

WASHINGTON STATE COALITION FOR
LANGUAGE ACCESS

WASCLA
SUMMIT II

October 12, 2006

INTRODUCTION:

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Welcome to WASCLA Summit II

Interpreters
Courts and Administrative Office of the Courts
American Red Cross
Department of Education
Medical Providers and Clinics
Domestic Violence Advocates
Department of Health
Department of Corrections
Office of Administrative Hearings
Immigration and Customs Enforcement
Law Enforcement
Department of Social and Health Services
Law Schools and Colleges
Washington State Coalition Against Domestic Violence
Northwest Women's Law Center
Civil Legal Aid Providers and Pro Bono Clinics
Washington Legal Foundation
and others ...

HISTORY

- WASCLA (Washington State Coalition for Language Access)
- The Department of Justice allocated funds to create a Northwest Regional Six-State Summit in May 2005.
- Purpose of the May 2005 summit was to develop plans to improve access and delivery of services to immigrant victims in their states.

HISTORY (cont'd)

- WA representatives identified an action plan to improve interpreter/translation services for immigrant survivors accessing legal services, medical care, and other community services.
- Some of the original participants: *Chaya; Department of Social and Health Services; Northwest Justice Project; Northwest Immigrant Rights Project; King County Superior Court Interpreter Services; Department of Justice, Civil Rights Division; Columbia Legal Services; King County Sheriff's Office; KC Protection Order Advocacy Program; Consejo; Seattle University Access to Justice Institute; Seattle Police Department; US, Immigration and Customs Enforcement*

WASCLA LONG TERM GOALS

- Educate groups about legal requirements to provide interpreters
- Increase the pool of qualified interpreters and develop a centralized database
- Develop quality control standards and requirements for ongoing training
- Develop a model curriculum for interpretation services and cultural sensitivity training
- Secure funding to support interpreter services and training
- Develop a model curriculum for training for service providers

Brief Overview of Summit I June 16, 2006

- Held at Central Washington University in Ellensburg, Washington
- ❖ Almost 100 participants
- ❖ General overview on working with interpreters
- ❖ General overview on cultural competency
- ❖ Presentation of sample LEP policies for courts, law enforcement, agencies and advocates
- ❖ Description of certification and testing in WA state

PURPOSE

- REFLECTION
- BRAINSTORMING
- IDENTIFYING
- NETWORKING
- COLLABORATING
- SHARING
- TRAINING



Since the Summit

- ❖ Groups working on draft LEP policy
- ❖ Development of proposals to increase funding
- ❖ Work on translation of forms
- ❖ Work on model LEP policy for courts
- ❖ Identification of interpreter and translation resources



Goals of Summit II

- Learn interpreter perspective on special situations in providing access to LEP
- Hear about work at the Administrative Office of the Courts and in King County Superior Court
- Discuss BJA proposal to increase interpreter funding for courts
- Hear about funding in health care and other areas



Goals of Summit II (cont'd)

☒ Discuss work on LEP policies

- How to start
- Barriers
- Strategies that work
- Areas that need improvement

☒ Identify interpreter/translation needs

Review of the Law: TITLE VI and Executive Order 13166

- ☒ Under DOJ regulations implementing Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq. (Title VI), recipients of Federal financial assistance have a responsibility to ensure meaningful access to their programs and activities by persons with limited English proficiency (LEP). See 28 CFR 42.104(b)(2).

Title VI and the Executive Order (CONT'D)

- ☒ Initial guidance on DOJ recipients' obligations to take reasonable steps to ensure access by LEP persons was published on January 16, 2001.
- ☒ That guidance document was republished for additional public comment on January 18, 2002. See 67 FR 2671.
- ☒ Based on public comments filed in response to the January 18, 2002 republication, DOJ published revised draft guidance for public comment on April 18, 2002. See 67 FR 19237.

**Title VI and the Executive Order
(CONT'D)**

**JUNE 18, 2002 FEDERAL REGULATIONS
EFFECTIVE June 12, 2002**

Policy guidance document.

- This particular policy guidance clarifies existing statutory and regulatory requirements for LEP persons by providing a description of the factors recipients should consider in fulfilling their responsibilities to LEP persons.

**Title VI and the Executive Order
(CONT'D)**

■ Section 601 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, provides:

- that no person 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."

**Title VI and the Executive Order
(CONT'D)**

- Department of Justice regulations forbid recipients from "utilizing criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin..." 28 CFR 42.104(b)(2).

**Title VI and the Executive Order
(CONT'D)**

■ WHO IS COVERED?

Law requires all recipients of Federal financial assistance from DOJ to provide meaningful access to LEP persons.

Executive Order 13166 signed August 11, 2000 extended requirements to federal agencies

FACTORS TO DETERMINE COMPLIANCE:

- The number or proportion of non-English speakers served or encountered in the eligible service population
- The frequency with which non-English speakers come into contact with the program
- The importance of the benefit, service, or information to non-English speakers
- The resources available to the recipient and the costs of service

POINTS

- Written Language Assistance Plan
- Five Elements of an LEP
- Policy Providing Interpreter Services without Charge
- Use of Family Members or Friends as Interpreters is Discouraged
- Written Language Services—Translation

COMPLIANCE TOOLS

- ☒ Developing a Comprehensive Written Policy
- ☒ Determining and Tracking Language Needs
- ☒ Training and Competency Protocols
- ☒ Monitoring and Evaluating Language Needs



Additional reasons to comply

- ☒ Revised Code of Washington 2.42 Interpreters in Legal Proceedings
- ☒ Revised Code of Washington 2.43 Interpreters for Non-English Speaking Persons
- ☒ Health Care Quality Assurance
- ☒ Malpractice Insurance



Additional reasons to comply (cont'd)

- ☒ LEP individuals pay taxes that fund these services
- ☒ LEP individual's inability to access law enforcement, courts, health care affects both LEP and non LEP individuals
- ☒ Difficulty in learning English means that LEP individuals may take more than two years just to learn basic English, longer if they have no previous education or if ESL classes are filled
- ☒ Some individuals, because of war trauma, age or other health problems may never be able to learn English, no matter how hard they try.



Where is WASCLA now?

- ☑ Washington State has long been at the forefront of providing services to LEP individuals
- ☑ Washington has experts and systems that prove we can provide these services
- ☑ Let's collaborate and share resources to make those services available to all across the State.



TODAY'S SCHEDULE.....


