

Language Access Assessment and Planning Tool for Federally Assisted Programs

The goal of all language access planning and implementation is to ensure that your agency communicates effectively with limited English proficient (LEP) individuals. This requires ensuring effective communication at all points of contact between an LEP person and your agency. 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:

- I. Conducting a self-assessment to determine what types of contact your agency has with the LEP population. Use the checklist provided by ICDVVA to perform your self-assessment.
- II. Developing a Language Access Plan. The plan should outline how your agency will set deadlines and priorities; identify 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.
- III. Implement procedures for your staff to provide language services, gather data, and deliver services to LEP individuals. Procedures can be set forth in handbooks, websites, desk references, reminders at counters, notations on telephone references, etc.

I. Self-Assessment: As you work through the checklist, the following guidance may be helpful.

1. Understanding How LEP Individuals Interact with Your Agency

Any interaction with the public has the potential to interact with LEP individuals. This could include 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 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. For the assessment to be accurate, it must include all communities who are eligible for services or are affected by programs or activities. Agencies may determine the linguistic characteristics of an LEP population in a service area by reviewing available data from the following sources:

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.

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 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.

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 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. 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

Agencies 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 cards, and by including instructions in non-English languages on telephone menus.

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. 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.
- The monitoring and review of current policies and the types of language assistance services provided should occur on an annual basis.

II. Developing a Language Access Plan

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:

- 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.
- 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.
- A description of the timeframe, objectives, and benchmarks for work to be undertaken.
- Identification of funding and procurement issues and the steps needed to address them.
- 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.
- Training staff on policies and procedures. A plan will identify training needs and explain how they will be addressed.
- 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.
- 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.

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

III. Establishing Procedures for Your Agency

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 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.

*This document was developed based on the “Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs,” created by the Federal Coordination and Compliance Section, Civil Rights Division, Department of Justice, May 2011.