - b. Use the broker/contractor in their region when they require the use of an interpreter or translator; and
 - c. Use [DSHS 17-123A, Request for Sign Language Interpreter](#) or an approved broker form to request interpreters. Contact the regional business manager to find out which form is being used.
5. If the listed contractors cannot meet your needs or you have an emergency that requires immediate attention, DDD staff can access the Language Line or Pacific Interpreters as described below.
- a. **Language Line: 1-877-261-6608 (telephonic interpretation):** Follow these steps:
 - 1) Contact the regional business manager to determine the client ID number, organization name, and personal code;
 - 2) Dial the 877 phone number; and
 - 3) Give the language needed, organization name (Region, SOLA, RHC), and the personal code (3-digit number); **or**
 - b. Alternatively, staff can contact Pacific Interpreters at:

520 SW Yamhill, Suite 320 Phone: 503/445-5642
Portland, OR 97204 Fax: 503/445-5501
Email: www.pacificinterpreters.com

B. Written Translation Services

1. Staff must request translation of Category 1-4 forms and records through their designated LEP Coordinator. Category 1-4 translations are for DDD Central Office use only. They include translating publications, forms, and records. Written materials used for outreach must be available in the eight (8) primary languages and in enlarged print. Films or videos must be subtitled when necessary in order to address special language needs in services areas.
2. Category 5, Client Specific translation requests, will go through the Regional Business Manager or the Regional Administrator's designee. When translating client specific documents generated out of CARE use the [Translation Billing](#) procedures identified in the Case Management Information System Phase V Online Resources. For all other documents use [DSHS 17-120, Translation and Order Request](#).

SUPERSESSSION

DDD Policy 5.05
Issued May 1, 2009

EXCEPTIONS

No exceptions to this policy may be granted without the prior written approval of the Division Director.

Approved: /s/ Linda Rolfe
Director, Division of Developmental Disabilities

Date: August 1, 2009