



LANGUAGE ACCESS BASICS

WASHINGTON STAKEHOLDER FORUM
ON EMERGENCY MANAGEMENT

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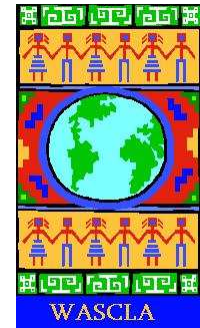
Washington State Coalition For Language Access

Our Mission

To ensure the provision and delivery of effective legal, medical, and social services to Limited English Proficient (LEP) residents in Washington State through the collaborative efforts of interpreters, translators, and service providers.

Key phrase: “collaborative efforts”

Website: www.wascla.org



Addressing The Problem: Why and How

Because of language and cultural differences, individuals with limited English proficiency (“LEP”) are often denied equal access to policies, programs, services, and benefits.

How can we help? WASCLA tackles issues through the lens of equity through educational and advocacy approaches

Disclaimer: This presentation is for information only and is not legal advice.

Language Services Terms

- ASL (American Sign Language)
- Bilingual/multilingual
- ELL (English Language Learner)
- Interpreter vs. translator
- Ad hoc interpreter
- LAP (Language Access Plan)
- LEP (Limited English Proficiency/Proficient)
- Target language- source language
- R/E/L (Race/Ethnicity/Language)

Civil Rights Act of 1964, Title VI

- Section 601 provides
 - *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.”*
42 U.S.C. 2000d

Signed into law on April 20, 1964
by President Lyndon Johnson



Other Federal Laws & Guidance

- **1974: SCOTUS *Lau v. Nichols***
determined that language may be a factor in national origin discrimination.
- **1988: Robert T. Stafford Disaster Relief and Emergency Assistance Act** PL 100-707, Pub. L. No. 93 288, § 308 (codified at 42 U.S.C. § 5151)
 - **2013: Stafford Act amended, related Authorities**
<https://www.fema.gov/media-library/assets/documents/15271?fromSearch=fromsearch&id=3564>
- **2000: Executive Order 13166**
Guidance on Title VI implementation, including responsibility of federal agencies to provide guidance to recipients on language access requirements.
65 Fed. Reg. 50121(2000), [lep.gov](http://www.lep.gov)
- **2006: Department of Homeland Security Appropriations Act. Sec.689a Nondiscrimination..., Sec.689e ...Information Services**
Details FEMA's responsibilities to LEP populations for emergency and disaster planning and responses <http://www.gpo.gov/fdsys/pkg/PLAW-109publ295/html/PLAW-109publ295.htm>
- **2011: Reaffirmation of Mandates of Executive Order 13166**
<http://www.justice.gov/crt/about/cor/lep/DOJFinLEPFRJun182002.php>

Americans with Disabilities Act of 1990

- **Title III- Public Accommodations**

prohibits discrimination on the basis of disability in "places of public accommodation" (businesses and non-profit agencies that serve the public) and "commercial facilities" (other businesses)

- Applies to all businesses, regardless of size
- Covers wide range of businesses, including health care facilities and providers
- Basis for language access services mandate for those who are deaf, deafblind , Hard of Hearing (HoH), blind, visually impaired

Washington Law and Policy

- **Reyes Consent Decree (1991)** Agreement to provide and pay for meaningful language services for applicants and clients of State medical and social services programs as resolution of litigation for claims of civil rights violations
 - Subsequent rules and policies (RCW, WAC, Administrative Policy) governing these State services, plus qualifications and credentials for those providing language assistance directly in, or on behalf of these programs
- **RCW 49.60.030 (1995) WA Law Against Discrimination.** Establishes the civil right in Washington State to be free from discrimination based on race, creed, color, national origin, sex, or the presence any sensory, mental, or physical handicap.

Executive Order 13166

- Federal agencies must take steps to ensure meaningful access and ensure that recipients of federal funds do the same.
- Federal agencies must create a plan to improve access.
- Federal agencies must provide guidance to recipients on language access requirements.

65 Fed. Reg. 50121(2000)

Who is Covered under Federal Law?

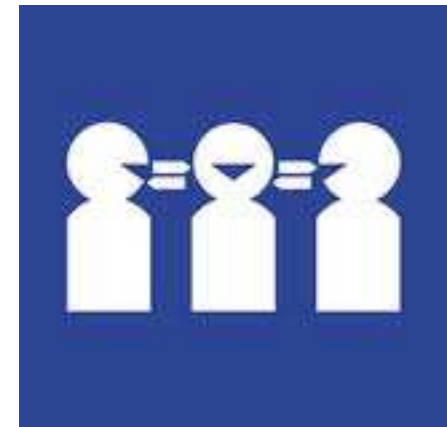
- Government agencies
- Recipients of federal funding
 - All programs of a recipient agency must offer language assistance when one program or part of organization receives federal funds
 - Language assistance must be available to LEP clients or potential clients, who are not required to personally be beneficiaries of a federal program; nor are there are citizenship or income requirements
- Examples:
 - Law enforcement
 - Courts
 - State and local government agencies
 - School districts
 - Correctional facilities

1st Step: Language Access Plan

- Policies and procedures
- Identify LEP consumer base, current + future
- System to track clients and service usage, outcomes
 - Collect & report meaningful data for program assessments
- Coverage for all points of service
- Select methods of providing language assistance
 - Learn about service modalities and how to ensure quality
 - Teach how to work with interpreters
 - Include services for spoken & signed languages
 - Address emergency coverage needs
- Best practice: review/revise plan on ongoing basis

What is Language Assistance?

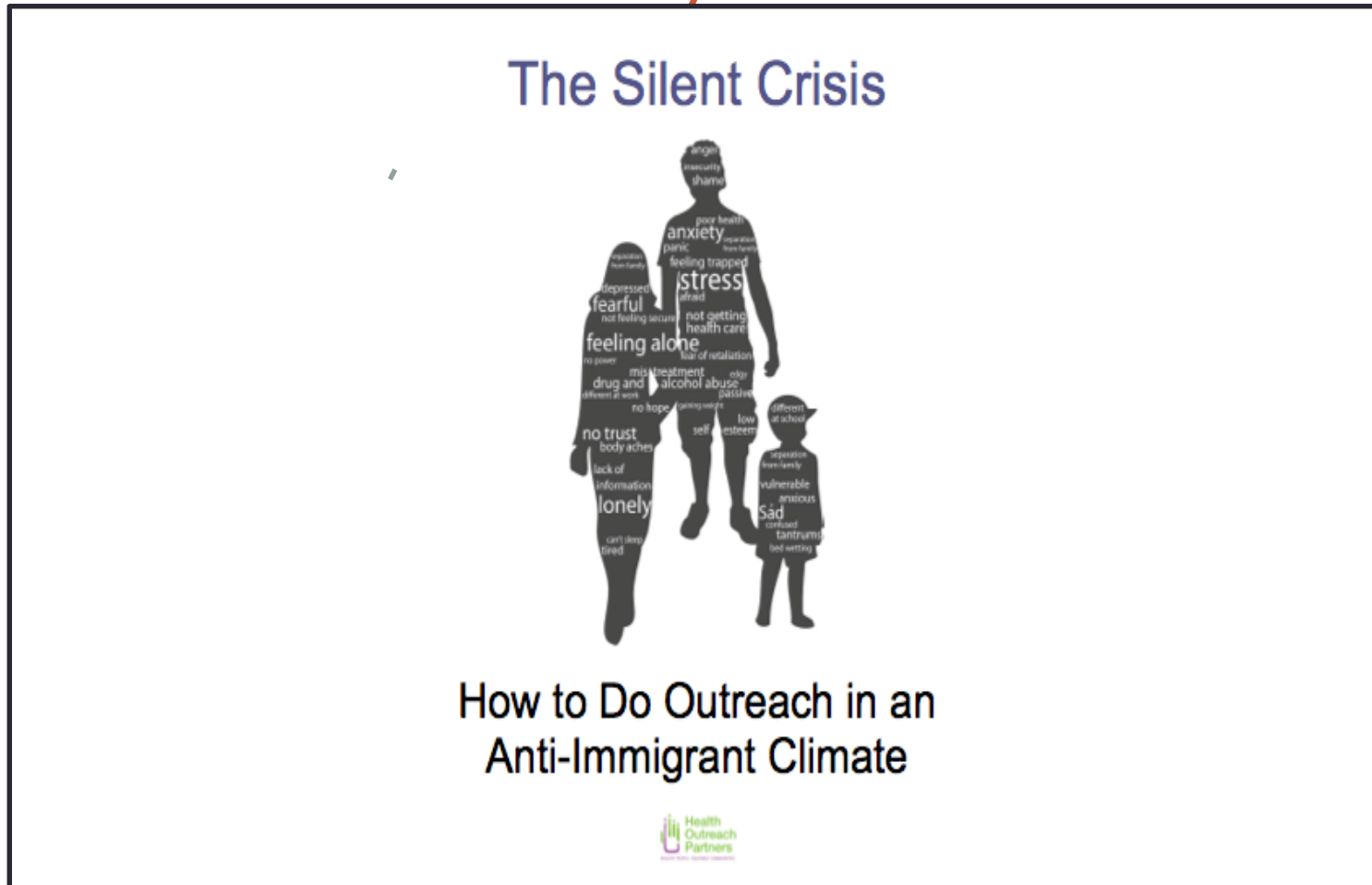
- Definition: any means that help individuals access services across linguistic barriers
- Examples of language assistance:
 - Bilingual service providers
 - Interpreters
 - Sign language and Braille
 - Translated documents and materials
 - Multilingual media: signs, websites, videos, etc.
 - Communication technologies



Understand How Adults Learn a New Language for Service Planning

- Language learning occurs on continuum
- Basic oral English skills not same as full literacy
- Adult English education offerings greatly inadequate in number, very often inaccessible
- Some adults may never learn English well no matter how hard they try, due to past trauma, age, lack of prior formal education, health problems and disabilities
- Crises impact language abilities

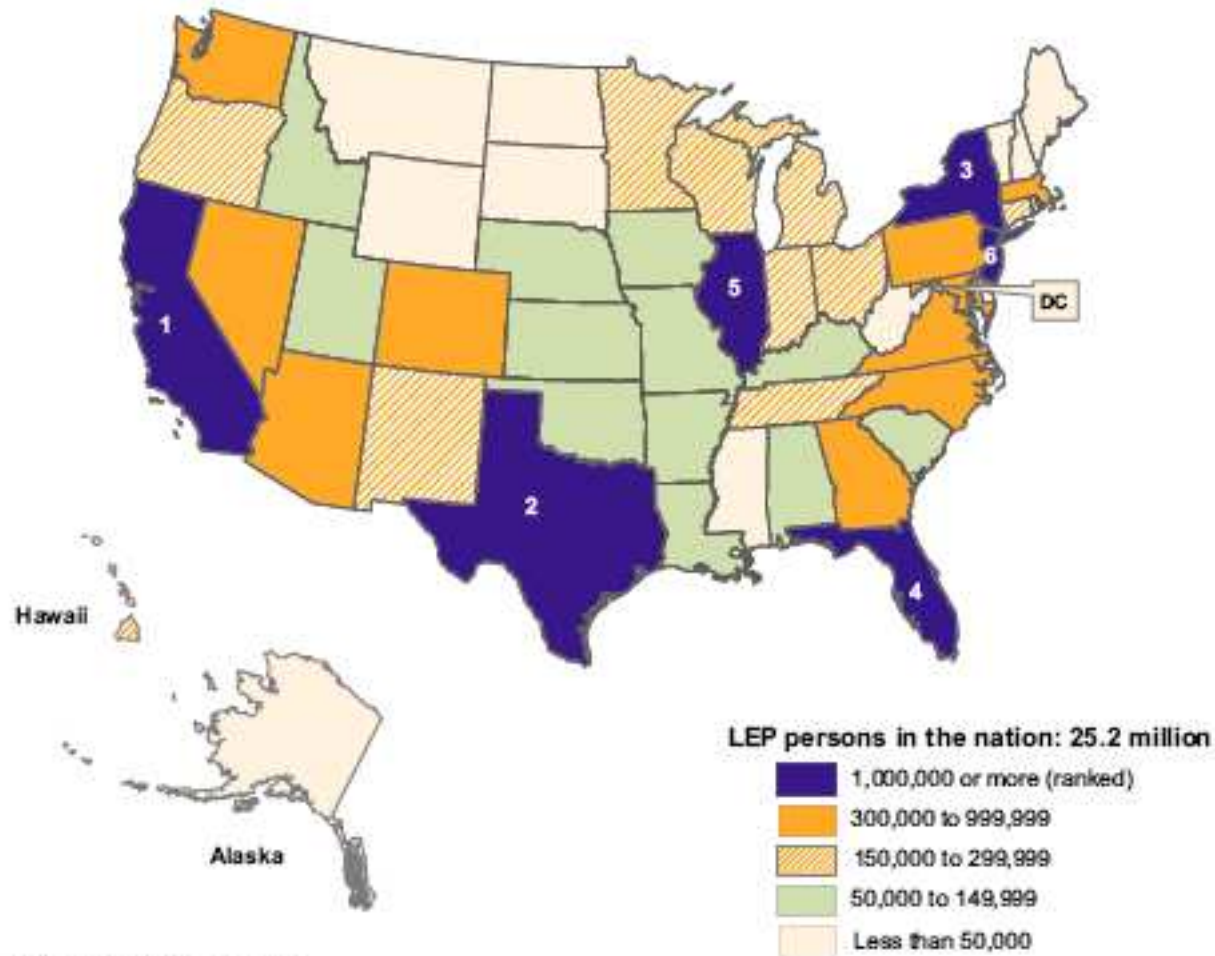
Understand Context and How it Can Affect Service Delivery



<http://outreach-partners.org/2013/03/26/outreach-in-an-anti-immigrant-climate/> . Brochures in English and Spanish available for free download

Language Assistance Needs are National

US Population with LEP by State 2010



Migration Policy Institute,
LEP Data Brief, 2011
<http://tinyurl.com/8v2vcwp>

Identify Your Local LEP Consumer Base

- Where to go for information
- Tips for using data
 - Limits of Census/ACS data
 - Validity and reliability issues
 - Reports on 39 languages, others grouped in broad categories
 - Seek localized, multi-source data, including:
 - County level: Courts; ELL student enrollment from OSPI; Public Health services; OFM Special Subject Estimates; HCA/DSHS Interpreter Services
 - King County language tiers
 - Special issues

WASCLA Tools for Health Language List

- Amharic
- Arabic
- Burmese
- Cantonese *(I Speak card)
- Chinese Simplified* (flyer)
- Chinese Traditional* (flyer)
- Chuuk
- Farsi
- Hindi
- Japanese
- Karen
- Khmer
- Korean
- Lao
- Mandarin* (I Speak card)
- Marshallese
- Mixteco
- Nepali
- Oromo
- Punjabi
- Romanian
- Russian
- Samoan
- Somali
- Spanish
- Swahili
- Tagalog
- Tigrinya
- Turkish
- Ukrainian
- Urdu
- Vietnamese

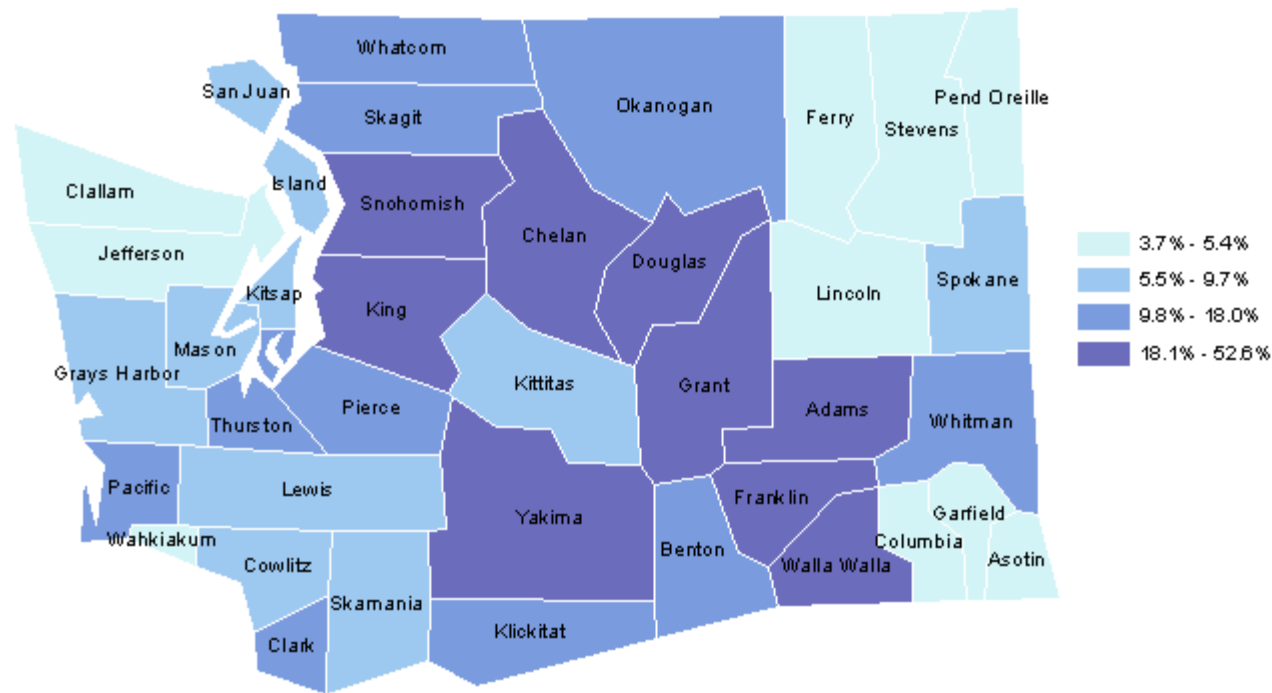
Languages and LEP in WA

- 18% of residents age 5+ report speaking a language other than English at home (20% in US)
 - ~ 50% speak Spanish
 - Next most common: Chinese, Vietnamese, Korean, Russian
- 8% average report speaking English “less than very well”
 - ~50%+ among speakers of these languages and other common languages
 - 4% live in linguistically isolated households where all persons age 14 + report having LEP (12% average among WA Spanish-speakers)
- WA LEP population reported has increased 210% in past 2 decades
 - ~165,000 with LEP reported in 1990
 - ~512,000 with LEP reported in 2010

US Census Bureau American Community Survey 2010
Migration Policy Institute. “Limited English Proficient Individuals in the United States: Number, Share Growth, and Linguistic Diversity.” December, 2011; <http://www.migrationinformation.org/integration/LEPdatabrief.pdf>.

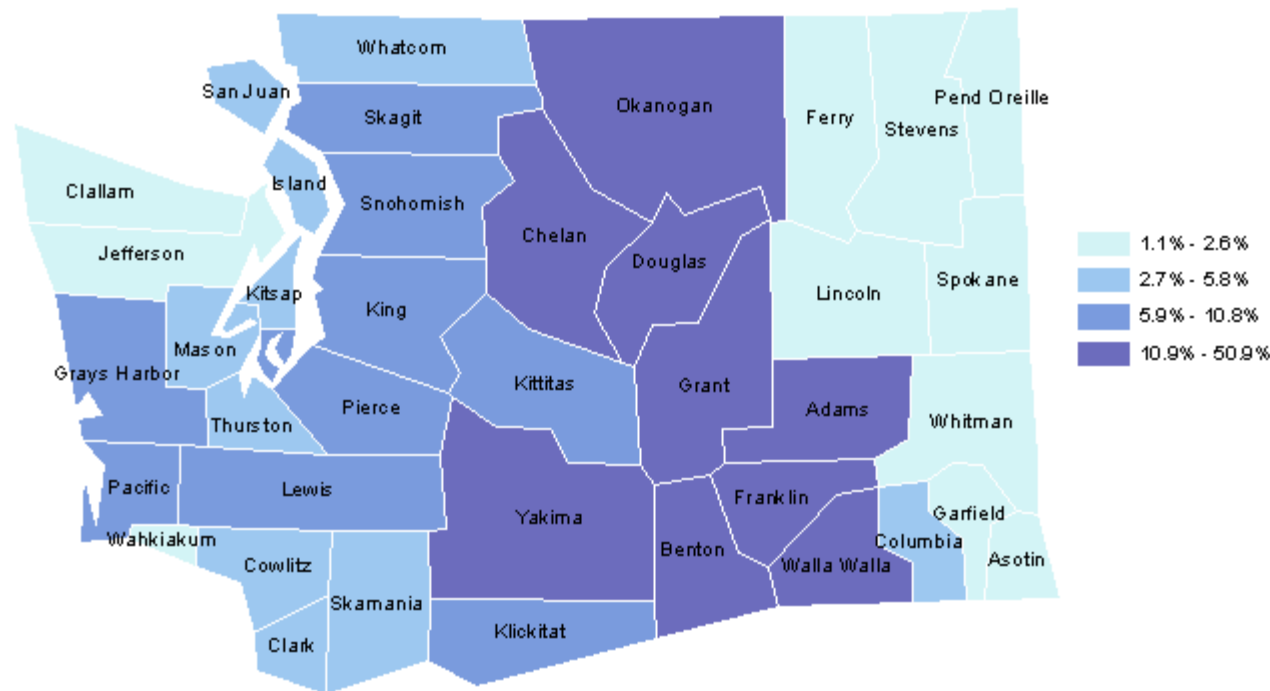
Washington by the Numbers

Households reporting LEP



Percent in Households Where English is Spoken Less than "Very Well"
Population Age 5 and Above, 2013, Census American Factfinder
<http://www.ofm.wa.gov/trends/social/maps207.asp>

WA Households with Spanish Speakers



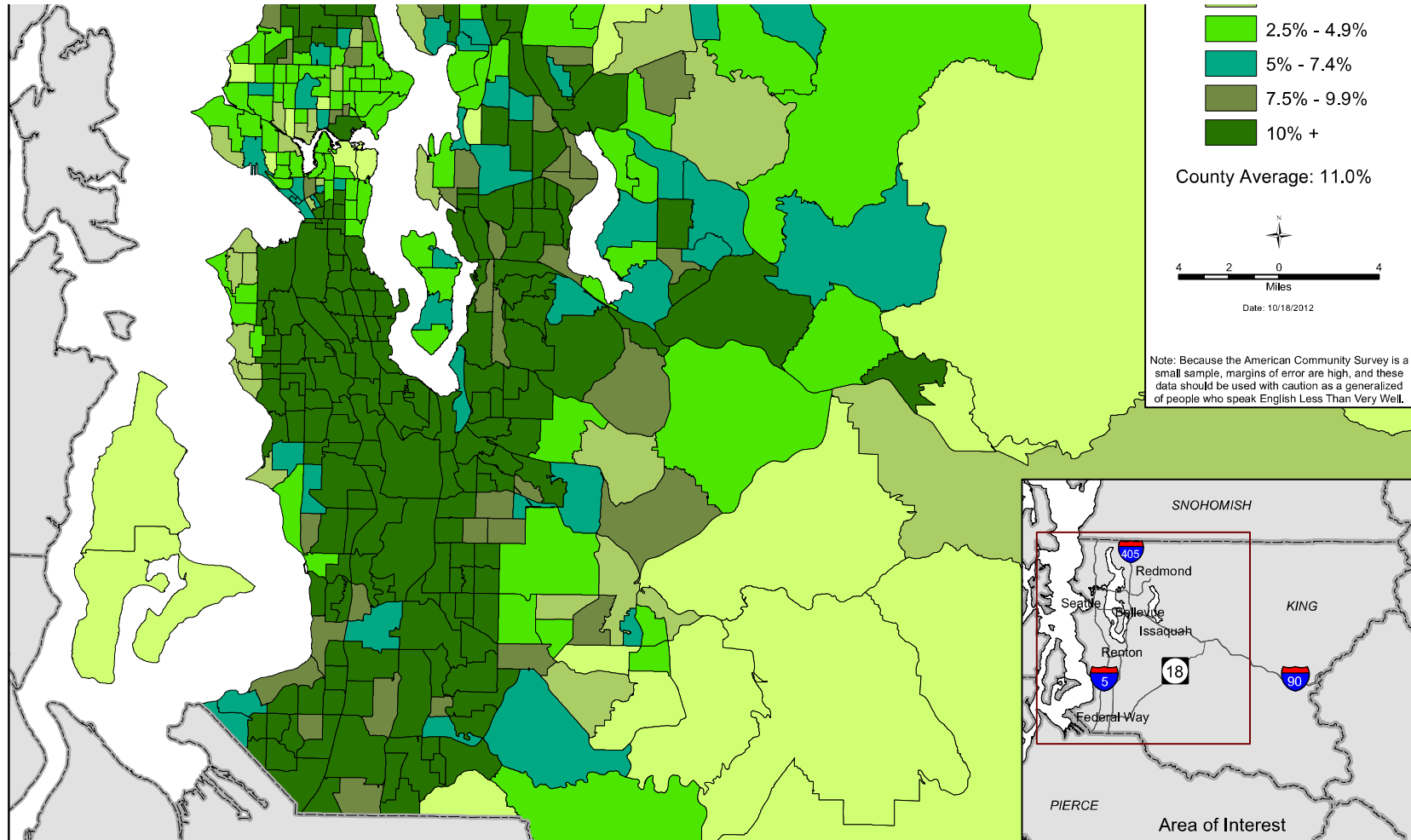
Population Age 5 and Above, 2013, Census American Factfinder
<http://www.ofm.wa.gov/trends/social/maps207.asp>

King County by the Language Numbers

- ~23 % of county residents age 5+ report speaking a language other than English at home (18% in WA, 20% in US)
 - Top 10: Spanish, Vietnamese, Russian, Chinese, Somali, Korean, Ukrainian, Amharic, Punjabi, “Other African Languages”
 - Almost 200 different spoken languages recorded
 - Language diversity varies by community
- ~12% report speaking English “less than very well”
- 6% live in linguistically isolated households where all persons over 14 report having LEP

US Census Bureau American Community Survey 2010; King County, Written Language Translation Process Executive Order <http://www.countyofkingwa.us/exec/styleguide/translation/TranslationFAQ.aspx>
Migration Policy Institute. “Limited English Proficient Individuals in the United States: Number, Share Growth, and Linguistic Diversity.” December, 2011; <http://www.migrationinformation.org/integration/LEPdatabrief.pdf>.

King County LEP Snapshot



Quality Assurance for Language Services

- Interpreting and translating are high-level professional skills for which practitioners need preparation, verification of capabilities, and ongoing training
 - Bilingualism is not enough!
 - No current machine-generated tools are adequate
- Budgeting for language services should be routine
- Ensure robust translation protocols, program evaluations
- Promote community interpretation services
- Promote service collaborations

Ad Hoc Interpreters : Caution!!

- Definition: an available, self-identified bilingual person who serves as an interpreter
 - Examples: family, friends, support staff, volunteers, etc..
- Why is this a problem?
 - No way to know their actual fluency in both languages
 - Lack of interpretation skills and ethics training
 - No way to determine their knowledge of concepts and vocabulary in either language
 - Privacy issues
 - Potential conflicts of interest
 - Inappropriate & traumatic for children

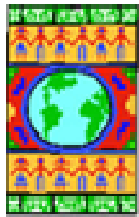
Selected Resources

- **LEP.gov**
Federal Interagency Website
- **Migration Policy Institute**
 - [Language Portal](#)
 - [Language Access Resources](#)
 - [LEP Data Resources](#)
- **Language Data for Washington State**
 - [How the WASCLA Tools for Health Languages were Selected](#)
 - [King County Language Tiers](#)
 - [OFM: Estimate of population with limited English proficiency \(LEP\) for the state and counties*](#)

* Data sets in this file show “Speakers of Languages Other Than English”

WASCLA is your resource for:

- Consultation and customized training
- Free statewide conference calls
- Local and national collaborations
- Education, advocacy, and policy work
- Language Access Summits



WASCLA

Washington State Coalition for Language Access

Email: wascla.lep@gmail.com

Website: <http://www.wascla.org/>