

Language Interpretation and Translation

As background, the Federal regulations are very clear that, under the rights and safeguards section of Part C of the Individuals with Disabilities Education Act (IDEA Part C), <http://idea.ed.gov/part-c/search/new>. It is a parent's right to thoroughly understand all activities and written records about their child, thus the requirement that eligibility determinations, assessments, IFSPs, consents and procedural safeguards must be provided in the native language of the family.

Federal Regulations state:

The 2011 Regulations noted, "...requiring the native language to be used in all direct contact with a child, especially in providing early intervention services to an infant or toddler with a disability, may not be necessary or feasible in all circumstances." "Thus, [the Department] has not included in these final regulations the requirement in proposed §303.25(a)(2) that native language be used in all direct contact with the child. However, as recipients of Federal financial assistance, Part C lead agencies must comply with the requirements in Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, or national origin in programs or activities receiving Federal financial assistance."

The policy of the Department of Economic Security (DES) is to provide quality and timely language assistance services to clients with Limited English Proficiency (LEP) to ensure meaningful access to programs, services, and activities. See (34 C.F.R. §303.25) and (DES Policy statement 01-01-34).

AzEIP Policy and Procedures states:

"Native language, when used with respect to an individual who is limited English proficiency or LEP means: A. the language normally used by that individual, or, in the case of a child, the language normally used by the parents of the child, except as provided in B. below; B. for evaluations and assessments, the language normally used by the child, if determined developmentally appropriate by qualified personnel conducting the evaluation or assessment. Native language when used with respect to an individual who is deaf or hard of hearing, blind or visually impaired, or for an individual with no written language, means the mode of communication that is normally used by the individual (such as sign language, Braille, or oral communication)."

The Scope of Work for all AzEIP providers also has this requirement: "7.0

Administrative Requirements: 7.7. Ensure that all personnel are able to communicate effectively with the family members or caregivers in their native language or other mode of communication (e.g., Spanish, American Sign Language, etc.). If personnel are not fluent in the native language or other mode of communication, the Contractor shall coordinate access to competent interpretation and/or translation through resources available to the family and/or community. If interpretation and/or translation are not available to the family or in the community, the Contractor shall provide appropriate interpretation and/or translation services as a component of service delivery. The Contractor shall ensure that all confidentiality requirements are maintained regardless of the source of interpretation and/or translation services."

Therefore, AzEIP service coordinators are responsible for obtaining an interpreter (using a parent's mode of communicating), if feasible to do so. All parents must understand all activities and written records about their child and they must be an informed team member and decision-maker. Interpretation would be those services conducted in person with the family to ensure their understanding. Translation would include those services when documentation needs to be composed from, say, Spanish into English. In responding to the following questions, The DES/AzEIP Office is referencing interpretation services.

Specific Questions from the Field

Question: Can we bill for translation services?

Answer: There is no separate code when invoicing for interpretation services. There is a percentage of the reimbursement rate that is allocated for administrative costs, which would include interpretation services. Therefore **there is no separate billing code or invoicing to AzEIP for interpretation services.**

Question: What, if any, are the requirements for the interpreters going to the home with our providers?

Answer: The answer depends on whether or not the interpreter is providing a direct service. In most instances this will not be the case; the interpreter may be physically present for language services and will not be left alone with, or provide direct services to the child. Many requirements that contractors must meet, such as Fingerprint Clearance Cards, are for providers providing direct services to children and therefore not a requirement for these individuals. To review these requirements for direct providers, please refer to the DES Special Terms and Conditions document your organization received upon award of your AzEIP contract

There may be additional requirements when a child is in the foster system, as the translator will be subjected to confidential information and, due to the nature of the protections in place for a child in DCS custody, other requirements may need to be met. *We have asked for clarification from the Assistant Attorney Generals (AAGS) for DCS to delineate whether these individuals need to meet DES security requirements and once we have guidance we will share them with providers.*

Question: Please confirm which agency covers the cost of interpretation services for families once a child is DDD eligible. Locally, one provider agency is paying and another agency's interpretation services are being covered by DDD.

Answer: If the Team, which includes the family, determines that interpretation services are necessary, and the child is DDD eligible, DDD would cover interpretation services for SC functions (such as meetings, SC phone calls, etc.) but would **not** provide interpretation services for the direct therapy services contracted through the AzEIP TBEIS contracts. Ensuring interpretation services are available for Team Lead (TL) or joint visits by other providers provided by an AzEIP provider is the responsibility of the AzEIP contractor.

Question: If SC visits are covered by DDD, but the TL visits are to be covered by the AzEIP TBEIS provider agency, different interpreters may be used (provider agencies have different interpreter service contracts than DDD). For consistency purposes, how would we handle this?

Answer: DDD uses a qualified vendor system when interpretation services are requested for a family. AzEIP providers are welcome to utilize any sub-contractor for interpretation services. There may be times when the person providing the interpretation services may be a different individual. However, assuming all the interpreters are proficient in the language needing to be translated, there should be no conflict in the use of multiple services and/or interpreters.

Question: Several interpreter services require a home visit so phone contact only is limited. DDD is currently working to resolve interpreter phone services on their end but it brought up a question of how to support a family with TL not direct services. We have a family who receives several services at CRS and prefers SC only. Do you have suggestions for how to best handle this situation? Does a TL have to be assigned in this situation?

Answer: The AzEIP TBEIS Scope of Work requires the AzEIP provider to arrange for interpretation services. Since all of the AzEIP providers are working under the same requirement, it may be helpful to reach out to other providers to identify an interpreting service that best meets your organizations needs.

The second part of the question has been addressed in another forum. A TL needs to be assigned in I-TEAMS so that an IFSP can be created. In those instances where a family has requested Service Coordination only, it would be the responsibility of the Service Coordinator, not the TL, to provide all direct and non-direct services for the family.