

LANGUAGE ASSISTANCE PLANNING FOR SMALL ORGANIZATIONS



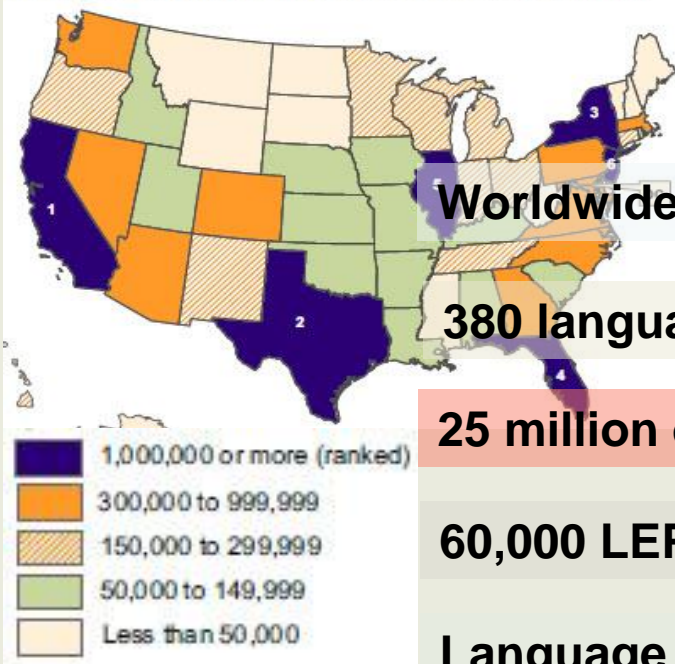
February 9, 2016



**Gary E. Hanes &
Associates, LLC**

NOT EVERYONE SPEAKS ENGLISH

Number of Limited English Proficient (LEP) Individuals by State, 2010



Worldwide there are 7000 languages

380 languages in the U.S. (160 are indigenous)

25 million or about 9% LEP population in the U.S.

60,000 LEP persons in ID or about 4% of the population

Language other than English spoken in 10%+ of ID homes

LANGUAGES IN OUR SCHOOL DISTRICTS

Boise	80-100
Meridian	58
Canyon County	12
Twin Falls	21



LEGAL UNDERPINNINGS



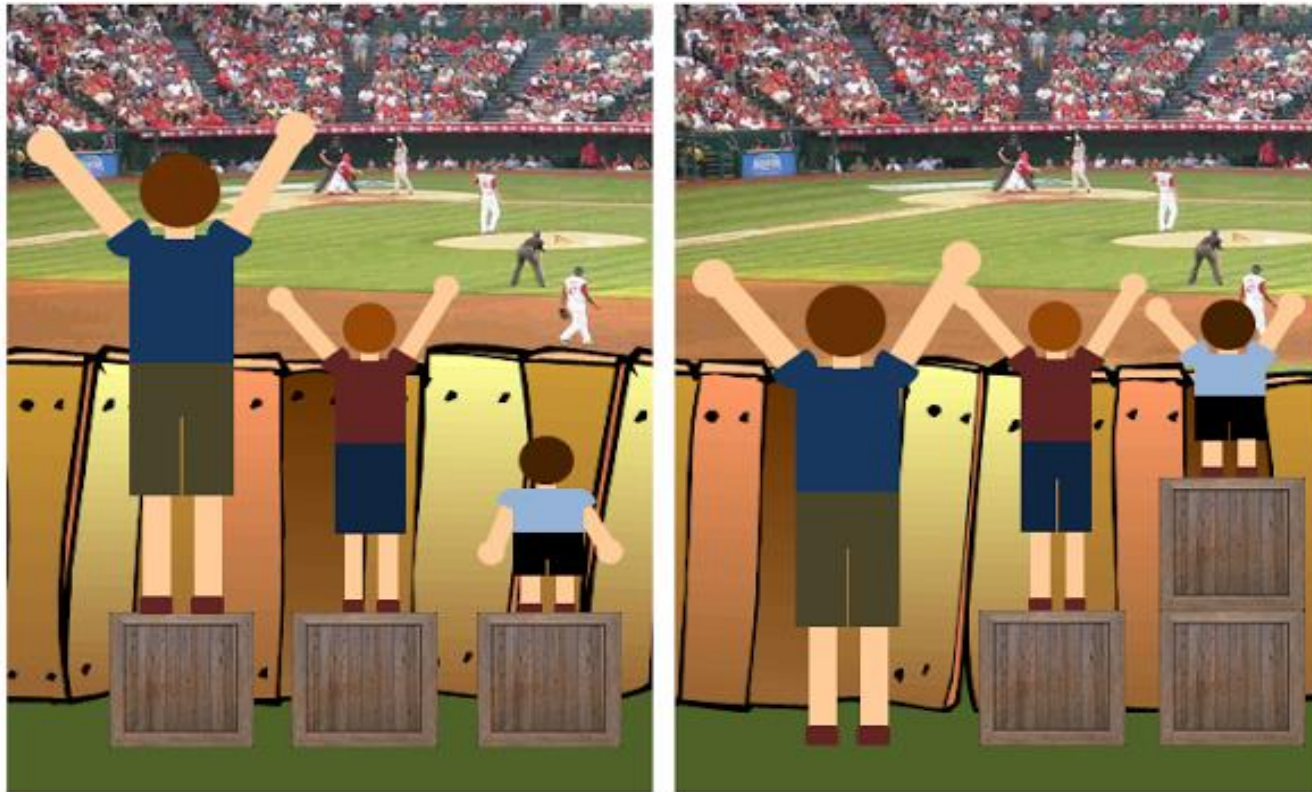
- Title VI of the 1964 Civil Rights Act
Prohibits discrimination on the basis of race, color, and **national origin** in programs and activities receiving federal financial assistance
- U.S. Supreme Court—Lau v. Nichols (1974)
- Executive Order 13166 (2000)
- Federal Agency Guidelines

WHAT IS LIMITED ENGLISH PROFICIENCY?

Persons who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English can be limited English proficient, or “LEP.”

TITLE VI AND LANGUAGE ASSISTANCE

EQUALITY



WHO MUST COMPLY?

- All agencies of the federal government
- All programs that receive federal assistance
 - State and local agencies
 - Subrecipients
 - For-profit and nonprofit entities
 - Special districts (fire, water, sewer, etc)
 - Consultants?

COVERAGE

Coverage extends to a recipient's entire program or activity, *i.e.*, to all parts of a recipient's operations. **This is true even if only one part of the recipient receives the federal assistance.**

WHAT IS LANGUAGE ASSISTANCE?

Interpretation: *listening to something in one language...and orally converting it into another....*

Translation...*replacement of written text from one language into an equivalent written text in another language.*

But, what about gesturing and pantomiming?
Or, speaking louder and slower?

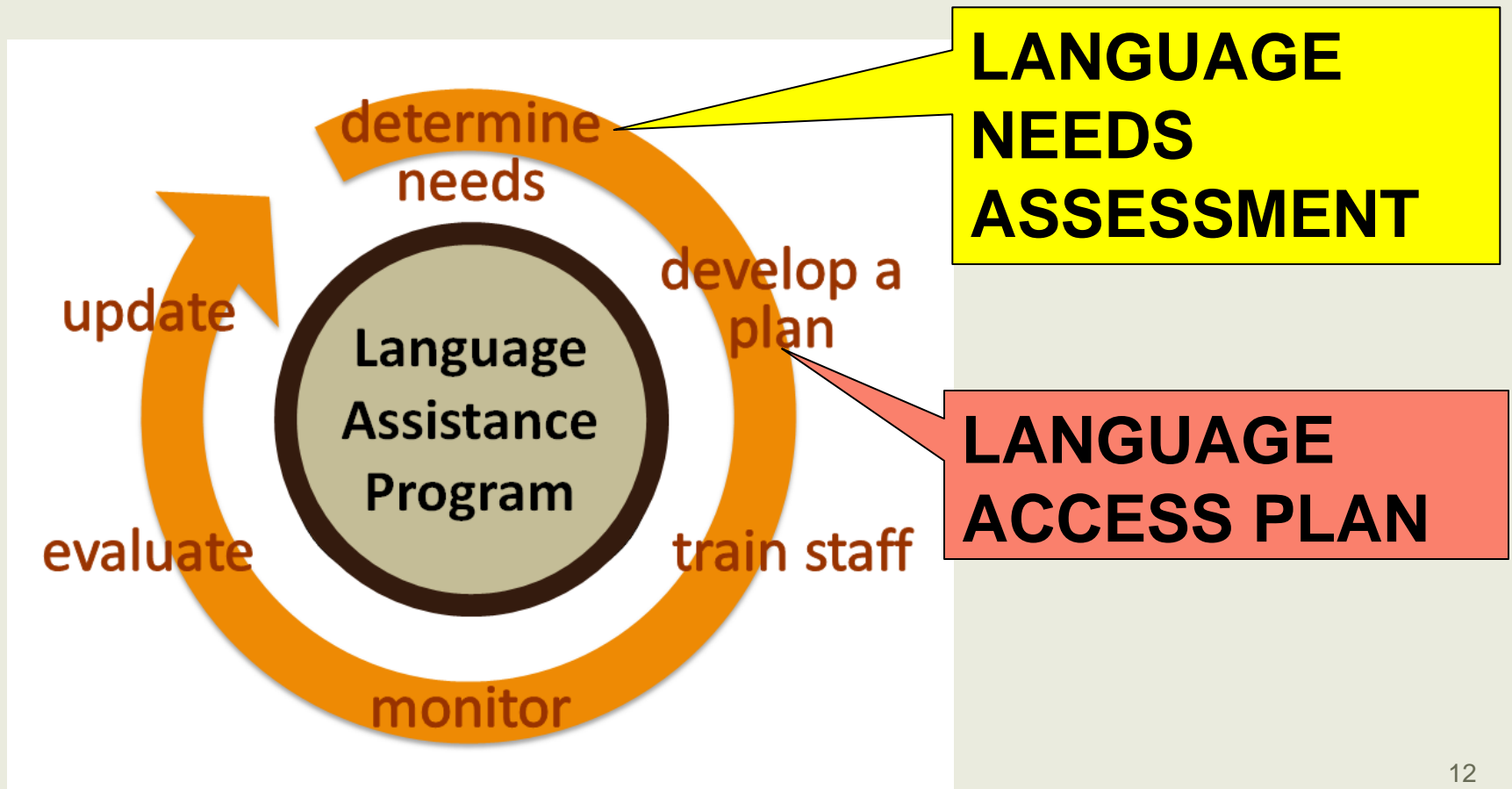
LANGUAGE ASSISTANCE PROGRAM



LANGUAGE ASSISTANCE PROGRAM



LANGUAGE ASSISTANCE PROGRAM



WHAT IS A LANGUAGE NEEDS ASSESSMENT?

A four part LNA is a written document:

- 1.** Number/Proportion of LEP Persons Served or Encountered in the Service Area
- 2.** Frequency LEP Persons Come in Contact With the Program
- 3.** Nature and Importance of the Program, Activity, or Service
- 4.** Resources and Costs

WHAT IS A LANGUAGE NEEDS ASSESSMENT?

LNA EXERCISE

STARTING OUT -- BACKGROUND

Background information:

- **Mission/Vision**
- **Geographical Service Area(s)**
- **Who is the focus of your program(s)?**
- **Age, gender...**
- **Do you market to someone other than whom you serve?**
- **Other?**

LNA STEP #1

1. Number/Proportion of LEP Persons Served or Encountered in the Service Area

- Census info? (www.census.gov)
- Reports?
- Other?

Sources: Census tables -- **S1601**, S1602, **B16001**, B16002, B16004

LNA STEP #2

2. Frequency LEP Persons Come in Contact With the Program

Sources: Survey ([guide form](#))

NOTE: Track interpretation events: the languages, duration, cost. Make this part of the LAP.

LNA STEP #3

3. Nature and Importance of the Program, Activity, or Service

NOTE:



Maslow's hierarchy of needs

LNA STEP #4

4. Resources and Costs

Info Sources: ????????

NOTE: Do you have bilingual staff? Are some documents already translated? Remember that 7-1-1 has Spanish language for hearing impaired. \$3.95/min telephone interpretation; \$40-\$65/hr translation; 14 to 25 cents/ word

YOU MUST PROVIDE INTERPRETATION

When the client is:

- Assessed as being LEP; and,
- The communication involves the meaningful access by a person to information or services, then:

**The interpretation must be competent,
timely and free**

COMPETENCY = DIALECTS



Dialect -- a particular form of a language that is peculiar to a specific region or social group.

INTERPRETING CAUTIONS



- Using friends and family... **especially children** to interpret
- Different dialects/cultural competency
- Machine interpretation not equal to human interpretation
- There is **no** “safe harbor” for interpretation!

WHAT DOCUMENTS SHOULD BE TRANSLATED?

VITAL DOCUMENTS

Those documents that are critical for ensuring meaningful access by **beneficiaries** or **potential beneficiaries** generally and **LEP persons** specifically.

Such as...

THERE IS “SAFE HARBOR” FOR TRANSLATION

Size of language group	Recommended provision of written language assistance
1,000 or more in the eligible population in the market area or among current beneficiaries.	Translated vital documents.
More than 5% of the eligible population or beneficiaries <i>and</i> more than 50 in number.	Translated vital documents.
More than 5% of the eligible population or beneficiaries <i>and</i> 50 or less in number.	Translated written notice of right to receive free oral interpretation of documents.
5% or less of the eligible population or beneficiaries <i>and</i> less than 1,000 in number.	No written translation is required.

- This analysis should be a part of the LNA.
- Are there other reasons to translate docs?

LET'S BREAKDOWN SAFE HARBOR LIMITS

For each language, analyze **ELIGIBLE POPULATION** and **BENEFICIARIES** separately.

Example—*read the levels like this:*

- 5% or less of the **eligible population** and less than 1000 in number
- 5% or less of the **beneficiaries** and less than 1000 in number

NOTE: This analysis becomes part of the LNA.

DOCUMENTS – ELIGIBLE POPULATION

What kinds of “*vital documents*” might be of concern to the **Eligible Population**?

NOTE: List these documents and include them in the LNA.

DOCUMENTS – BENEFICIARIES

What kinds of “*vital documents*” might be of concern to the **Beneficiaries**?

NOTE: List these documents and include them in the LNA.

WHAT IS A LANGUAGE ACCESS PLAN?

A LAP is written document.

A LAP is a policy and a plan for providing language assistance and implementing change over time.

A LAP describes procedures on how language assistance is to be provided.

A LAP can act as a “Karma Bank”.

WHAT IS A LANGUAGE ACCESS PLAN?

LAP EXERCISE

LAP FORMAT

Select a format from those you find by Googling “**Language Access Plan Template**” and modifying it

Example:

[Language Access Plan for Covered Entities](#)

[National Latino Network Toolkit and Template](#)

ESSENTIAL LAP COMPONENTS

Make sure your LAP includes:

A policy statement noting that you are a federally-funded entity or manage a federally-funded program and, as such, under Title VI of the Civil Rights act that you must provide access to those that are limited English proficient.

Names a LEP coordinator.

That you will (or have) engaged the services of a telephonic language interpretation vendor.

That you will or have posted notices in appropriate languages informing LEP persons of their right to no-cost language assistance.

ESSENTIAL LAP COMPONENTS

A complaint procedure—remember “due process”.

A list of vital documents, which ones will be translated, when, and estimated cost. [remember that your website may be considered a vital document].

Consider adding a Google Translate gadget to your website as an interim step to translating the entire website.

How you will determine when someone is LEP.

Cautions about friend/family. **No children interpreting!!**

Display “I speak...” cards/posters

WHY COMPLY?

- ✓ To improve community outreach
- ✓ To provide good customer service
- ✓ *To comply with the law*
 - Ensure meaningful access
 - Avoid disparate treatment
 - Satisfy grant requirements
- ✓ To manage risk
 - Civil Rights complaints
 - Avoid lawsuits
- ✓ Avoid aggravation

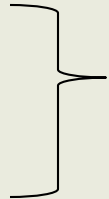


RESOURCES

www.lep.gov

www.gehanes.com

- Offers to Interpret
- Know your rights
- In the News
- Langwij Finder
- Connect on Linked In



THE GOLDEN RULE:

Put a **Language Assistance Program** in place, follow it, and...

- **Document!**
- **Document!**
- **Document!**



BE LIKE BILL!

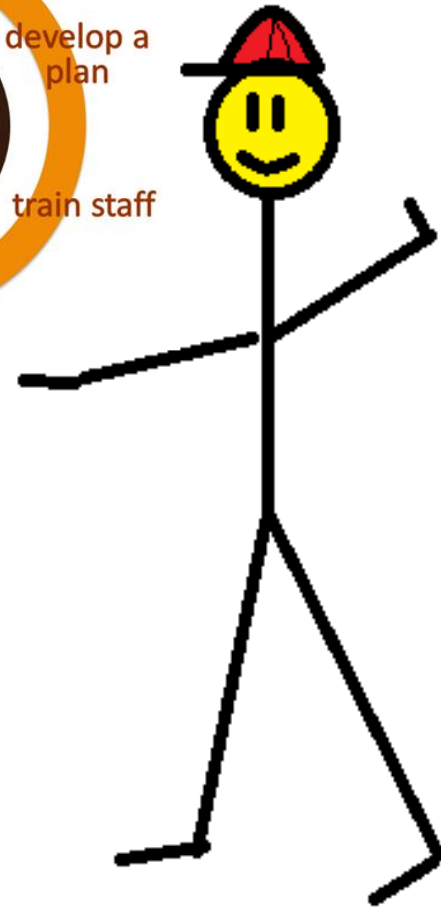
This is Bill.

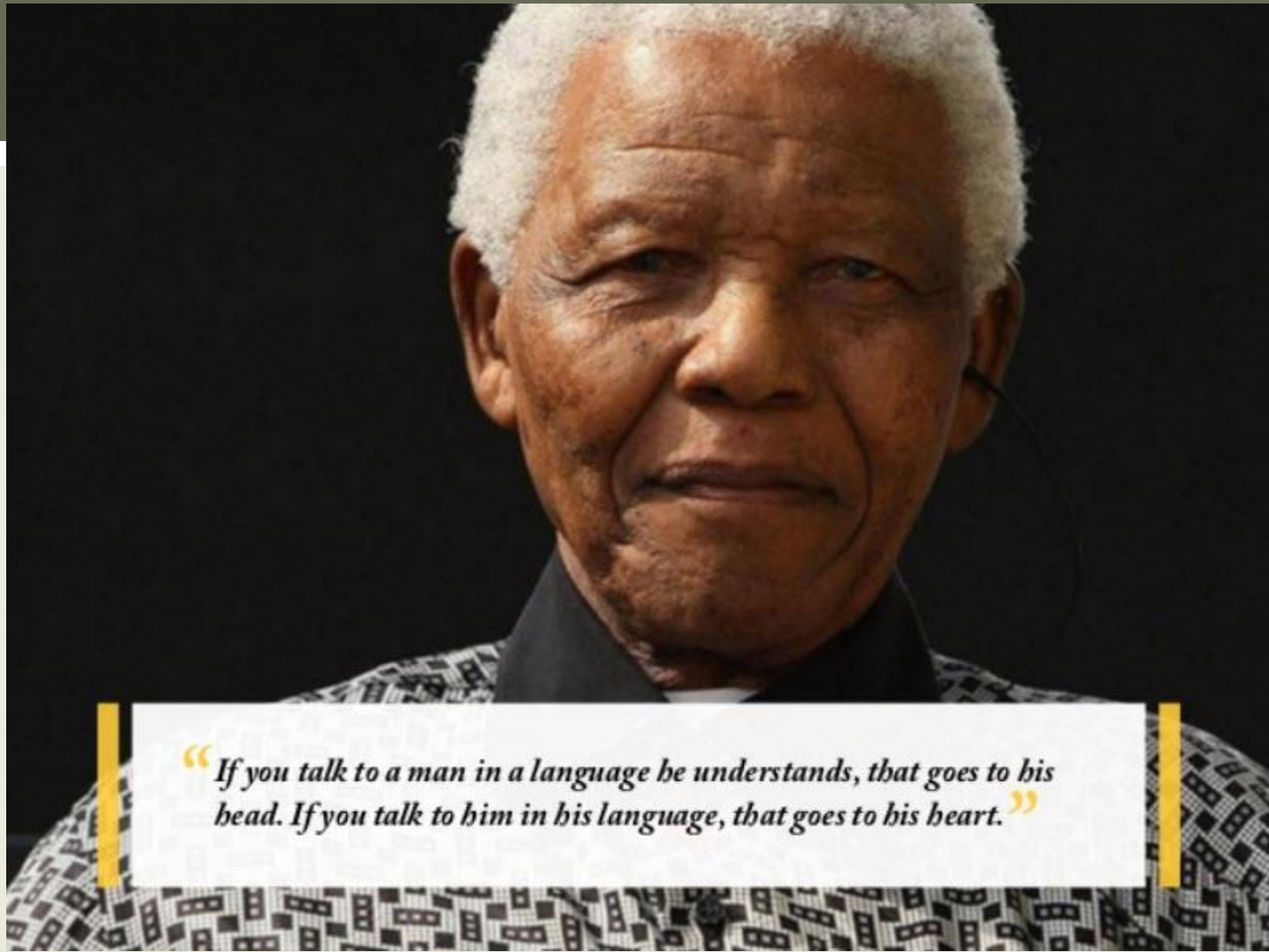
Bill manages a federally-assisted program.

Bill complies with Title VI of the Civil Rights Act.

Bill has a **Language Assistance Program**.

Be like Bill.





“If you talk to a man in a language he understands, that goes to his head. If you talk to him in his language, that goes to his heart.”

NELSON MANDELA



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