



Ensuring Meaningful Access for Survivors with Limited English Proficiency

national
latin@
network
casa de esperanza

api
gbv
Asian Pacific Institute
on Gender Based Violence

Why Provide –or not- Meaningful Language Access?

Facilitate access to
services

Safety

Human Right

Need

Equality



Terrifying
Oppression

Abuse

Isolation

Disempowerment

Inequality

EDMUND G. BROWN JR.
GOVERNOR



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April 7, 2016

To: DOMESTIC VIOLENCE ASSISTANCE (DV) PROGRAM SUBRECIPIENTS

RE: DOMESTIC VIOLENCE ASSISTANCE (DV) PROGRAM
FISCAL YEAR 2016-2017 REQUEST FOR APPLICATION

The California Governor's Office of Emergency Services (Cal OES), Criminal Justice/Emergency Management and Victim Services Branch, is pleased to announce the release of the Domestic Violence Assistance (DV) Program Request for Application (RFA) for fiscal year 2016-2017.

It is anticipated that approximately \$49 million in federal and state funding will be available for the DV Program for 2016-2017, with a performance period beginning July 1, 2016, and ending June 30, 2017. Funding amounts are provisional and contingent upon Cal OES's receipt of the federal grant awards and the passage of the 2016-2017 State Budget Act. A funding chart with individual Subrecipient allocations will be included as a separate attachment with the RFA.

Please see below for the following changes or updates related to the DV Program:

- **Language Access Plan** –In accordance with the U.S. Department of Justice, Title VI of the Civil Rights Act of 1964 42 U.S.C. §2000d, *et seq.*, Executive Order 13166, the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973, Cal OES-funded DV Program Subrecipients are required to implement meaningful language access policies and practices in order to ensure access to programs and services for DV survivors and their children/dependents
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CAL OES Language Access Plan Requirements

In accordance with the U.S. Department of Justice, Title VI of the Civil Rights Act of 1964 42 U.S.C. §2000d, et seq., Executive Order 13166, the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973, Cal OES-funded DV Program Subrecipients ***are required to implement meaningful language access policies and practices in order to ensure access to programs and services for DV survivors and their children/dependents who have limited to non-existent English proficiency, including access to sign language interpreter services for Deaf and Hard of Hearing survivors.***

CAL OES Language Access Plan Requirements

Subrecipients are required to submit their Language Access Plan and information regarding how they implement their plan within **six months** of the performance period.

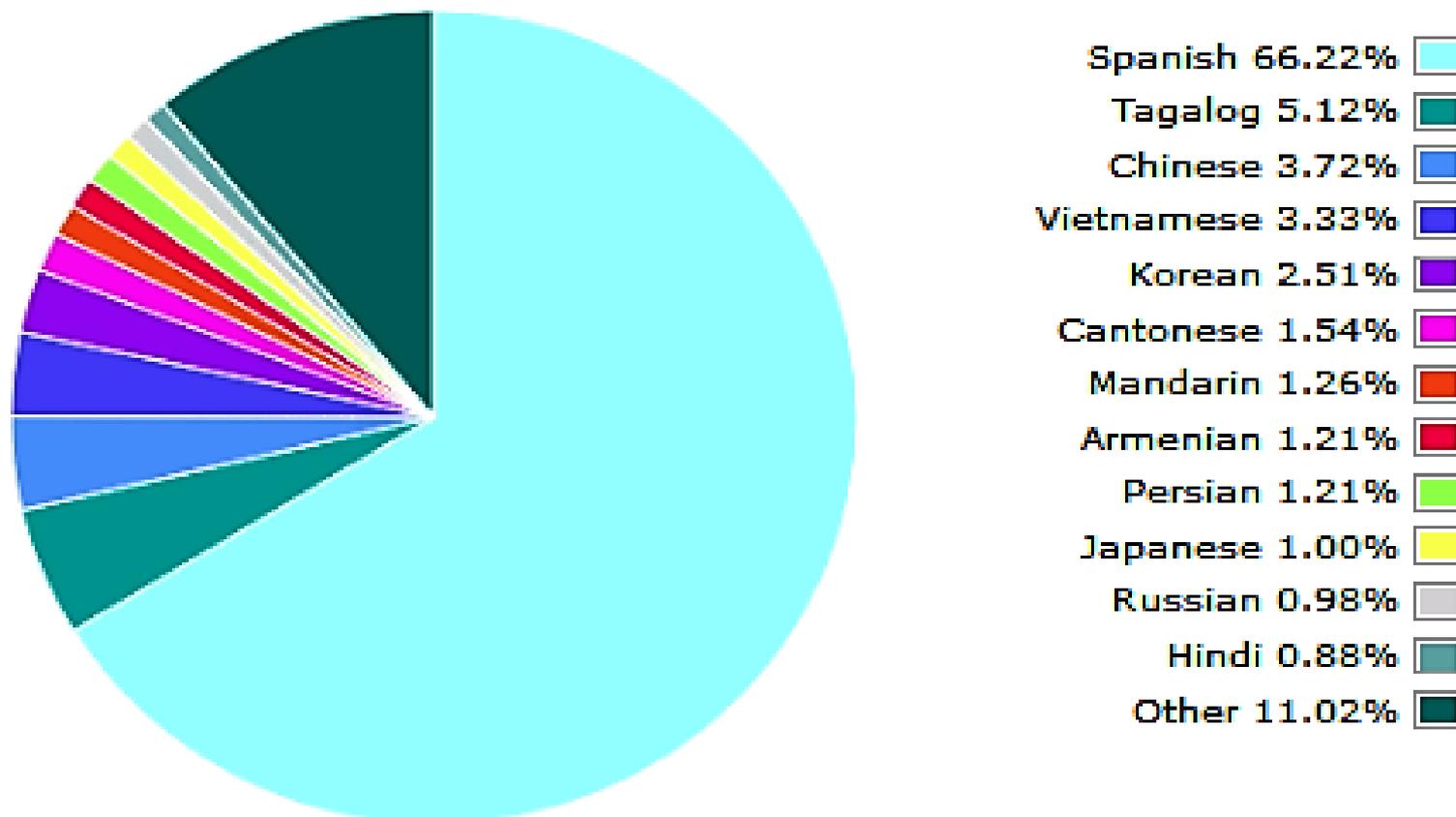
[Hide chart](#)

Most spoken languages in California in 2010

English is spoken by 57.02% of people over 5 years old in California.

Languages other than English are spoken by 42.98%.

Speakers of languages other than English are divided up as follows.



California

Source: American Community Survey

[Show more languages](#)

[Show age break](#)

[Show ability to speak En](#)

LEP in California

- ✓ Roughly 6.9 million LEP residents in 2010—highest in any state in US—accounted for 27% of total US LEP population.
- ✓ LEP residents represent 19.8% of population in California
- ✓ California has seen 56% growth of LEP population from 1990-2010

¹*Limited English Proficient Individuals in the United States: Number, Share, Growth, and Linguistic Diversity*, Migration Policy Institute, December 2011.

Who are Individuals with LEP?

- Individuals with LEP are those ***individuals who do not speak English as their primary language*** and have a limited ability to read, write, speak or understand English.
- Deaf (upper case 'D') refers to an identity with its own culture, language, and diverse communities
 - 'deaf' refers to a physical condition/ impairment
 - Deaf and hard of hearing often understood as a disability issue, but is also a language issue.

Title VI of the Civil Rights Act of 1964

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Civil Rights Act of 1964, Title VI, 42 U.S.C. § 2000d

What does Title VI mean?

Government & government funded programs must provide ***meaningful access*** to programs & benefits to persons with limited English proficiency.



Americans with Disabilities Act and Section 504 of the Rehabilitation Act

Public accommodations and state entities are required to provide ***ASL interpreters***, and other auxiliary aids, to ensure effective communication with deaf and hard of hearing individuals. Deference must be given to the deaf or hard of hearing individual's choice.

28 C.F.R. S28 C.F.R. S35.160 (b)(2) (NAD Law Center, 2002).

4 Factor Analysis for Meaningful Access

1. The ***number or proportion*** of LEP individuals served or encountered in an LEP population
2. ***Frequency*** of interaction
3. ***Nature and importance*** of the program, activity, or service provided by the program
4. ***Resources*** available to the recipient



Title VI in action

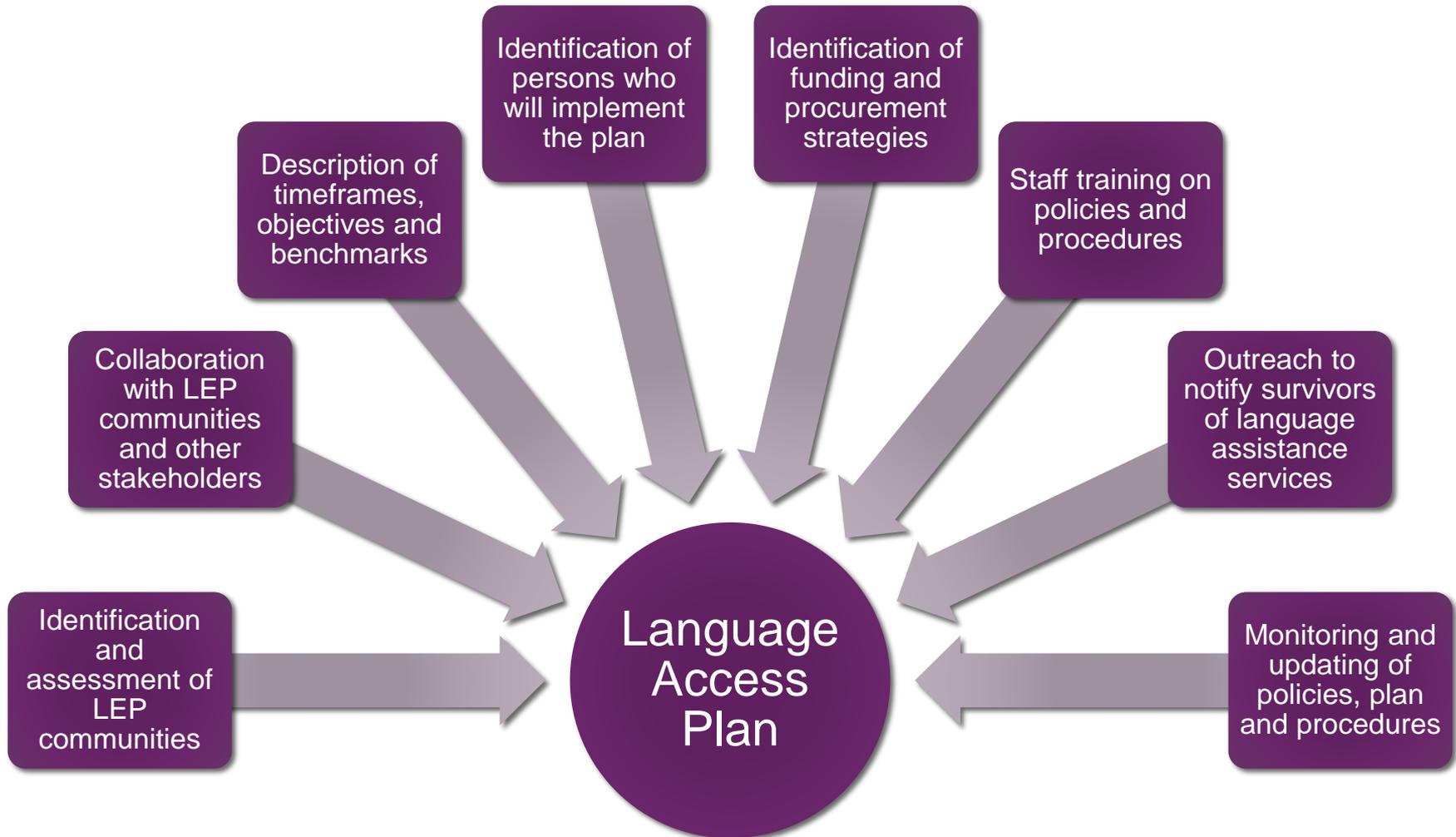
1. Courts are required to provide interpreters for LEP persons in all court and court-annexed proceedings, including: civil, criminal, or administrative; including those presided over by non-judges.
2. Courts must ***provide interpreters at no cost*** to the LEP persons.

Language Access Plan

A Language Access Plan is a strategy to assess, identify, and manage a system to ensure that limited English proficient (LEP) individuals are able to access services.



Developing an effective Language Access Plan



Developing a Language Access Plan

- Who is in charge?
- Whom are you serving?
- What will be done?
- Who pays?
- Providing notice (including signage)
- Training staff
- Monitoring and updating policies and procedures.
- Collaborating with your supporting communities and LEP communities.

Language Access Plan

You're doing something, lets write it down.

Language Access Policy



A directive that sets forth the standards, goals, and expectations for an organization on the provision of accessible services to limited English proficient individuals.

“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.”

Which Languages are Spoken in Your Community?

Identify the number or proportion of individuals with LEP eligible to be served or likely to be encountered by your program.

Who are the people who live in the community you serve?



Which Languages are Spoken in Your Community?

1. What data does your organization have on language and service population?
2. Kidsdata.org
<http://www.kidsdata.org/region/2/california/results#cat=6>
3. The Civil Rights Division LEP Maps.
<http://www.lep.gov/maps/>
4. Review US Census data on the use of languages in the US.
<http://www.census.gov/hhes/socdemo/language/> and in your state,
<http://www.census.gov/population/www/cen2000/briefs/phc-t20/tables/tab01.pdf>

What services will you provide?

1. Now that you know the languages spoken in your community, how will you provide language accessible services?

- Bi-lingual staff
- In person interpretation
- Telephonic interpretation
- Volunteer interpreters/advocates
- Partnering with a culturally specific service agency

2. What documents will you translate?

What it takes to interpret

California Administrative Office of Courts identified 32 testable KSA's needed to be a court interpreter, including:

- 1. Native like proficiency in both languages.**
2. Knowledge and use of a broad range of vocabulary, including legal terminology, subject-specific terminology, and slang.
- 3. Knowledge and use of cultural nuances, regional variations, idiomatic expressions, and colloquialisms in all working languages.**
4. Ability to speak with proper pronunciation, diction, and intonation in all working languages.
- 5. Ability to listen to and comprehend various regional accents and/or dialectical differences in all working languages.**
6. Ability to practice and follow ethical standards.

Safe Harbor - A Note on Translation

- (a) The DOJ recipient provides written translations of vital documents for each eligible LEP language group that constitutes five 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 five percent trigger in (a), the recipient does not translate vital written materials but 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. These safe

DEPARTMENT OF JUSTICE

Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons. Pp.41464 (2002).

Allocating and Building Resources

Budgeting for language access –
Include a line item to pay for
interpreters, translators, and
compensation for bilingual staff
and partner agencies.



Implementation

Consider implementation of your Language Access Plan.

How this will be implemented throughout the organization (job descriptions, employee handbook, etc.)?



Implementation



1. Which staff positions will take responsibility for what tasks?
2. Helpful to have a definitions section for terms such as meaningful access, interpreter, translation.
3. Are there other policies that you need to establish?

Staff Training

Now that your plan is developed and policies, protocols and procedures updated, make sure your staff is familiar with and trained on your language access plan.



Staff Training



1. Comprehensive – relevant law, organizational assessment, language access plan, relevant policies, protocols and procedures and what to do when an unexpected language is encountered.
2. Proper way to communicate with a survivor using an interpreter, and practice doing so.
3. Clear guidelines prohibiting the use of family members, children and other participants as interpreters.
4. Mechanism for training new staff as they are hired, and refreshers as circumstances change or new tools or resources are identified.

Community Outreach

How will you **notify** survivors with LEP of **their rights** to **language access** and the **services** you have available to them?

What about signage?



Community Outreach



1. Be inclusive. Invite culturally specific organizations to meet to discuss the services available and to assess the barriers to services for those communities.
2. Build relationships with allies in the community.
3. Hold community informational workshops on topics important to community members, i.e. healthy relationships, legal remedies, healthy child development, etc.
4. Create a PSA to be featured on culturally specific radio stations or public access stations.
5. Go to where community members are: churches, hair salons, laundromats, schools, community centers.
6. ***GO TO WHERE THE COMMUNITY IS. DON'T EXPECT THEM TO COME TO YOU.***

Monitoring and Compliance

Now that you have a comprehensive plan to provide meaningful language access to survivors with LEP, follow up with a built-in plan to monitor the implementation.

Involving culturally-specific organizations, community partners and survivors themselves will result in a deeper understanding of how successful you have been and where you want to go next.



Monitoring and Compliance



1. Establish an annual review of your plan.
 - How have demographics changed?
 - How has your plan affected services?
 - How did you respond to language needs as they arose?
 - How do you address unexpected languages?
 - What should you adapt or change for next year?
 - How are you building capacity in the long-term, i.e. fundraising, participation satisfaction, staff hiring and training, etc.?
2. Utilize listening sessions, surveys, interviews and other feedback tools to gather information on how LEP survivors feel about the services they received and their ability to fully access those services.

Additional Resources

- **California Partnership to End Domestic Violence**
Mercedes Tune – Mercedes@cpedv.org (209)768-3615
- **Interpretation Technical Assistance Resource Center**
Cannon Han - chan@api-gbv.org (415)568-3326
Wendy Lau - wlau@api-gbv.org (415)568-3338
- **LEP Federal Interagency website** www.lep.gov
- **UN Victim Translation Assistance Tool**
www.ungift.org/knowledgehub/en/tools/vita.html
- **Interagency Language Roundtable** www.govtilr.org/