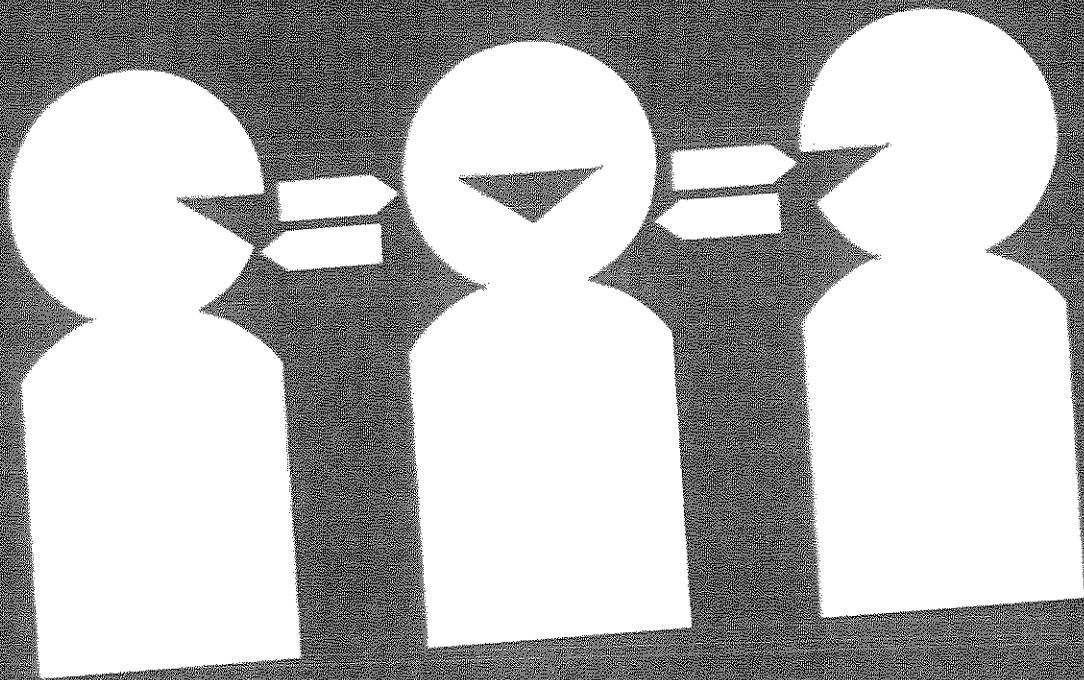


LANGUAGE ACCESS COALITION PRESENTS



SERVING LIMITED ENGLISH PROFICIENCY CLIENTS

AN EDUCATIONAL FORUM FOR LEGAL SERVICES ADVOCATES
FRIDAY JUNE 3RD, 2011 9 AM TO 4 PM

THE BOSTON FOUNDATION 75 ARLINGTON STREET, BOSTON

EXPLORING LEGAL REMEDIES AVAILABLE FOR LANGUAGE SERVICES IN STATE AGENCIES AND COURTS IN MASSACHUSETTS

Speakers:

Arthur Bakis
Informational Services Specialist
United States Census Bureau

Michael Mulé
Attorney, Federal Coordination and Compliance Section
Department of Justice

Naomi Meyer
Senior Staff Attorney
Greater Boston Legal Services

Brian Flynn
Senior Staff Attorney
Greater Boston Legal Services

Organized by members of:
The Language Access Coalition &



The Language Access Coalition is an assembly of lawyers and advocates from legal services organizations around the state of Massachusetts dedicated to the cause of obtaining justice and equality for limited English proficiency individuals.

June 3, 2011 Itinerary

<u>Time</u>	<u>Activity</u>
9:00 - 9:15	Registration
9:15 - 9:45	Coffee and Sign In
9:45 - 10:05	Welcome & Introduction: Miguel Rovira Speaker: Weayonnah Nelson
10:05 - 11:05	U.S. Census Presentation: Arthur Bakis
11:05 - 12:30	Part 1 - Overview of Title VI and Other Remedies: Michael Mulé
12:30 - 1:15	Lunch
1:15 - 1:30	Part 2 - Practical Skills for Language Access Justice; A Good Complaint and a Good Resolution Agreement: Michael Mulé
1:30 - 2:15	Panel Discussion: Michael Mulé, Brian Flynn, and Naomi Meyer. Moderated: Vicky Pulos
2:15 - 3:15	Break Out Groups Topics: State Courts State Agencies Legal Services Programs
3:15 - 3:50	Reporting Back of Small Groups
3:50 - 4:00	Wrap-up & Next steps

BIOGRAPHY OF SPEAKERS

SERVING LEP CLIENTS: AN EDUCATIONAL FORUM FOR LEGAL SERVICES ADVOCATES

1. **Arthur Bakis:**

Arthur Bakis has been with the United States Census Bureau for almost ten years. As an Information Services Specialist, he is responsible for disseminating census data to the public and spreading awareness about available demographic and economic data and data products throughout the Boston Region. The Boston Region includes all of New England, upstate New York and Puerto Rico and encompasses over 26,000,000 people, nearly 9 million housing units and 3,176 governmental units.

A graduate of Quinnipiac College in Hamden, CT, Arthur began his career with the U.S. Census Bureau in 1999 working in the payroll department. He transferred over to the Partnership and Data Services Program in 2001 where he served as Information Services Assistant for seven years. He was named Information Services Specialist in April 2009.

2. **Michael Mulé:**

Michael Mulé is an Attorney at the Federal Coordination and Compliance Section (FCS) of the Civil Rights Division, United States Department of Justice (DOJ). FCS investigates discrimination complaints filed against recipients of DOJ financial assistance under Title VI of the Civil Rights Act of 1964 and coordinates Title VI enforcement by other federal agencies. His office is responsible for coordinating compliance with Executive Order 13166 and convenes the Federal Interagency Workgroup on Limited English Proficiency (LEP).

Prior to joining FCS in September 2010, Attorney Mule worked five years as a Staff Attorney for the Empire Justice Center in Rochester, New York. At the Empire Justice Center he represented clients in federal disability rights cases and provided language access trainings to attorneys, advocates and federal and state agencies on their federal legal obligations to ensure LEP individuals have meaningful access to government benefits program and services.

3. **Brian Flynn**

Brian Flynn is a Senior Attorney in the Employment Law Unit at Greater Boston Legal Services. Attorney Flynn has worked in legal services since graduating from law school in 1993. In addition to employment law, he has also practiced

welfare law and disability rights. Attorney Flynn is an Adjunct Professor of law at Northeastern University School of Law.

4. Weayonnah Nelson

Attorney Nelson escaped a civil war in her home country of Liberia and immigrated to the United States at the age of sixteen. She graduated high school and joined City Year Rhode Island, an AmeriCorps program, which solidified her lifetime commitment to public service. Attorney Nelson received her J.D. from the Roger Williams University School of Law in Rhode Island. As a law student, Attorney Nelson served as a Legal Immigration Fellow with the U.S. Human Rights Network advocating for the recognition of the human rights of undocumented immigrants. She also served as a Student Attorney with the Roger Williams University Justice Clinic, representing low-income clients with family law and immigration matters. Attorney Nelson received several best oralist awards in two National Environmental Moot Court competitions. Attorney Nelson was also awarded the CALI Excellence for the Future Award in Trial Advocacy, International Law and the Community Justice Clinic. Prior to the recent birth of her daughter Natasha, Attorney Nelson practiced at SCCLS in Fall River, where she focused on housing and family law with a specific interest in promoting diversity and breaking down barriers created by structural racism. She became one of the founding members of the Massachusetts Legal Services Race Equity Coalition and also co-chaired the legal services diversity committee in Southeast Massachusetts, which under her leadership proposed and implemented policies and practices emphasizing the importance of a diverse and culturally competent staff. In 2009, Attorney Nelson was humbled when recognized for her outstanding Contribution and Commitment to Cultural Awareness in the Southeast Region of Massachusetts.

5. Naomi Meyer

Naomi Meyer is a Senior Attorney in the Welfare Law Unit at Greater Boston Legal Services. Attorney Meyer has been with GBLS since 2002. She specializes in representing clients facing problems with immigrant eligibility and language access barriers to obtaining public benefits such as, cash welfare, Food Stamps/SNAP, and subsidized child care. Attorney Meyer also specializes in systemic advocacy designed to address these issues throughout Massachusetts. Before coming to GBLS, she was a Fellow at Consumers Union in San Francisco, where she advocated for access to state-sponsored health insurance and patients' rights in managed care. Attorney Meyer holds a J.D. and a Masters of Public Policy from the University of California at Berkeley.

Planning Committee for the “Serving Limited English Proficiency Clients: An
Educational Forum for Legal Services Advocates”

June 3, 2011

Lynn Girton, Chief Counsel, VLP

Kelly Love, AmeriCorps Attorney, MLRI

Moriah Nelson, AmeriCorps Legal Advocate, MVNSLS

Brian O’Connor, Managing Attorney, SCCLS

Hankle Miranda, AmeriCorps Legal Advocate, SCCLS

Adrienne Packard, Staff Attorney, MVNSLS

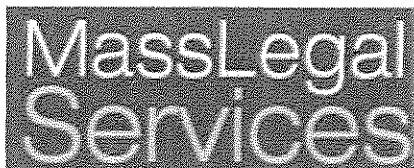
Vicki Pulos, Health Lawyer, MLRI

Miguel Rovira, AmeriCorps Legal Advocate, LACCM

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Veronica Serrato, Staff Attorney, VLP

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[Home](#) > [Library](#) > [Language Access](#) > LEP Conference Virtual Handout

LEP Conference Virtual Handout

Date: 06/03/2011 **Author:** Language Access Coalition

Summary:

The following is a virtual handout including links to many useful LEP resources compiled for the Language Access Coalition's June 3, 2011 LEP Conference.

Conference Materials

[Handout from Michael Mulé](#)

[Handout from U.S. Census-Boston Region: Your Community by Numbers](#)

Conference Packet

State and Federal Government Orders and Implementation Guidelines:

[Office of the Press Secretary, Executive Order 13166. "Improving Access to Services for Persons with Limited English Proficiency." August 11, 2000](#)

[Language Access Assessment and Planning Tool For Federally Assisted Programs](#)

[Office of the Governor, Commonwealth of Massachusetts. Executive Order 527. "Establishing the Office of Access and Opportunity." February 17, 2011](#)

[Massachusetts Office of Access and Opportunity. "Language Access Policy Implementation Guidelines." August 1, 2010](#)

State and Federal Agency and Court LEP Plans:

[Federal Agency LEP Guidance and Language Access Plans](#)

[Department of Housing and Urban Development-Limited English Proficiency Website](#)

[Boston Housing Authority LEP Policy](#)

[Department of Health and Human Services-Limited English Proficiency Website](#)

[Federal Interagency Working Group on Limited English Proficiency -LEP.gov](#)

[Commonwealth of Massachusetts, Office of Court Interpreter Services. Standards and Procedures. 2009](#)

LEP Case Materials:

[Luciano v. Malmborg-Complaint, Motion for Preliminary Injunction, 2008](#)

[Resolution Agreement Between U.S. Department of Health and Human Services and MA Department of Public Welfare. September 1994](#)

[Johnson v. DPW, Stipulation for Settlement. August 1990](#)

[Christine F. v. DTA, Complaint and OCR Complaint, March 2007](#)

LEP Statistics:

[Breaking the Language Barrier: A Report on English Language Services in Greater Boston. March 2011](#)

[The Changing Face of Massachusetts. LEP demographic data, June 2005](#)

[Detailed Languages Spoken at Home and Ability to Speak English for the Population 5 Years and Over for the United States, April 2010](#)

[Limited English Proficiency in MA by Legal Services Service Area, 2005](#)

LEP Rights-Legal Advocate Guides:

[Brennan Center for Justice-Language Access in State Courts, July 2009](#)

[LEP Access to Housing: Sources of Law and Interpretation, 2008](#)

[Welfare Law Center, Food Stamp Bilingual Requirements Summary. June, 2003](#)

[MLRI Memorandum on DOJ LEP Guidance](#)

[GBLS Comments to HHS on Office of Civil Rights on LEP Requirements, December 2003](#)

[Mexican American Legal Defense and Education Fund, Asian American Justice Center. "Language Rights: An Integration Agenda for Immigrant Communities: Briefing Book." June 2007](#)

[Limited English Proficiency, Promising Practices from WA and ME](#)

[Sample Advocacy Letters to DTA Offices Alerting Them to Their Obligation to Provide Interpreters, 2000](#)

[Legal Services Corporation: LEP Resources for Legal Service Programs](#)

[Multicultural Populations Resource Directory](#)

LEP Rights-Documents for Clients:

[Department of Justice. "Your Rights Under Title VI of the Civil Rights Act of 1964; and Federal Protections Against National Origin Discrimination." Brochures in: Arabic, Cambodian, Chinese, English, Farsi, French, Haitian Creole, Hmong, Hindi, Korean, Laotian, Punjabi, Russian, Spanish, Tagalog, Urdu and Vietnamese](#)

[Multi-lingual Right to Interpreter Flyers and "I Speak" Cards](#)

[Masslegalhelp.org. "Your Right to an Interpreter at the Department of Transitional Assistance."](#)

[Masslegalhelp.org. "Your Right to an Interpreter in Massachusetts State Courts."](#)

Identifying and Assisting LEP Communities:

[Massachusetts Office of Public Health Strategy and Communications. "Translation Toolkit-Identifying LEP Communities." October 2010](#)

[Migration Policy Institute. "Communicating More for Less: Using Translation and Interpretation Technology to Serve Limited English Proficient Individuals." January 2011](#)

[Migration Policy Institute-Language Portal: A Translation and Interpretation Digital Library](#)

Source URL: http://www.masslegalservices.org/LEP_Conference_Handout



Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs

**Federal Coordination and Compliance Section
Civil Rights Division
U.S. Department of Justice**

May 2011

“Whether in an emergency or in the course of routine business matters, the success of government efforts to effectively communicate with members of the public depends on the widespread and nondiscriminatory availability of accurate, timely, and vital information.”

- Attorney General Eric Holder, Memorandum to All Federal Agencies Regarding Executive Order 13166, February 17, 2011

LANGUAGE ACCESS ASSESSMENT AND PLANNING TOOL FOR FEDERALLY CONDUCTED AND FEDERALLY ASSISTED PROGRAMS

I. OVERVIEW

The goal of all language access planning and implementation is to ensure that your agency communicates effectively with limited English proficient (LEP) individuals.¹ As the Attorney General notes in his Memorandum to all Federal Agencies Regarding the Federal Government's Renewed Commitment to Language Access Obligations Under Executive Order 13166, this requires ensuring effective communication at all points of contact between an LEP person and your agency.² While each agency's approach to overcoming language barriers may differ depending on a variety of factors, a useful model for providing meaningful access to LEP individuals often includes:

A. Conducting a self-assessment to determine what types of contact your agency has with the LEP population.

The self-assessment identifies language service needs, and evaluates the bilingual, translation, and interpretation resources already available to help LEP individuals access your agency's benefits, programs, services, information, or other operations. (Part II B, below).

B. Developing language access policy directives, implementation plan, and procedures.

- 1. Language Access Policy Directives-** Policy directives set forth standards, operating principles, and guidelines that govern the delivery of language appropriate services. Policy directives may come in different forms but are designed to require the agency and its staff to ensure meaningful access. Policy directives should be made publicly available.
- 2. Language Access Implementation Plan-** The plan is a management document that outlines how the agency defines tasks, sets deadlines and priorities, assigns responsibility, and allocates the resources necessary to come into or maintain compliance with language access requirements. It describes how the agency will meet the service delivery standards

Table of Contents	
I. Overview	1
II. Self-Assessment and Considerations for Your Plan 3	
A. Guidance Regarding Self-Assessments	3
B. A Sample Self-Assessment.....	8
III. Developing Language Access Directives, Plans, and Procedures	15
A. Components of a Language Access Program	15
B. Appointing a Language Access Coordinator or Other Responsible Personnel	9
C. Community Outreach and Disseminating Language Assistance Services Information	20

¹ See Exec. Order No. 13166, 65 Fed Reg. 50,121 (Aug. 11, 2000), <http://www.lep.gov/13166/eolep.pdf>.

² See Attorney General Holder Memorandum to All Federal Agencies Regarding the Federal Government's Renewed Commitment to Language Access Obligations Under Executive Order 13166 (February 17, 2011), http://www.lep.gov/13166/AG_021711_EO_13166_Memo_to_Agencies_with_Supplement.pdf.

delineated in the policy directives, including the manner by which it will address the language service and resource needs identified in the self-assessment. The plan is a roadmap that helps agencies: navigate the process of setting deadlines and priorities, and identifying responsible personnel for policy and procedures development; hire, contract, assess, and ensure quality control of language assistance services (oral and written); provide notice of language assistance services; provide staff training; and conduct ongoing monitoring and evaluation.

- 3. Language Access Procedures-** Procedures are the "how to" for staff. They specify for staff the steps to follow to provide language services, gather data, and deliver services to LEP individuals. Procedures can be set forth in handbooks, intranet sites, desk references, reminders at counters, notations on telephone references, and the like.

Part II will help you assess how your agency currently provides language assistance services to LEP individuals, using the Sample Self Assessment included in Part II B. Part III provides a framework for developing appropriate language access policy directives, plan, and procedures.

C. Scope

The obligations of Executive Order 13166 apply to all federal conducted and assisted programs. In his Memorandum for Heads of Federal Agencies regarding the Federal Government's Renewed Commitment to Language Access Obligations Under Executive Order 13166, the Attorney General directed federal agencies that provide federal financial assistance to draft LEP guidance for agencies that are recipients of federal financial assistance (recipients). The term federal financial assistance includes, but is not limited to, grants and loans of federal funds; grants or donations of federal property; training; details of federal personnel; or any agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

All agencies providing federal financial assistance directly or indirectly should obtain information and maintain records that ensure that they can determine which entities have received such assistance, including a list of sub-grantees, and for what purpose the assistance has been provided. When any agency provides federal financial assistance it must ensure that recipients acknowledge and agree that they will comply (and require any sub-grantees, contractors, successors, transferees, and assignees to comply) with applicable provisions of federal civil rights laws and policies prohibiting discrimination, including but not limited to Title VI of the Civil Rights Act of 1964, which prohibits recipients from discriminating on the basis of race, color, or national origin, including limited English proficiency. See 42 U.S.C. 2000d et seq. Model assurance language addressing national laws and policies prohibiting discrimination can be found at http://www.justice.gov/crt/about/cor/draft_assurance_language.pdf. Agencies must require recipients to obtain these assurances from their sub-recipients and must maintain systems that can record and track the recipient's agreement with these assurances. See 28 C.F.R. §42.105.

II. SELF-ASSESSMENT AND CONSIDERATIONS FOR YOUR PLAN



An assessment can help an agency determine if it communicates effectively with LEP individuals and can inform language access program planning. The questions in Part II B. (starting on page 8) may be used by federal agencies and recipients to conduct a self-assessment of their progress in providing language assistance services to LEP persons. Divided into six sections, the self-assessment approximates the elements that are part of effective language access policy directives and implementation plans: (1) understanding how LEP individuals interact with your agency; (2) identifying and assessing LEP communities; (3) providing language assistance services; (4) training staff on policies and procedures; (5) providing notice of language assistance services; and (6) monitoring, evaluating, and updating the language access policy directives, plans, and procedures.³ The tool is a starting point; agencies should add or modify as appropriate for their programs and activities.

A. Guidance Regarding Self-Assessments

Provided below are additional guidance and considerations for each of these six elements. While the order may differ, your agency should consider each of these elements as it develops its plan. The sample self-assessment questionnaire is available at Part II B.

1. Understanding How LEP Individuals Interact with Your Agency

A federally conducted or funded program could interact with LEP individuals in a variety of ways. Any interaction with the public has the potential to interact with LEP individuals. These could include, but are not limited to, program applicants and participants; hotline or information line calls; outreach programs; public meetings and hearings; public access to agency websites; written materials or complaints sent to an agency; agency brochures intended for public distribution; contacts with potential witnesses, victims, defendants; and interactions with detainees and prisoners. It is important for agencies to also examine the manner in which the agency interacts with the public and/or LEP individuals (e.g. in-person consultations versus

³ See Department of Justice, *Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons*, 67 FR 41464-65 (June 18, 2002). (hereinafter "2002 DOJ Guidance"), <http://www.justice.gov/crt/about/cor/lep/DOJFinLEPFRJun182002.pdf>.

correspondence) as this can dictate the type of language assistance services provided by the agency.

2. Identification and Assessment of LEP Communities

A federally conducted or funded program should consider assessing the number or proportion of LEP persons from each language group in its service area to determine appropriate language assistance services. This analysis includes persons in a geographic service area with whom your agency comes into contact while carrying out agency functions. For the assessment to be accurate it must also include all communities who are eligible for services or are likely directly affected by programs or activities. Agencies may determine the linguistic characteristics of an LEP population in a service area by reviewing available data from federal, state, and local government agencies, community, and faith based organizations:

REMINDER: Your primary goal is to effectively communicate with LEP individuals. The order in which each element is achieved may differ from agency to agency. While it may be helpful to identify and assess your LEP communities before providing language assistance services, this should not stand in the way of providing meaningful access to LEP individuals.

- Federal Agencies.
 - The *U.S. Census Bureau* through its *American Community Survey (ACS)* maintains statistics on the linguistic composition of LEP individuals in your service area: <http://www.census.gov/hhes/socdemo/language/data/index.html>. Beginning with the 2010 Census, the Census Bureau stopped collecting decennial census data on language use and English-speaking ability. Language data continues to be gathered on an annual basis by the ACS and can be found on the American FactFinder website, www.factfinder.census.gov. The Census Bureau has also created a website explaining how to use the ACS language data it collects: <http://www.census.gov/hhes/socdemo/language/index.html>.
 - The *U.S. Department of Education* maintains a Civil Rights Data Collection, <http://ocrdata.ed.gov/>, which has information from the nation's school districts including student enrollment and educational programs and services disaggregated by race, ethnicity, sex, limited English proficiency, and disability. The National Center for Education Statistics, <http://nces.ed.gov/fastfacts/display.asp?id=96>, has information on children who speak a language other than English at home.
 - The *Federal Interagency Working Group on Limited English Proficiency Website* also has demographic information available at http://www.lep.gov/demog_data.html.
- State and local government agencies.
 - State social service agencies, state departments of education, local social service agencies, and school districts often gather and report information on LEP populations.
- Local community-based and religious organizations.

- Consider consulting organizations that serve and work with LEP communities to get an accurate assessment of the existing and emerging LEP communities in your service area.

An agency should also consider identifying and tracking the primary language of LEP individuals that seek and receive programs and services. This can be accomplished by determining the points of contact between agency staff and LEP individuals. Agencies may create mandatory data fields for LEP, languages spoken and the preferred language for written communication to ensure that all staff collect and input this information. By regularly collecting and updating this data, agencies will be able to accurately identify and efficiently address the changing needs of their LEP communities.

3. Providing Language Assistance Services

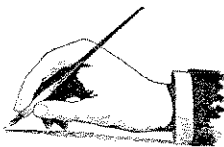
Effective communication with LEP individuals requires your agency to have language assistance services in place. There are two primary types of language assistance services: oral and written. Oral language assistance service may come in the form of "in-language" communication (a demonstrably qualified bilingual staff member communicating directly in an LEP person's language) or interpreting.

An interpreter renders a message spoken in one language into one or more other languages. Interpretation can take place in-person, through a telephonic interpreter, or via internet or video interpreting. An interpreter must be competent and have knowledge in both languages of the relevant terms or concepts particular to the program or activity and the dialect and terminology used by the LEP individual. Depending upon the circumstances, interpreters may provide simultaneous interpretation of proceedings so that an LEP person understands what is happening in that proceeding, or may interpret an interview or conversation with an LEP person in the consecutive mode. Interpreter competency requires more than self-identification as bilingual. Agencies should avoid using family members, children, friends, and untrained volunteers as interpreters because it is difficult to ensure that they interpret accurately and lack ethical conflicts.

INTERPRETATION is an **ORAL** language assistance service.



TRANSLATION is a **WRITTEN** language assistance service.



Translation is the replacement of written text from one language into another. A translator also must be qualified and trained. Federal agencies and recipients may need to identify and translate vital documents to ensure LEP individuals have meaningful access to important written information. Vital written documents include, but are not 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. Agencies should proactively translate vital written documents into the frequently encountered languages of LEP groups

eligible to be served or likely to be affected by the benefit, program or service. When agency personnel have reason to believe that an individual is LEP, the agency must respond to that LEP individual in a language he or she understands. For example, a letter sent to a specific LEP person should be translated into the appropriate language for that individual to ensure effective communication. Agencies should also put processes in place for handling written communication with LEP individuals in less frequently encountered languages.

4. Training of Staff on Policies and Procedures

Staff will not be able to provide meaningful access to LEP individuals if they do not receive training on language access policies and procedures, including how to access language assistance services. This training should be mandatory for staff who have the potential to interact or communicate with LEP individuals, staff whose job it is to arrange for language assistance services, and managers. Training should explain how staff can identify the language needs of an LEP individual, access and provide the necessary language assistance services, work with interpreters, request document translations, and track the use of language assistance services. Bilingual staff members who communicate "in-language" to LEP individuals, or who serve as interpreters or translators, should be assessed and receive regular training on proper interpreting and translation techniques, ethics, specialized terminology, and other topics as needed. Without periodic assessment and training, bilingual staff may not be able to provide the language assistance services necessary to ensure LEP individuals have meaningful access to your agency's programs.

5. Providing Notice of Language Assistance Services

Federal agencies and recipients must inform LEP individuals of their eligibility for benefits, programs, and services in a language they understand. Agencies should assess all points of contact, telephone, in-person, mail, and electronic communication its staff has with the public and LEP individuals when determining the best method of providing notice of language assistance services. An agency should not only translate its outreach materials, but also explain how LEP individuals may access available language assistance services. Methods used to inform LEP individuals about language assistance services may include translating outreach materials into other languages, updating non-English content in key languages on the main page of the program website, and providing public service messages in non-English media describing your programs.

Current applicants or beneficiaries of your programs or services should also receive notice and information about available language assistance services. This may be accomplished through the use of effective, program specific notices such as forms, brochures, language access posters placed in conspicuous locations describing in multiple languages the availability of language assistance services, the use of "I Speak" language identification cards⁴, and by including instructions in non-English languages on telephone menus.

⁴ An example of an "I Speak" card can be found at www.justice.gov/crt/lep/resources/OhioLangIDcard.pdf.

6. Monitoring, Evaluating, and Updating the Language Access Policy Directives, Plans, and Procedures

For a language access program to continue to be effective, an agency must periodically monitor, evaluate, and update the plan, policies and procedures. Some federal agencies and recipients may designate a committee or staff person to be the language access coordinator responsible for monitoring, evaluating, and updating the language access program. Federal law does not prescribe a particular program model or evaluation approach. Consequently, the approach to and design of an effective language access evaluation may vary for each agency and recipient. Monitoring the effectiveness of your program may include:

- Surveying staff on how often they use language assistance services, if they believe there should be changes in the way services are provided or the providers that are used, and if they believe that the language assistance services in place are meeting the needs of the LEP communities in the service area.
- Conducting customer satisfaction surveys of LEP applicants and beneficiaries based on their actual experience of accessing the agency's benefits, programs, information, or services.
- Observing and evaluating agency interactions with LEP individuals.
- Soliciting feedback from community-based organizations and other stakeholders about the agency's effectiveness and performance in ensuring meaningful access for LEP individuals.
- Keeping current on community demographics and needs by engaging school districts, faith communities, refugee resettlement agencies, and other local resources.
- Considering new resources including funding, collaborations with other agencies, human resources, emerging technology, and other mechanisms for ensuring improved access for LEP individuals.
- Monitoring your agency's response rate to complaints or suggestions by LEP individuals, community members, and employees regarding language assistance services provided.

Creating a record of language assistance services can help inform programs whether there should be changes to the quantity or type of language assistance services. The monitoring and review of current policies and the types of language assistance services provided should occur on an annual basis.

B. A Sample Self-Assessment

1. Understanding How LEP Individuals Interact with Your Agency

The following series of questions helps agencies understand how an LEP individual may come into contact with your agency:

1. Does your agency interact or communicate with the public or are there individuals in your agency who interact or communicate or might interact or communicate with LEP individuals?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2. Please describe the manner in which your agency interacts with the public or LEP individuals:	<input type="checkbox"/> In-Person <input type="checkbox"/> Telephonically <input type="checkbox"/> Electronically (e.g. email or website)	<input type="checkbox"/> Via Correspondence <input type="checkbox"/> Other: (please specify)
3. Does your agency provide federal financial assistance to any non-federal entities? (Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance. Recipients of federal funds can range from state and local agencies, to nonprofits and other organizations.)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
4. If your agency does provide federal financial assistance to non-federal entities: a. Do you have an active program in place to require your recipients of federal financial assistance to comply with Title VI and language access standards? b. Does your agency inform recipients of federal financial assistance that they should budget for language assistance services? c. Does your agency inform recipients of federal financial assistance about which grants can be used, in whole or in part, to improve language access?	Yes a. Yes b. Yes c. Yes	No a. No b. No c. No

2. Identification and Assessment of LEP Communities

The following series of questions aims to identify the LEP population you serve:

<p>1. How does your agency identify LEP individuals? (Select all that apply)</p>	<input type="checkbox"/> Assume limited English proficiency if communication seems impaired <input type="checkbox"/> Respond to individual requests for language assistance services <input type="checkbox"/> Self-identification by the non-English speaker or LEP individual <input type="checkbox"/> Ask open-ended questions to determine language proficiency on the telephone or in person <input type="checkbox"/> Use of "I Speak" language identification cards or posters	<input type="checkbox"/> Based on written material submitted to the agency (e.g. complaints) <input type="checkbox"/> We have not identified non-English speakers or LEP individuals <input type="checkbox"/> Other (Please specify): _____
<p>2. Does your program have a process to collect data on:</p> <p>a. The number of LEP individuals that you serve?</p> <p>b. The number of LEP individuals in your service area?</p> <p>c. The number and prevalence of languages spoken by LEP individuals in your service area?</p>	<p>Yes</p> <p>a. Yes</p> <p>b. Yes</p> <p>c. Yes</p>	<p>No</p> <p>a. No</p> <p>b. No</p> <p>c. No</p>
<p>3. How often does your agency assess the language data for your service area?</p>	<input type="checkbox"/> Annually <input type="checkbox"/> Biennially	<input type="checkbox"/> Not Sure <input type="checkbox"/> Other: _____
<p>4. What data does your agency use to determine the LEP communities in your service area? (Select all that apply)</p>	<input type="checkbox"/> Census <input type="checkbox"/> US Dept. of Education <input type="checkbox"/> US Dept. of Labor <input type="checkbox"/> State Agencies	<input type="checkbox"/> Community Organizations <input type="checkbox"/> Intake information <input type="checkbox"/> Other: _____
<p>5. Do you collect and record primary language data from individuals when they first contact your programs and activities?</p>	<p>Yes</p>	<p>No</p>
<p>6. If you collect and record primary language</p>		

data, where is the information stored?		
7. What is the total number of LEP individuals who use or receive services from your program each year?		
8. How many LEP individuals attempt to access your programs or services each month?		
9. How many LEP individuals use your programs or services each month?		
10. Specify the top six most frequently encountered non-English languages by your program and how often these encounters occur (e.g., 2-3 times a year, once a month, once a week, daily, constantly).	Language 1. 2. 3. 4. 5. 6.	Frequency of Encounters 1. 2. 3. 4. 5. 6.

3. Providing Language Assistance Services

The following set of questions will help you assess how well your agency is providing language assistance services to LEP individuals:

1. Does your agency currently have a system in place for tracking the type of language assistance services it provides to LEP individuals at each interaction?	Yes	No
2. What data, if any, do you maintain regarding language assistance services? (Select all that apply)	<input type="checkbox"/> Primary language of persons encountered or served <input type="checkbox"/> Use of language assistance services such as interpreters and translators <input type="checkbox"/> Funds or staff time spent on language assistance services	<input type="checkbox"/> Number of bilingual staff <input type="checkbox"/> Cost of interpreter services <input type="checkbox"/> Cost of translation of materials into non-English languages <input type="checkbox"/> Other (Please specify):
3. Does your agency have a system to track the cost of language assistance services?	Yes	No
4. What types of language assistance services does your agency provide? (Select all that apply)	<input type="checkbox"/> Bilingual staff <input type="checkbox"/> In-house interpreters (oral) <input type="checkbox"/> In-house translators (documents) <input type="checkbox"/> Contracted interpreters <input type="checkbox"/> Contracted	<input type="checkbox"/> Language bank or dedicated pool of interpreters or translators <input type="checkbox"/> Volunteer interpreters or translators <input type="checkbox"/> Interpreters or

	<input type="checkbox"/> Telephone interpretation services <input type="checkbox"/> Video interpretation services	<input type="checkbox"/> translators borrowed from another agency <input type="checkbox"/> Other (Please specify):
5. Does your agency a) have a certification or assessment process that staff must complete before serving as interpreters or translators for LEP individuals? b) Does the process include use of standardized language proficiency exams?	a) Yes b) Yes	a) No b) No
6. Does your agency ask or allow LEP individuals to provide their own interpreters or have family members or friends interpret?	Yes	No
7. Does your agency have contracts with language assistance service providers (in-person interpreters, telephone interpreters, video interpreters, or translators)?	Yes	No
8. Does your agency provide staff with a list of available interpreters and the non-English languages they speak, or information on how to access qualified interpreters?	Yes	No
9. Does your agency identify and translate vital documents into the non-English languages of the communities in your service area?	Yes	No
10. Which vital written documents has your agency translated into non-English languages?	<input type="checkbox"/> Consent forms <input type="checkbox"/> Complaint forms <input type="checkbox"/> Intake forms <input type="checkbox"/> Notices of rights <input type="checkbox"/> Notice of denial, loss or decrease in benefits or services <input type="checkbox"/> Notice of disciplinary action	<input type="checkbox"/> Applications to participate in programs or activities or to receive benefits or services <input type="checkbox"/> Other (please specify):
11. Does your agency translate signs or posters announcing the availability of language assistance services?	Yes	No
12. When your agency updates information on its website, does it also add that content in non-English languages?	Yes	No

4. Training of Staff on Policies and Procedures

The following series of questions will help you identify whether staff receive appropriate training on your language access policies and procedures:

1. Does all agency staff receive initial and periodic training on how to access and provide language assistance services to LEP individuals?	Yes	No
2. Who receives staff training on working with LEP individuals? (Select all that apply)	<input type="checkbox"/> Management or senior staff <input type="checkbox"/> Employees who interact with or are responsible for interactions with non-English speakers or LEP individuals	<input type="checkbox"/> Bilingual Staff <input type="checkbox"/> New employees <input type="checkbox"/> All employees <input type="checkbox"/> Volunteers <input type="checkbox"/> Others (Please specify): _____ <input type="checkbox"/> None of the above
3. Are language access policies and LEP issues included in the mandatory training curriculum for staff?	Yes	No
4. Does your agency staff procedural manual or handbook include specific instructions related to providing language assistance services to LEP individuals?	Yes	No
5. Does staff receive periodic training on how to obtain and work with interpreters?	Yes	No
6. Does staff receive periodic training on how to request the translation of written documents into other languages?	Yes	No
7. Do staff members who serve as interpreters receive regular training on proper interpreting techniques, ethics, specialized terminology, and other topics?	Yes	No
8. Do staff members who serve as interpreters receive interpreter training from competent interpreters or other trainers familiar with the ethical and professional requirements of an interpreter?	Yes	No

5. Providing Notice of Language Assistance Services

The following series of questions will help you assess how you provide notice of language assistance services to the LEP population in your service area:

1. How do you inform members of the public about the availability of language assistance services? (Select all that apply)	<input type="checkbox"/> Frontline and outreach multilingual staff <input type="checkbox"/> Posters in public areas <input type="checkbox"/> "I Speak" language identification cards distributed to frontline staff <input type="checkbox"/> Website	<input type="checkbox"/> Social networking website (e.g. Facebook, Twitter) <input type="checkbox"/> E-mail to individuals or a list serv <input type="checkbox"/> Other (Please specify): _____ <input type="checkbox"/> None of the above
2. Do your translated program outreach materials inform LEP individuals about the availability of free language assistance services?	Yes	No
3. Does your agency regularly advertise on non-English media (television, radio, newspaper, and websites)?	Yes	No
4. Does your agency inform community groups about the availability of free language assistance services for LEP individuals?	Yes	No
5. Does your agency inform current applicants or recipients about the availability of language assistance services?	Yes	No
6. Does the main page of your agency website include non-English information that would be easily accessible to LEP individuals?	Yes	No
7. Does your agency have multilingual signs or posters in its offices announcing the availability of language assistance services?	Yes	No

6. Monitoring and Updating a Language Access Procedures, Policy, and Plan

The following set of questions will help you assess whether you have an effective process for monitoring and updating your language access policies, plan and procedures:

1. Does your agency have a written language access policy?	Yes	No
2. If so, is a description of this policy available to the public?	Yes	No
3. How often is your agency's language access policy reviewed and updated?	<input type="checkbox"/> Annually <input type="checkbox"/> Biennially	<input type="checkbox"/> Not Sure <input type="checkbox"/> Other: _____

4. When was the last time your agency's language access policy was updated?	Month _____	Year _____
5. How often does your agency update its data on the LEP communities in your service area?	<input type="checkbox"/> Annually <input type="checkbox"/> Biennially	<input type="checkbox"/> Not Sure <input type="checkbox"/> Other:
6. Does your agency have a language access coordinator?	Yes	No
7. Does your agency have a formal language access complaint process?	Yes	No
8. Has your agency received any complaints because it did not provide language assistance services?	Yes	No
9. Do you monitor the system for collecting data on beneficiary satisfaction and/or grievance/complaint filing?	Yes	No
10. Do you obtain feedback from the LEP community on the effectiveness of your language access program and the language assistance services you provide?	Yes	No

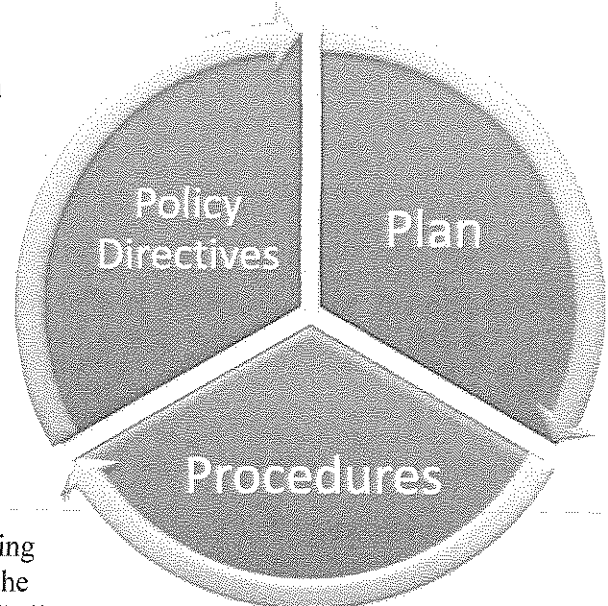
III. DEVELOPING LANGUAGE ACCESS DIRECTIVES, PLANS, AND PROCEDURES

This section will provide federal agencies and organizations, as well as agencies that receive federal financial assistance (recipients), with a framework to develop, modify, and implement language access policy directives, plans, and procedures. This framework should help agencies plan their organizational approach to providing language assistance services when an LEP individual seeks or encounters an agency contact. Language access policy directives, plans, and procedures will differ depending on a variety of factors including the nature or method of operation of the agency and its points of contact with the public. Some steps that are reasonable for an agency that serves a few LEP persons in a year may be different than those expected from an agency that serves several LEP persons each day. Accordingly, we recommend tailoring this framework to your agency's mission, the population served (both their language needs and the cultural context), the importance of the service provided by the program, and the available resources.

Many federal agencies and recipients have found that it is useful, when developing or revising their language access program, to establish a work group that includes administrators, professional and administrative support staff, potential beneficiaries, and members of community organizations. By working with a diverse group that includes stakeholders, you will receive more comprehensive input from those whose support and efforts may be important to the success of your language access policy directives, plan, and procedures. Inclusive approaches in plan design and development also tend to promote overall community awareness and support. By leveraging personnel from different departments, an agency is able to build institutional knowledge and resources that will lead to long-term policy coherence and consistency. In addition, these individuals will be valuable resources to draw upon during evaluation and improvement activities.

A. Components of a Language Access Program

While we describe language access policy directives, plans, and procedures as three distinct concepts, you may notice significant overlap between the three areas as you begin to develop your agency's language access program. We have provided the framework below to help you conceptualize the task ahead and provide you with a model flexible enough to tailor to your agency's particular needs.



1. **Language Access Policy Directives.** A policy directive sets forth standards, operating principles, and guidelines that will govern the delivery of language appropriate services. Policy directives may be in the form of a public directive, order, rule, regulation, guidance,

or other policy document. The purpose and authority for a policy directive may come from federal, state, or local laws, orders, or ordinances. A policy directive often includes the following components:

Example General Policy Statement:

"It is the policy of this agency to provide timely meaningful access for LEP persons to all agency programs and activities. All personnel shall provide free language assistance services to LEP individuals whom they encounter or whenever an LEP person requests language assistance services. All personnel will inform members of the public that language assistance services are available free of charge to LEP persons and that the agency will provide these services to them."

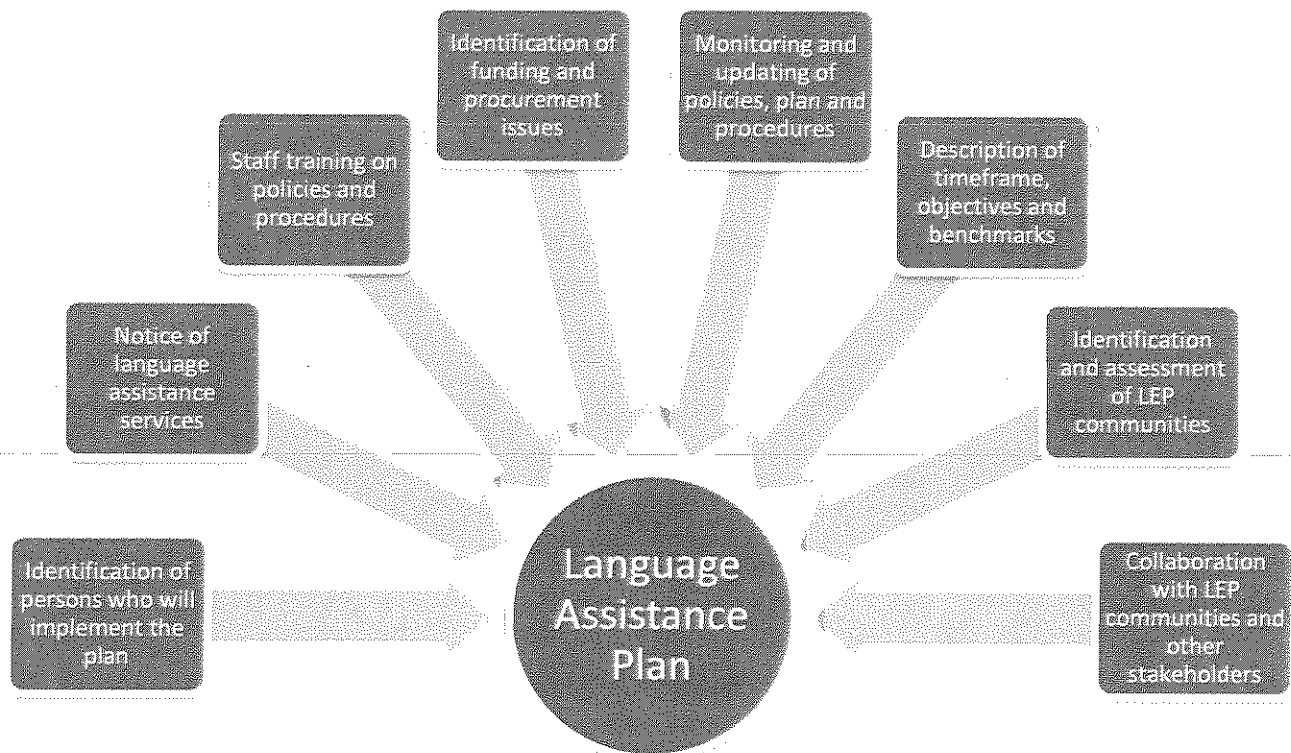
- a. *A General Policy Statement.* This section explains the goals and expectations of the agency in terms that bind the agency and its employees.
- b. *Purpose and Authority.* This section provides the legal basis or administrative authority for the agency policy and may explain the nexus between the policy directives and the agency's mission. For example:

"The purpose of this policy is to establish effective guidelines, consistent with Title VI of the Civil Rights Act of 1964 and Executive Order 13166, for agency personnel to follow when providing services to, or interacting with, individuals who have limited English proficiency (LEP). Following these guidelines is essential to the success of our mission to [insert]."
- c. *Language Assistance Measures.* This section sets forth the standards for language assistance services to be provided to LEP individuals. Language assistance measures should be written in a manner that requires staff compliance consistent with the agency's culture. The measures define acceptable methods of communication with LEP persons and may further elaborate requirements such as those for data gathering and recording, notice, and training. In the sample general policy statement, the decree that all personnel "shall provide free language assistance services to LEP individuals whom they encounter or whenever an LEP person requests language assistance services" describes the standards for how and when the agency must communicate with LEP persons.
- d. *Staff Compliance.* This section describes the responsibility of each division, unit, or staff member. For example, the sample general policy statement above denotes that "all personnel" are required to provide free language assistance services to LEP individuals and must inform the public about available language assistance services.
- e. *Definitions.* A policy directive may also explain any terms referenced in the policy. These terms may include agency-specific classifications of bilingual staff, interpreter, language assistance services, LEP, primary language, translation, vital documents, etc.

Additional Language Access Policy Directives. An agency may have more than one policy directive. For example, an agency may have a policy directive that explains its overall obligation to provide services to LEP individuals and secondary or topical policy directives that support the agency’s overarching LEP goals and objectives. Additional policy directives may include formal guidelines that describe the agency’s rules and regulations, for example:

- *Staff Training.* A policy directive on staff training may dictate the frequency, curriculum, and target personnel for ongoing training. For example, this policy directive may mandate training particular to management, interpreters, translators, or frontline staff who encounter LEP individuals.
- *Bilingual Staff.* A policy directive on bilingual staff may state a policy that second language skills are a desired characteristic, prescribe the hiring process for bilingual staff, provide the mechanism for designating jobs as bilingual, when and how to test the competency of prospective or current bilingual staff, define which staff are “bilingual,” and/or additional remuneration for bilingual staff.
- *Performance Measurement.* A policy directive on performance measurement may order the frequency and manner of monitoring and oversight. For example, an agency may elect to conduct an audit of language assistance services on an annual basis.

2. **A Language Access Plan.** The plan is a management tool that provides an administrative blueprint for bringing the agency into compliance with language



access requirements. The plan describes how the agency will implement the standards for service delivery delineated in the policy directives, including explaining how the agency will increase its capacity to address the language service and resource needs identified in the self-assessment. The plan is a roadmap that helps agencies: navigate the process of setting deadlines, priorities, and identifying responsible personnel for policy and procedures development; hire, contract, assess, and ensure quality control of language assistance services (oral and written); provide notice of language assistance services; provide training of staff; and conduct ongoing monitoring and evaluation. Key components of a language access plan include:

- a. *Identification of persons charged with implementing the plan.* A plan should describe the management staff, workgroup, committee, or other agency staff who will be responsible for creating and overseeing the policy directives, developing and modifying the language access plan, and establishing and implementing operational procedures. The plan should also detail the chains of command for authority and oversight and explain any coextensive responsibility and coordination with other agencies, divisions, and offices.
- b. *Identification and assessment of LEP communities.* A plan should address what resources will be needed to assess the number or proportion of eligible LEP persons from each language group in an agency service area and the resources that will be needed to provide language assistance services. The plan should also outline the work needed to install or maintain systems for data collection and management.
- c. *A description of the timeframe, objectives, and benchmarks for work to be undertaken.*
- d. *Identification of funding and procurement issues and the steps needed to address them.*
- e. *Notice of language assistance services.* A plan should also describe how the agency intends to implement the changes needed to inform LEP individuals of the benefits, programs, and services for which they may be eligible and the available language assistance services.
- f. *Training staff on policies and procedures.* A plan will identify training needs and explain how they will be addressed.
- g. *Monitoring and updating the plan, policies, and procedures.* A plan will explain the agency's approach to monitoring how it provides services to LEP individuals, how it monitors plan performance, and the process for reviewing, and, if appropriate, modifying current language access plans, policies, and procedures.
- h. *Collaborating with LEP communities and other stakeholders.* Organizations that have significant contact with LEP persons, such as schools, religious

organizations, community groups, and groups working with new immigrants can be very helpful in linking LEP persons to an agency's programs and its language assistance services. The plan can include provisions for creating and conducting outreach and the actions needed to implement an effective system to gather feedback and involve outside entities or individuals in the review process.

3. Language Access Procedures. Procedures are detailed explanations that specify the steps to be followed to provide language assistance services, gather data, and deliver services to LEP individuals. Procedures can be set forth in handbooks, intranet sites, desk references, and reminders at counters. Procedures may entail use of forms or software. Language access procedures often explain the following:

- How staff are to respond to telephone calls from LEP individuals.
- How staff together, track, and record language preference information.
- How staff inform LEP individuals about available language assistance services.
- How staff will identify the language needs of LEP individuals.
- How staff are to respond to correspondence (letters and email) from LEP individuals.
- How staff will procure in-person interpreter services.
- How staff will access telephone or video interpreter services.
- How to use bilingual staff for LEP services and which staff are authorized to provide in-language service.
- How to obtain translations of documents.
- How staff will process language access complaints.

B. Appointing a Language Access Coordinator or Other Responsible Personnel

Some agencies have found it helpful to appoint a language access coordinator and other responsible personnel. These individuals are responsible for devising and ensuring that the agency adheres to its language access policy directives, plan and procedures to provide meaningful access to LEP persons. The language access coordinator should be or report to a high-ranking official within the agency since high level support is essential to successful implementation. The coordinator is responsible for language assistance services and may delegate duties but should retain responsibility for oversight, performance, and implementation of the language access plan. Agencies with multiple offices and divisions may find that each component or field office should designate an individual as a local language access coordinator. The language access plan should set forth the name and contact information of the responsible official(s). The language access coordinator should consider creating a working group of key stakeholders to assist in creating and implementing language access procedures for the agency.

The language access coordinator may also oversee personnel and performance of employee and non-employee interpreters and translators, including:

- Identifying qualified interpreters and translators to be included in an interpreter database;

- Creating interpreter, translator, and bilingual staff qualifications and ethical standards;
- Outlining measures to ensure quality control of interpreters and translators;
- Training and testing bilingual individuals including staff who provide language assistance services;
- Assigning qualified interpreters, translators and bilingual employees to perform language assistance functions;
- Maintaining a regularly updated list of all competent bilingual employees, contract interpreters, and contract translators that includes their availability, non-English language(s) spoken, and contact information;
- Changing hiring and personnel practices to increase staff language capacity (e.g., providing pay incentives for bilingual employees);
- Developing a procurement strategy for contract language assistance services providers;
- Searching for funding and other resources to support interpretation and translation; technological and other infrastructural support, and staffing;
- Providing input in budgetary and procurement matters related to implementation of the language access policy, plan, and procedures; and
- Coordinating procurement for interpreter and translator compensation for services rendered.

C. Community Outreach and Disseminating Language Assistance Services Information

When language assistance services are not readily available at a given agency, LEP individuals will be less likely to participate in or benefit from its programs and services. As a result, many LEP persons may not seek out agency benefits, programs, and services; may not provide beneficial information or file complaints; and may not have access to critical information provided by your agency because of limited access to language assistance services. Thus, self-assessments of the number of current LEP contacts may significantly underestimate the need for language services. Agencies should make every effort to conduct effective outreach, including:

- Providing information to the public and to LEP communities regarding the language assistance services available free of charge. Information should be provided in English and in the appropriate other languages using, for example, signage, websites, translated documents, telephone tree options, kiosks, and community-focused outreach;
- Coordinating with other agencies and stakeholders to ensure consistent identification of LEP status, primary language, and similar information; and
- Exchanging promising practices and challenges with other governmental and non-governmental agencies.

The Federal Interagency Working Group on Limited English Proficiency welcomes and encourages your comments regarding this tool. To provide written comments, please write:

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