

LANGUAGE ACCESS WORK GROUP

FINAL REPORT | DECEMBER 2017



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SECTION 1

RECOGNIZING AND ADDRESSING THE GROWING NEED FOR LANGUAGE ASSISTANCE SERVICES

LEGAL BASIS & GUIDANCE

The Supreme Court and other federal courts have ruled consistently that a denial of services or failure to provide meaningful access to services to persons who are Limited English Proficient (LEP) constitutes a violation of the Title VI provision of the Civil Rights Act of 1964 prohibiting discrimination based on national origin. In *Lau v. Nichols*, 414 U.S. 563, 569 (1974), the Supreme Court found that "...the Chinese-speaking minority received fewer benefits than the English-speaking majority of respondents." Other courts have issued similar rulings. *Sandoval v. Hagan*, 197 F.3d 484, 510-11 (11th Cir. 1999) held that English-only policy for driver's license applications constitutes national origin discrimination under Title VI, and *Almendares v. Palmer*, 284 F. Supp. 2d 799, 808 (N.D. Ohio 2003) held that allegations of failure to ensure bilingual services in a food stamp program could constitute a violation of Title VI. The regulations promulgated by the U.S. Department of Justice (DOJ) for implementation of Title VI of the Civil Rights Act of 1964 prohibit intentional discrimination as well as practices that have the effect of discriminating against individuals based on national origin. Federal agencies and recipients of federal financial assistance must comply with DOJ's implementing regulations for Title VI.

Another milestone regarding language access is President Bill Clinton's Executive Order 13166 signed on August 11, 2000, *Improving Access to Services for Persons with Limited English Proficiency*. This order required that Federal agencies examine the services they provide, identify language needs for LEP persons, and develop and implement a system to provide those services so that LEP persons can have meaningful access to them.

On the same date that President Clinton signed Executive Order 13166, the Department of Justice issued a policy guidance document to assist Federal agencies in developing criteria by which to evaluate whether recipients of Federal financial assistance are complying with the non-discrimination provision in Title VI, stating that recipients must take "reasonable steps to provide meaningful access" to LEP persons. This DOJ guidance document outlines a four-factor analysis that will be used to determine if "reasonable steps" have been taken.

THE FOUR FACTORS TO BE CONSIDERED BY FEDERAL AGENCIES AND RECIPIENTS OF FEDERAL FINANCIAL ASSISTANCE IN ASSESSING LANGUAGE ACCESS NEEDS ARE:

- 1** The number and proportion of LEP persons eligible to be served or likely to be encountered by the programs and services through the agency receiving federal funding.
- 2** The frequency with which LEP persons come into contact with the programs and services of the agency receiving federal funding.
- 3** The nature and importance of the programs and services to LEP persons.
- 4** The resources available to agency staff and the overall costs to provide LEP assistance.

DOJ will determine whether or not the steps that have been taken by the agency or recipient of Federal financial assistance to address the language needs of LEP persons they serve constitute “reasonable steps” based on these four factors.

In January 2007, the concept of “safe harbor” was introduced in guidance to recipients of federal financial assistance outlining ways to avoid national origin discrimination affecting people who are limited English proficient that was issued by the U.S. Department of Housing and Urban Development and that has become a standard in terms of determining when written translation of “vital documents” is required. Entities of federal financial assistance may find a “safe harbor” from translating vital documents if they take the following steps:

- (a) The HUD recipient provides written translations of vital documents for each eligible LEP language group that constitutes 5 percent or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally; or
- (b) If there are fewer than 50 persons in a language group that reaches the 5 percent trigger in (a), the recipient does not translate vital written materials but instead provides written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

Two important things to note about safe harbor is that (i) this standard does not apply to oral translation and that this standard applies only to “vital documents.” For persons seeking to access services from entities receiving federal financial assistance, those federally funded entities are required to provide oral translation upon request, regardless of the representation of that language group in the general population. Regarding the issue of “vital documents,” those documents are defined as the documents that are necessary for providing “meaningful access.” A 2011 guidance document from the Department of Justice defines “vital documents” as including, but not being limited to “...consent and complaint forms; intake and application forms with the potential for important consequences; written notices of rights; notices of denials, losses, or decreases in benefits or services; notice of disciplinary action; signs and notices advising LEP individuals of free language assistance services.”

On February 17, 2011, Attorney General Eric Holder authored a Memorandum to Heads of Federal Agencies regarding the Federal government's renewed commitment to language access obligations under Executive Order 13166. This Memorandum outlined specific actions to be taken by each Federal agency to: develop and implement a system by which each agency will ensure meaningful access for LEP persons; and to provide guidance to recipients of Federal financial assistance about the requirement for them to comply with Federal laws and policies prohibiting discrimination on the basis of race, color or national origin (including language) and obtain assurance from recipients that they will take the necessary steps to comply with these regulations.

LANGUAGE NEEDS OF OUR LOCAL COMMUNITY

In any language assessment that is conducted for an agency or program, the number and proportion of each language group in the service area should be used to determine appropriate language services. In this section, we share data about the growing language needs in Travis County. This is an analysis that is done by CAN on an annual basis and is shared on the CAN Dashboard website (www.dashboard.canatx.org) in the demographics section. Unless an entity's service area is Travis County, then additional analysis by the agency/program administrator must be undertaken to assess the needs of the LEP communities being served by the agency or program.

The growth in the number of residents who speak a language other than English outpaced the growth of the general population by 15% from 2000 to 2015. During this same period, the growth in the number of residents who speak English less than "very well" outpaced the growth of the general population by 3%.

LANGUAGE GROWTH IN TRAVIS COUNTY:

		2000	2010-2015	% CHANGE
Population 5 and over	Travis	753,786	1,043,280	38%
	MSA	1,157,494	1,759,007	52%
Speaks English only	Travis	537,622	712,414	33%
	MSA	859,214	1,265,247	47%
Speaks a language other than English	Travis	216,164	330,866	53%
	MSA	298,280	493,760	66%
Speaks English less than "very well"	Travis	94,350	132,708	41%
	MSA	121,849	185,607	52%

Source: U.S. Census, 2011-2015 5-Year American Community Survey, B16001 and 2000 Decennial Census, SF3

According to the table below, when looking at specific languages, Vietnamese speakers are the group with the highest proportion of individuals who speak English less than "very well," followed by Spanish, Arabic, and Chinese speakers.

RESIDENTS WITH LIMITED ENGLISH PROFICIENCY, TRAVIS COUNTY

	NUMBER OF SPEAKERS	SPEAK ENGLISH LESS THAN "VERY WELL"	
Spanish	253,545	109,030	43%
Chinese	11,501	4,150	36%
Vietnamese	10,772	6,253	58%
Other Asian Languages	7,335	1,262	17%
French	5,342	867	16%
Hindi	4,583	1,013	22%
Korean	4,503	1,575	35%
Urdu	3,323	1,023	31%
Arabic	3,257	1,346	41%
Other Indic Languages	3,071	441	14%

Note: Estimates for Arabic, Hindi, French, Urdu, and African Languages are unreliable at the 90% confidence level.

Source: U.S. Census, 2011-2015 5-Year American Community Survey, B16001

In early 2015, CAN conducted a Language Access Survey of local service providers to determine how local agencies were meeting the language access needs of their clientele and what barriers existed to providing or expanding those services. It is the responses to this survey that led to the establishment of CAN's Language Access Work Group and the publication of this report.

The survey showed that local agencies struggle to meet the needs of non-English speaking clients, and 93% of respondents replied that they would be interested in collaborating with other agencies and non-profit organizations to meet these needs. CAN received 121 survey responses. 43% were from local, state or federal governmental agencies and 23% were from large non-profit organizations. Responses support the need for expansion of language assistance services and collaboration among service providers as a way of more effectively meeting the language needs of our community.

Findings from CAN's 2015 Language Access Survey Pertaining to Service Delivery:

55% report that their organization is able to meet the needs of LEP clients 'most of the time';

41% report that their organization 'sometimes' misses out on clients or customers due to an inability to meet language needs;

48% report that their organization 'rarely' or 'sometimes' must turn away customers due to lack of interpreter/translator services; about 47% say 'never';

70% believe their organization meets the needs of Spanish-speakers. Of these, 65% struggle to meet the needs of speakers of less-commonly-spoken languages;

35% report that their organization struggles to serve LEP clients at a level equal to English-speaking clients. Languages for which language assistance is needed the most: Spanish (30%), Vietnamese (28%), Chinese languages (26%), ASL (23%), Arabic (16%), Burmese (15%), Korean (12%)



LOCAL PLANS/REPORTS SUGGESTING EXPANDED AVAILABILITY AND/OR IMPROVEMENT OF LANGUAGE ASSISTANCE SERVICES

Imagine Austin Comprehensive Plan – 2012

The vision for the Imagine Austin Comprehensive Plan is articulated in Chapter 3 of the plan. The purpose of the plan is to create an Austin that values and respects its people and that is: livable; natural & sustainable; creative; educated; mobile and interconnected; and prosperous.

The plan does not explicitly mention the importance of addressing the language needs of LEP persons. However, if you study the graphic below showing the characteristics that underlie the Imagine Austin vision statements, one realizes that language barriers could significantly impede the ability of LEP persons and their families to partake in the benefits of this vision and the investments that may be directed to achieving this vision. If this vision is not realized for LEP persons and their families, then the statement that “we will become a city of complete communities” cannot be achieved as it has been articulated:

Each level of our complete communities...will be livable, safe and affordable; promote physical activity, community engagement and inclusion; ensure that amenities and services are easily accessible to all; and contribute to Austin unique community spirit.

Imagine Austin Comprehensive Plan
JUNE 15, 2012 (PAGE 88)

IMAGINE AUSTIN VISION STATEMENTS AND DEFINING CHARACTERISTICS

<div data-bbox="285 1213 360 1289"></div> <div data-bbox="360 1178 776 1213" style="background-color: #008080; color: white; padding: 2px;">LIVABLE</div> <ul style="list-style-type: none"> • Healthy and Safe Communities • Housing Diversity and Affordability • Access to Community Amenities • Quality Design/Distinctive Character • Preservation of Crucial Resources 	<div data-bbox="854 1213 928 1289"></div> <div data-bbox="928 1178 1334 1213" style="background-color: #008080; color: white; padding: 2px;">PROSPEROUS</div> <ul style="list-style-type: none"> • Diverse Business Opportunities • Technological Innovation • Education/Skills Development
<div data-bbox="285 1461 360 1537"></div> <div data-bbox="360 1425 776 1461" style="background-color: #0056b3; color: white; padding: 2px;">MOBILE AND CONNECTED</div> <ul style="list-style-type: none"> • Range of Transportation Options • Multimodal Connectivity • Accessible Community Centers 	<div data-bbox="854 1390 928 1465"></div> <div data-bbox="928 1354 1334 1390" style="background-color: #ffcc00; color: white; padding: 2px;">EDUCATED</div> <ul style="list-style-type: none"> • Learning Opportunities for All Ages • Community Partnerships with Schools • Relationships with Higher Learning
<div data-bbox="285 1633 360 1709"></div> <div data-bbox="360 1598 776 1633" style="background-color: #ff9900; color: white; padding: 2px;">VALUES AND RESPECTS PEOPLE</div> <ul style="list-style-type: none"> • Access to Community Services • Employment, Food and Housing Options • Community Civic Engagement • Responsive/Accountable Government 	<div data-bbox="854 1566 928 1642"></div> <div data-bbox="928 1530 1334 1566" style="background-color: #00aaff; color: white; padding: 2px;">CREATIVE</div> <ul style="list-style-type: none"> • Vibrant Cultural Events Programs • Support for Arts/Cultural Activities
	<div data-bbox="854 1709 928 1785"></div> <div data-bbox="928 1673 1334 1709" style="background-color: #008080; color: white; padding: 2px;">NATURAL AND SUSTAINABLE</div> <ul style="list-style-type: none"> • Sustainable, Compact and Walkable Development • Resource Conservation/Efficiency • Extensive Green Infrastructure

WELCOMING CITY INITIATIVE FINAL REPORT - 2015

In this report, the issue of multi-lingual access is mentioned in just about every goal area. The following are two of the Top 10 priorities that were highlighted in the report that are relevant to this report:

- Increase access to language-appropriate services including oral and written information;
- Remove barriers or create new pathways for immigrants to access existing services.
The following are a few themes that emerged through focus groups and stakeholder groups in the section on “Community Involvement & Community Engagement:”
 - Immigrants face difficulties getting involved;
 - Language is a barrier to immigrant involvement; and
 - Exclusion of immigrants from community engagement makes Austin less welcoming.



SMART CITY READINESS WORKSHOP REPORT – APRIL 2017

The Public Engagement & Community Engagement breakout groups suggested the following modalities for presenting information and engaging community:

- Suggested technology modes for community engagement and information are kiosk and apps with kiosks being delivered in safe spaces in the community such as schools, libraries, cultural/community centers and places of worship.
- Modes of engagement and information should connect community members to emergency services, municipal services, social services and neighborhood/incident specific content.
- Modes of engagement and information should offer opportunity for participatory government (e.g., polls surveys, project/issue/plan specific input).
- Modes of engagement and information should cover multiple jurisdictions/geographies (city, county, state, schools, health. district, etc.)
- Modes of engagement and information should be multi-lingual in format.



CASE STUDY

CITY OF AUSTIN

Language Access Audit Report by the Office of the City Auditor for the City of Austin – 2016

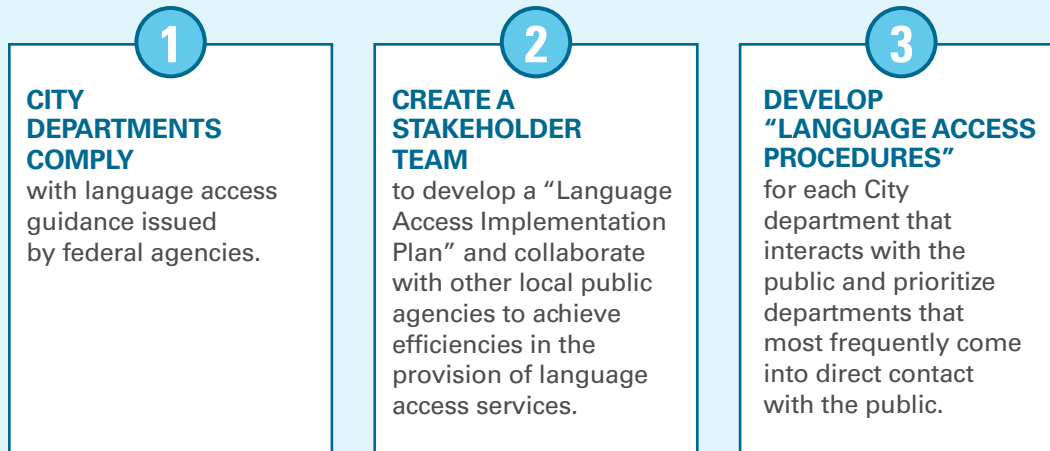
In June of last year, the City Auditor published the results of an audit to assess: the management of language services; the effectiveness of existing language access policies, procedures and programs; and how Austin's efforts compare to those of peer cities. The audit report found that:

- while the City of Austin has made efforts to provide language assistance services to Austin residents, the City may not be meeting the needs of all residents; and
- most City departments that receive federal assistance have not completed a required language access assessment.

The audit report recommends that the City Manager or designee establish a stakeholder team to design a language access program that meets federal requirements and to designate a person or persons with authority to implement, monitor and periodically update the language access program.

CITY OF AUSTIN RESPONSE:

Following the Auditor's report, City Council passed Resolution 20161103-2016 related to the City's Language Access Program. The resolution directed the City Manager to ensure the following:



Building upon efforts already in place to improve the ability to provide access to City programs and information for residents with Limited English Proficiency (LEP), the Communications and Public Information Office (CPIO) partnered with other City departments, City leadership and community members to identify areas for improved service delivery.

CASE STUDY

CITY OF AUSTIN (continued)

To develop a sustainable, citywide framework for language access, the City began several activities:

LANGUAGE ACCESS PLANS AND GUIDANCE

Provided training, guidance documents and a language access plan template to all city departments. The plans will provide an organization-wide needs assessment of language access activities. They will also identify service gaps define resource needs, and set implementation milestones.

SERVICE CONTRACTS AND TRAINING

Staff evaluated existing service contracts across the organization and started the process to create citywide resources for translation and interpretation. The process incorporates best practices for translation procurement, including localization of language translations. The goal is to qualify multiple vendors across multiple languages for departments in need of translation.

In addition to contracts, the City partnered with the Multicultural Refugee Coalition (MRC) to provide a community interpreter training for bilingual City staff. The training program, Shared Voices, provided practical guidance on the kind of day-to-day interpretation services bilingual employees provide to the Limited English Proficient (LEP) community.

LANGUAGE IDENTIFICATION SYSTEM

In collaboration with the Community Advancement Network (CAN) language access working group partners, the City is creating a language identification system to create consistency in language access services throughout Austin. The system will include language identification placards that are customized for languages spoken in Austin and placed in areas where public contact/interaction is common. The tool is intended to provide a resource for interactions between people who don't speak the same language.

In addition to the language identification card, staff will develop an individual card, commonly referred to as an "iSpeak card," that LEP persons can carry to assist in obtaining language access through over-the-phone interpreting at points of contact with City departments. Staff will establish process and best practices that will be incorporated into training for City staff and shared with other community agencies.

STAFFING AND TRANSLATIONS

The City hired a Language Access Coordinator to consult with departments on language access procedures and plans, coordinate activities and identify critical documents in need of translation.

These activities, coupled with research and community needs will allow the City to continue work to establish policies to guide the Language Access Program.

AUSTIN ISD TASK FORCE ON EDUCATION & THE QUALITY OF LIFE FOR HISPANIC STUDENTS - 2006

This AISD Task Force offered the following goals, objectives & strategies

GOAL 1

Improve the quality of education for Hispanic students through building greater understanding of and positive attitudes toward their needs.

Objective 1.1

Better connect and communicate with Hispanic parents and the Hispanic community.

Strategies

Provide more AISD and City of Austin translation services and information available in Spanish to parents and community members at points of service and on websites.

.....

Fund full-time bilingual parent liaisons at every campus trained in community relations and advocacy for parent and student rights, and hold them accountable for success in bringing parents into schools.

GOAL 2

Improve the quality of education for Hispanic students through ensuring access to a strong foundation for teaching and learning.

Objective 2.2

Improve programs to bring English Language Learners to proficiency in both English and Spanish.

Strategies

Increase the number and retention of certified bilingual education teachers and eliminate the use of non-certified bilingual education teachers in that program.

.....

Realign the bilingual education program to maintain instruction in both English and Spanish through completion of elementary school.

.....

Allocate greater resources to the English as a Second Language (ESL) program by replicating successful services such as the International Welcome Center and International High School in more locations throughout the district.

.....

Expand the ESL program through providing peer mentoring and tutoring services.

.....

Create opportunities for English learners and Spanish learners to learn together.

.....

Explore dual language programs and consider pilots.

CAN COMMUNITY COUNCIL REPORT ON BUILDING A PERSON-CENTERED COMMUNITY –2017

Since 2014, the Community Advancement Network’s Community Council has been studying the salient elements and key aspects of Person-Centered Care, the principles underlying it, and the practices that define it in the Austin community. The ultimate aim is to shine a light on person-centered service delivery and create an actionable framework that defines and give structure to person-centered concepts. The CAN Community Council hopes that this framework will inform CAN partner and the community as a whole on how best to adopt the principles and practices that will advance Austin’s desire to be a Person-Centered Community. The following eight principles were the product of those deliberations with one of the priorities specifically calling attention to the importance of language access:

BUILDING A PERSON-CENTERED COMMUNITY FRAMEWORK

CAN Community Council



THE IMPACT OF FAILING TO PROVIDE MEANINGFUL LANGUAGE SERVICES

A 2005 research report from the U.S. Department of Health & Human Services Office of Minority Health identified the following concerns with regard to language access: access to care; quality of care; patient satisfaction; and resource utilization. Without effective language assistance, patients may choose to go to fewer doctor visits, particularly for preventive care. An inability of clinical staff to effectively communicate with patients can lead to wrong diagnosis or prescriptions. If adequate language services are not provided, patients may leave the emergency room or hospital not understanding their treatments plans. Patients with chronic diseases, like Diabetes, may struggle more with management of their conditions due to lack of understanding of prescription drug use and appropriate self-monitoring procedures. Dissatisfaction with services in these healthcare settings may discourage patients from seeking out services.

Source: A Patient-Centered Guide to Implementing Language Access Services in Healthcare Organizations (2005), U.S. Department of Health and Human Services, Office of Minority Health

A recent guidance document from the U.S. Department of Justice provides guidance to state courts on the importance of language assistance services. Practices that deny LEP persons meaningful access to the courts can undermine the public trust that laws are fairly and equitably applied. The guidance outlines many important principals:

Language services should not be restricted based on types of proceedings: civil or criminal;

Court proceedings are not the only court services for which language assistance should be provided. If staff outside the courtroom are not able to effectively communicate with LEP persons, then LEP persons may not be able to understand court processes, complete paperwork, respond to inquiries, etc.



Actual court proceedings should also address language needs of witnesses to avoid miscarriage of justice or putting a community member at risk of harm.

Language assistance should be provided at no cost to ensure that language assistance is available regardless of income status;

Interpreters should have proper qualifications and training.

Source: Language Access in State Courts (2016), U.S. Department of Justice

In 2015, the U.S. Department of Education and the U.S. Department of Justice issued joint guidance on legal obligations of state education agencies and local school districts to facilitate compliance with civil rights laws so that all students have equal access to a high quality education and an opportunity to achieve their full academic potential. Legal obligations discussed are not only for English Language Learners but also the parents/guardians of students who may, themselves, be Limited English Proficient. The following are the types of issues for which the Department of Justice may pursue legal action if challenges or barriers are found to exist:

Identify and assess ELL students in need of language assistance in a timely, valid, and reliable manner;

Provide ELL students with a language assistance program that is educationally sound and proven successful;

Sufficiently staff and support the language assistance programs for ELL students;

Ensure ELL students have equal opportunities to meaningfully participate in all curricular and extracurricular activities, including the core curriculum, graduation requirements, specialized and advanced courses and programs, sports, and clubs;

Avoid unnecessary segregation of ELL students;

Ensure that ELL students with disabilities under the Individuals with Disabilities Education Act (IDEA) or Section 504 are evaluated in a timely and appropriate manner for special education and disability-related services and that their language needs are considered in evaluations and delivery of services;

Meet the needs of ELL students who opt out of language assistance programs;

Monitor and evaluate ELL students in language assistance programs to ensure their progress with respect to acquiring English proficiency and grade level core content, exit ELL students from language assistance programs when they are proficient in English, and monitor exited students to ensure they were not prematurely exited and that any academic deficits incurred in the language assistance program have been remedied;

Evaluate the effectiveness of a school district's language assistance program(s) to ensure that ELL students in each program acquire English proficiency and that each program was reasonably calculated to allow ELL students to attain parity of participation in the standard instructional program within a reasonable period of time;

Ensure meaningful communication with LEP parents.

Source: Department of Education and Department of Justice Issue Joint Guidance on the Obligations of State Educational Agencies and School Districts to Serve English Language Learners, Pursuant to Title VI and the Equal Educational Opportunities Act (2015)

SECTION 1

SOURCES & RESOURCE MATERIAL

Executive Order 13166 - Improving Access to Services for Persons with Limited English Proficiency (August 11, 2000):

<https://www.gpo.gov/fdsys/pkg/FR-2000-08-16/pdf/00-20938.pdf>

Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons," 72 F.R. 2732 (Jan. 22, 2007):

<https://www.gpo.gov/fdsys/pkg/FR-2007-01-22/pdf/07-217.pdf>

Commonly Asked Questions and Answers Regarding Executive Order 13166 (2011):

https://www.lep.gov/faqs/042511_Q&A_EO_13166.pdf

Common Language Access Questions, Technical Assistance, and Guidance for Federally Conducted and Federally Assisted Programs (2011):

https://www.lep.gov/resources/081511_Language_Access_CAO_TA_Guidance.pdf

Title VI Protection for LEP Individuals:

https://www.lep.gov/faqs/042511_Q&A_TitleVI_and_Regulations.pdf

CAN Language Proficiency PowerPoint Presentation (updated annually)

A Patient-Centered Guide to Implementing Language Access Services in Healthcare Organizations (2005):

<https://minorityhealth.hhs.gov/assets/pdf/checked/hc-lsig.pdf>

Language Access Guidance Letter to State Courts from Assistant Attorney General Thomas E. Perez (2010):

https://www.lep.gov/final_courts_ltr_081610.pdf

Department of Education and Department of Justice Issue Joint Guidance on the Obligations of State Educational Agencies and School Districts to Serve English Language Learners, Pursuant to Title VI and the Equal Educational Opportunities Act (2015):

<https://www.justice.gov/sites/default/files/crt/legacy/2015/01/07/eldcleng.pdf>

Language Access in State Courts (2016):

<https://www.justice.gov/crt/file/892036/download>

Language, Culture, And Medical Tragedy: The Case Of Willie Ramirez, Health Affairs Blog, November 19, 2008:

<http://healthaffairs.org/blog/2008/11/19/language-culture-and-medical-tragedy-the-case-of-willie-ramirez/>

Language Access Audit Report – June 2016, Office of the City Auditor, City of Austin:

http://www.austintexas.gov/sites/default/files/files/Auditor/Audit_Reports/AU16105_June_2016_.pdf

Imagine Austin Comprehensive Plan – June 2012, City of Austin:

ftp://ftp.ci.austin.tx.us/npzd/IACP_amended2016_web_sm.pdf

Information Sheet: Language Access and the Law, Title VI of the Civil Rights Act - January 2008, The Joint Commission

[http://www.jointcommission.org/assets/1/6/Lang%20Access%20and%20Law%20Jan%202008%20\(17\).pdf](http://www.jointcommission.org/assets/1/6/Lang%20Access%20and%20Law%20Jan%202008%20(17).pdf)

SECTION 2

LANGUAGE ACCESS WORK GROUP RECOMMENDATIONS

STRATEGY 1

Strength Language Access Policies and Plans

On February 17, 2011, Attorney General Eric Holder authored a Memorandum to Heads of Federal Agencies regarding the Federal government's renewed commitment to language access obligations under Executive Order 13166. This Memorandum outlined specific actions to be taken by each Federal agency to: develop and implement a system by which each agency will ensure meaningful access for LEP persons; and to provide guidance to recipients of Federal financial assistance about the requirement for them to comply with Federal laws and policies prohibiting discrimination on the basis of race, color or national origin (including language) and obtain assurance from recipients that they will take the necessary steps to comply with these regulations.

An assessment and planning tool was published by DOJ in May 2011 to assist Federal agencies and recipients of Federal financial assistance in conducting language access self-assessments and developing language access policies, implementation plans and procedures. The self-assessment process allows Federal agencies and recipients of Federal financial assistance: to better understand the needs of and engage with LEP communities; design language services to best meet the language needs of these communities; develop effective policies and procedures to guide agency staff; and institute monitoring and evaluation measures that can be used as a basis for continually improving the language assistance services.

STRATEGY 1 (CONTINUED)

Strengthen Language Access Policies and Plans

RECOMMENDATIONS:

- 1.1** Adopt a language access plan that is consistent with the DOJ's Language Access Assessment and Planning Tool for Federally Funded and Federally Assisted Programs (May 2011) that suggests the following framework to assess the effectiveness of an agency's language access programs:
 - Identify and assess LEP communities
 - Understand how LEP individuals interact with your agency
 - Train staff
 - Provide notice of language access services
 - Provide language assistance services
 - Monitor, evaluate and update
- 1.2** Obtain input from program/agency staff serving LEP persons, especially staff that are given stipends to serve as interpreters for LEP persons (and are not certified interpreters), in identifying language access needs and developing a language access plan.
- 1.3** Obtain input from LEP persons served by the program/agency in identifying language access needs and developing a language access plan.
- 1.4** Obtain quantitative and qualitative data on LEP program access and outcomes by agency and/or program.
- 1.5** For agencies/providers with multiple programs serving a large number or percentage of LEP persons, conduct a language needs assessment on a program-specific or department-specific basis.





STRATEGY 2

Improve Coordination and Alignment of Language Services

Develop coordinated campaigns to raise awareness of rights and responsibilities regarding language services and to more effectively link LEP persons with services.

- 2.1** Establish a uniform language identification system for the Austin area (e.g., an “iSpeak” system or similar system)

- 2.2** Develop integrated online, mobile and site based (i.e., kiosks, tablets, etc.) technology tools that are multi-lingual in design and help connect LEP persons to services in a manner that is language appropriate.

- 2.3** Ensure that technology solutions developed per recommendation 2.2 are accessible for persons with disabilities.

- 2.4** To make technology tools outlined in recommendation 2.2, each entity wanting to be included in a “technology hub” must create a web page describing procedures for obtaining interpretation services and requesting document translations and must develop and make publicly available an “Obtaining Language Assistance from (My Agency)” form, a copy of which will be included in the CAN Language Access Toolkit.

- 2.5** Develop uniform branding for materials and signage used to advertise the availability of language services.

- 2.6** Develop a “know-your-rights” one-page information sheet that may be widely distributed by service providers in the Austin area.

- 2.7** Establish the CAN Language Access Implementation Team for the purpose of advising and assisting CAN with on-going revisions to the CAN Language Access Toolkit and development of language access resources for the Austin Area, including resources referenced in this report and others as needed to more effectively address language needs.

STRATEGY 3

Establish Clear Standards, Procedures & Protocols to Ensure Effective Delivery of Language Services

Ensure that staff at all levels are aware of the rights of LEP persons regarding language access and the program/agency protocols for serving the language needs of LEP persons.

3.1 Develop training programs for staff so that staff clearly understand agency/program requirements for language access.

3.1.1 Develop an “Obtaining Language Assistance from (My Agency)” form to assist with communication of procedures with LEP persons.

3.1.2 Ensure department heads and all supervisors within their departments are familiar with the “Know Your Rights” information sheet (referenced in Recommendation 2.6) and “Obtaining Language Assistance from (My Agency)” form and can adequately respond to requests, inquiries and complaints relating to language access.

3.1.3 Ensure front-line personnel are familiar with the “know your rights” one-page information sheet (referenced in Recommendation 2.6), are familiar with the “Obtaining Language Assistance from (My Agency)” form, the step-by-step protocols for obtaining interpretation services, the availability of agency/program documents in languages other than English, and the protocols for requesting document translations if needed.

3.1.4 Develop a training program for staff that are paid to serve as interpreters for LEP persons (but are not certified interpreters) and require that said staff attend this training (or continuing education) at least once per year.

3.1.5 Use “Standards for Interpretation of Health Services” by National Council on interpreting in Health Care and “Standards for Interpretation in Court Proceedings” by National Association of Judiciary Interpreters and Translators as a basis for the development of the program referenced in Recommendation 3.1.4.



STRATEGY 3 *(CONTINUED)*

Establish Clear Standards, Procedures & Protocols to Ensure Effective Delivery of Language Services

- 3.1.6** If staff that are paid a stipend to serve as interpreters for LEP persons (but are not certified interpreters), ensure that said staff are required to attend annual trainings on “Standards for Interpretation” (referenced in Recommendation 3.1.5)
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- 3.2** Develop adequate administration procedures and systems for linking LEP persons with language services.
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- 3.2.1** Develop a detailed protocol for scheduling appointments via a phone call and an in-person visit that includes procedures for obtaining interpretation for the phone call or in-person visit as well as procedures for scheduling interpretation for the appointment that is set during that phone call or in-person visit.
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- 3.2.2** Develop procedures for documenting all phone calls, in-person visits and appointments requiring interpretation services and develop a system that ensures that LEP persons do not have to make multiple requests for interpretation services.
-
- 3.2.3** Develop a system for documenting the outcomes of all appointments that require the use of interpretation services that allows outcomes for LEP and non-LEP individuals to be compared.
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- 3.3** Develop language to include in contracts with vendors providing direct services to community members so that vendors provide language access services that meet the standards of contracting agencies.
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STRATEGY 4

Expand Language Access Through Engagement, Education and Training

Engage Limited English Proficient (LEP) communities in better documenting economic and social needs and provide supports to LEP persons that expand economic opportunity and promote self-sufficiency.

4.1 Notify the public, through mechanisms that will reach LEP communities, of the services it provides and of the LEP policies that are in place.

4.1.1 Develop a coordinated strategy for conducting focus groups with LEP communities to document needs and barriers to accessing services.

4.1.2 Assess literacy needs and technology utilization by LEP persons to determine effective avenues by which to provide useful information about public services to them.

4.1.3 Connect with families “where they are” via community events and faith/cultural institutions to inform community members of language access resources and to learn about the needs of these language communities.

4.2 Develop a system of outreach to LEP communities to explain the benefits of attending specific meetings and encouraging them to attend.

4.3 Develop a system by which to accurately identify meetings where interpretation is necessary to avoid situations where interpretation is scheduled but no individuals needing service actually participate.

4.4 Develop a coordinated and comprehensive program for expanding availability of Adult English as a Second Language training for LEP communities.

4.5 Develop certification and entrepreneurship programs for LEP persons in order to expand the availability of language services for the community and creating an economic opportunity for LEP persons.

4.6 Create online multi-lingual and multi-cultural educational resources as a learning tool for families and as a way of learning about world cultures and creating a welcoming environment for people from all over the world.

4.7 Consider identifying sister cities in countries with commonly spoken foreign languages in our community as a way of engaging with and understanding these LEP communities.

SECTION 2

SOURCES & RESOURCE MATERIAL

Memorandum for Heads of Federal Agencies regarding the Federal Government's Renewed Commitment to Language Access Obligations Under Executive Order 13166 by Attorney General Eric Holder (2011):

https://www.lep.gov/13166/AG_021711_EO_13166_Memo_to_Agencies_with_Supplement.pdf

Language Access Assessment Planning Tool for Federally Conducted and Federally Assisted Programs (2011):

https://www.lep.gov/resources/2011_Language_Access_Assessment_and_Planning_Tool.pdf

National Standards of Practice for Interpreters in Health Care, National Council on interpreting in Health Care, September 2005:

https://www.asli.com/NCIHC_National_Standards_of_Practice.pdf

National Association of Judiciary Interpreters and Translators, Code of Ethics and Professional Responsibilities:

<https://najit.org/wp-content/uploads/2016/09/NAJITCodeofEthicsFINAL.pdf>

American Bar Association, Standards for Language Access in Courts, 2012:

https://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls_sclaid_standards_for_language_access_proposal.authcheckdam.pdf

Foreign Language Services Ordering Guide:

<https://hallways.cap.gsa.gov/app/#/gateway/professional-services/3383/language-services-foreign-language-services-ordering-guide>

CAN CCDI Toolkit:

<http://canatx.org/ccdi-toolkit/>

ACC CCDI Website:

<http://researchguides.austincc.edu/diversity>

Canadian Multi-lingual Family Resource Website:

<http://www.welcomehere.ca/>

CREDITS

LANGUAGE ACCESS WORK GROUP PARTICIPANTS

Individuals who participated in at least on Language Access Work Group meeting are listed on the next page. The work group meetings were open to the public, and there was not minimum attendance that was required for participation. We have included the organizational affiliation of the participants but this is no way is meant to indicate that the organizations listed have endorsed the recommendations in this report.

Aidet Cooper, Austin Language Justice Collective	Esther Chung Martin, Asian American Resource Center	Meg Erskine, Multicultural Refugee Coalition
Aline Orr, Austin ISD	Esther Diaz, Language and Learning	Michelle Tijerina, Central Health
Amy Price, United Way	Gena McKinley, City of Austin	Molly Wang, Integral Care
Angelica De La Garza, Integral Care	Hermelinda Zamarripa, City of Austin	Monica Guzman, Restore Rundberg/Go Austin-Vamos Austin
Becky Huerta, Central Health	Houmma Garba, Caritas	Myra Dumapias, Asian Family Support Services of Austin
Beverly Reeves, Austin ISD	Janeé White, Workforce Solutions	Nora Montes de Flores, Austin ISD
Bill Clabby, St. Edwards University	Jessica Mann, Multicultural Refugee Coalition	Roxanne Evans, City of Austin
Carmen Luevanos, Texas Gas Service	Juanita Jackson, Travis County	Sally Van Sickle, City of Austin
Caroline Kirschner, City of Austin	Julia Duranti Martinez, Austin Language Justice Collective	Sandra Molinari, Safe Alliance
Celina Bley, Del Valle ISD	Katy Maxwell, Refugee Services of Texas	Shubhada Saxena, South Asians' International Volunteer Assoc.
Charles Rand, Austin Language Justice Collective	Larissa Dávila, Amhiga Hispana	Sonya Villarreal, Travis County Sheriff's Office
Chelsea Brass, Latino Healthcare Forum	Laura G La Fuente, City of Austin	Susana Pimiento, Austin Language Justice Collective
Chelsea Cornelius, AISD	Leonor Vargas, Austin ISD	Teresa Williams, Integral Care
Chris Cordova, United Way	Lt. Kevin Leverenz, Austin Police Department	Tona Vasquez, Austin ISD
Danette Lopez Garza, Foundation Communities	Luis Hernández, Austin ISD	Valerie Prado, Foundation Communities
David Matustik, City of Austin	Lupe Salazar, Travis County Sheriff's Office	Víctor Ovalle, City of Austin
Dayna Fondell, Community Care Collaborative	Margarita Ruvalcaba Ordoñez, Austin ISD	Vince Cobalis, Asian American Quality of Life Commission
Diana Tavera, Austin Language Justice Collective	Mariela De Stefano, Amhiga Hispana	Vivian Newdick, City of Austin
Diponker Mukherjee, Capital Metro	Mark Hiemstra, Goodwill Central Texas	Waleska Ghini, International Medical Interpreters Association
Eric Bustos, Capital Metro	Martha Doolittle, Austin ISD	Yuly Dávila, Amhiga Hispana
Erica Saenz, University of Texas		
Erica Schmidt-Portnoy, Refugee Services of Texas		

NEXT STEPS: CAN will be establishing a Language Access Implementation Team to focus on advancing the strategies and actions in the plan. Please contact us if you are interested in participating.



ABOUT THE COMMUNITY ADVANCEMENT NETWORK

The Community Advancement Network (CAN) is a partnership of government, non-profit, private and faith-based organizations who work together to enhance the social, health, educational and economic well-being of Central Texas. CAN provides a unique, collaborative forum to enhance awareness of issues, strengthen partnerships, connect efforts across issue areas, and facilitate development of collaborative strategies.

FORMATION OF LANGUAGE ACCESS WORK GROUP

In early 2015, CAN conducted a Language Access Survey of local service providers to determine how local agencies were meeting the language access needs of their clientele and what barriers existed to providing or expanding those services. It is the responses to this survey that led to the establishment of CAN's Language Access Work Group and the publication of this report.

The survey showed that local agencies struggle to meet the needs of non-English speaking clients, and 93% of respondents replied that they would be interested in collaborating with other agencies and non-profit organizations to meet these needs. Additional information about the findings of CAN's language access survey is included in pages 5 and 6 of this report.

PROCESS FOR DEVELOPING RECOMMENDATIONS IN THIS REPORT

CAN convened and facilitated the work group starting in February 2016. The work group met every other month and consisted of staff from CAN partner agencies and other interested community members and public/private organizations. Work group participants discussed challenges that agencies and language communities in Central Texas are facing with regard to accessing language assistance services. The group developed recommendations for addressing these challenges through increased coordination and collaboration, focusing on best practices and shared community standards to increase the quality and availability of translation and interpretation services.

FOR MORE INFORMATION CONTACT:

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