Ensuring Language Access for Families with Limited English Proficiency

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Statewide Parent Advocacy Network

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La Perspectiva de un Miembro Familiar

Importancia

Efectos

Comunicación

.

Comprención

Vocabulario

Limitado

Confidencialidad

Cambios

How did that feel?

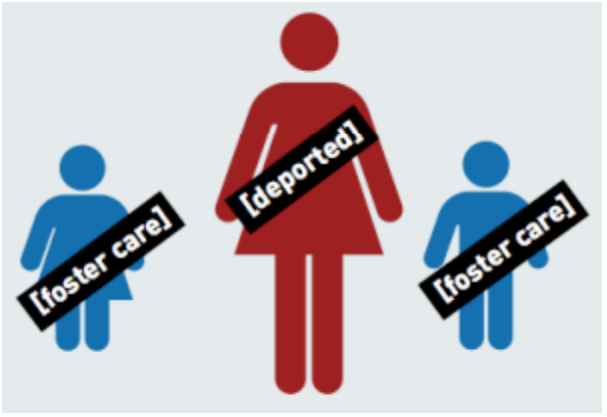
Why should we provide language access?

- Commitment to serve all individuals and families
- Growing need for language access services
- Focus on closing gaps
- Funder priorities
- Legal obligations

Growing need for language access services

- About 20% of US population speaks a language other than English at home
- About 10% of US population speak English “less than very well”
- For 6 of 9 access barriers studied, parents with LEP were less likely than English-proficient parents to bring their children to the doctor for needed care
- More than 350,000 LEP children receive special education services

Negative outcomes of lack of access



Legal Obligation to Provide Access

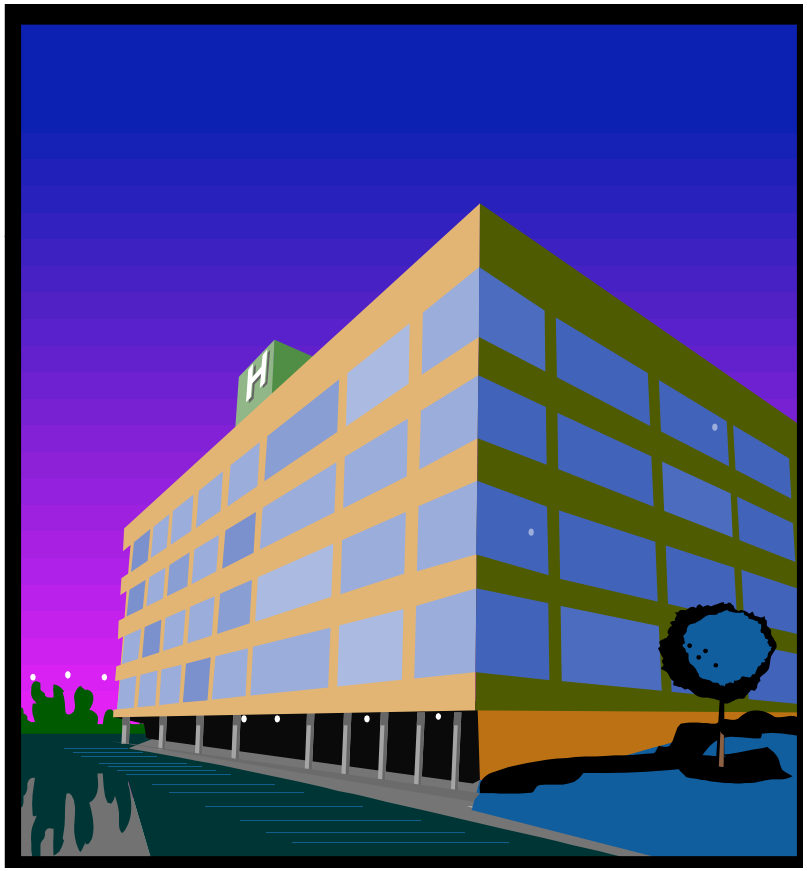
Entities receiving funding from the federal government must take reasonable steps to ensure that persons with **Limited English Proficiency** (LEP) have ***meaningful access*** to the programs, services, and information those entities provide

Who has “limited English proficiency?”

Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write or understand English can be limited English proficient, or "LEP." These individuals may be entitled to language assistance with respect to a particular type of service, benefit, or encounter.

Who Must Comply?

- State agencies (child welfare, juvenile justice, health & mental health agencies, etc.)
- Local agencies (including schools)
- Private and nonprofit entities
- *Sub-recipients* (entities that receive federal funding from one of the recipients listed above) *such as family organizations!*



Title VI of the 1964 Civil Rights Act

- "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."
  42 U.S.C. § 2000d.

Executive Order 13166:

Improving Access to Services for Persons with Limited English Proficiency

- The Order covers all federal & federally assisted programs & activities which must do a language access self-assessment & develop a language access plan

Individualized Assessment: 4 Factor Analysis

- Each covered entity must conduct analysis re:
  - # of LEP persons eligible to be served or likely to be encountered
  - Frequency of contacts
  - Nature & importance of service to people's lives
  - Costs & available resources

Elements of an Effective LEP Policy

- Identifying LEP persons who need language assistance
- Identifying ways in which language assistance will be provided

Elements of an Effective LEP Policy

- Training staff
- Providing notice to LEP persons
- Monitoring and updating LEP policy

Language Assistance Services

- Written language services
- Translation of written materials
- Hire Bilingual/bicultural individuals from the community
- Oral interpretation services
- Telephone interpreter lines
- Community volunteers

Other Resources

- Meducation - Initiative of Polyglot Systems to help patients with limited literacy and/or limited English proficiency manage medications
- AHRQ Hospital Guide - http://www.ahrq.gov/professionals/systems/hospital/lepguide/index.html
- Joint Commission You Tube video on improving patient-provider communications: www.hhs.gov/ocr/civilrights/resources/specialtopics/lep
- CMS Health literacy toolkit - www.cmspulse.org/community-initiatives/disparities-national-coordinating-center/training-education/health-literacy/index.html

Payment for Services

- Persons with limited English proficiency cannot be required to pay for services required to ensure their meaningful, equitable access to programs, services, and benefits

Informed Consent

- Informed consent requires written information to be translated & oral information to be interpreted into the family's language
- Notice of rights must be in family's language

Example

- State was required to conduct an annual assessment of frequently encountered languages and of the number of LEP individuals needing language assistance statewide; develop a process for determining which documents require translation and then translate these materials as appropriate; develop a simplified Medicaid application form with information in 15 commonly spoken languages explaining how to obtain translation interpretation services; enhance staff training on policies and procedures for communicating with and serving LEP persons; and identify an agency to coordinate language assistance services

General OCR requirements

- Develop a language access plan;
- Designate a staff person to coordinate Title VI activities;
- Provide information and training to staff on these policies;
- Post translated notices that contain information on the availability of no cost interpreters;

General OCR Requirements

- Maintain effective interpreter services by emphasizing in-person interpretation and, to the extent possible, minimize telephone interpretation;
- Provide translation of important forms and documents;
- Collect, analyze, and maintain data to determine if interpreter services are adequately provided;
- Monitor subcontractors and include a nondiscrimination clause in all contracts for services

The Bottom Line

- The bottom line is ensuring meaningful and equitable access to programs, services, and benefits to children, youth, and adults with limited English proficiency!

Resources to Help Assess Language Access & Develop LA Plans

- Language Assistance Self-Assessment & Planning Tool & Assessing Access Worksheet:

  (Interagency Working Group on LEP, www.lep.gov)
- Cultural & Linguistic Competence Family Organization Self-Assessment: (http://www.gucchdgeorgetown.net/nccc/clcfoa/)

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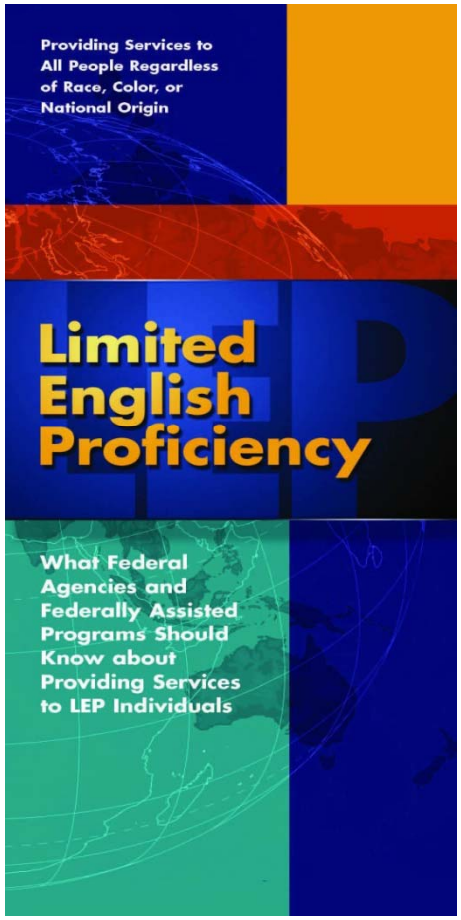
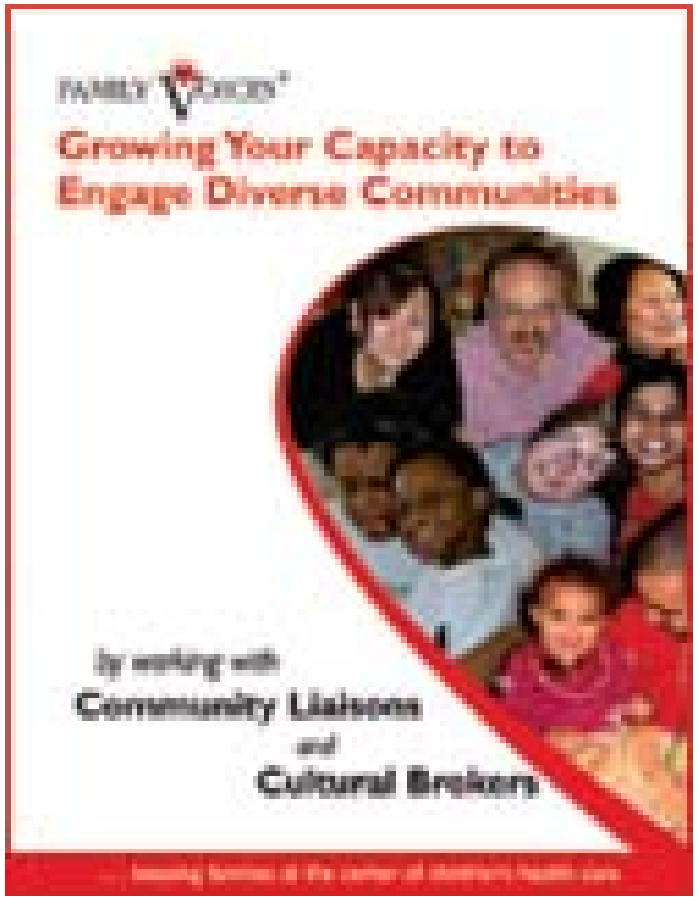


- Sample Language Access Self-Assessments:
  - Large Family Organization
  - Small Family Organization
- Sample Language Access Plan
  - Large Family Organization
  - Small Family Organization

(Request from diana.autin@spannj.org)

Other Resources

- Working with interpreters tip sheets: (request from diana.autin@spannj.org)
- Growing Your Capacity to Engage Diverse Communities: (https://org2.democracyinaction.org/o/6739/images/CommunityBrokers_04-27-2009.pdf)
- www.HablamosJuntos.org
- CLAS Standards – Office of Minority Health (www.omhrc.gov/assets/
- pdf/checked/finalreport.pdf)



We can be leaders!

- Educating agencies and families on LEP rights and responsibilities; advocate with families to ensure agencies meet their obligations
- Building organizational capacity to provide quality interpretation and translation
- Engage diverse families on Boards, staff and as volunteers; develop bilingual/bicultural work force
- Building coalitions/partnering with diverse community-based organizations
- What else can you do/have you done?

Questions?