

## *Promising Practices in Language Access*

“It is not easy for people to learn a language overnight; for most of us, it takes awhile. In the meantime, immigrants and the receiving community need to communicate with each other. If their children are in school, it is really important to get the parents involved, and the only way to get parents with limited English skills involved is to communicate in their native language.

“Everybody benefits if parents are helping their children to do better in school. Everybody benefits if newcomers know how to access police services, if working immigrants know how to pay their taxes, if senior citizens know how to vote. Investing in language services makes it possible for new immigrants to participate and contribute to our community. Ultimately, such investments are to society's benefit.”

—Judy Chu, California Assembly Member, 49th District

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## INTRODUCTION

Almost 14 million U.S. residents, including nearly half of all immigrant workers, have limited English proficiency (LEP).<sup>1</sup> Learning English, especially for adults, is often a challenge that can take years to accomplish, particularly since many low-income immigrants hold multiple jobs to support their families and have limited time for English classes. Receiving communities should understand that certain segments of the immigrant community—the elderly, people with disabilities, and immigrants who are not literate in their native languages—will have great difficulty learning English and may never achieve full proficiency. However, the vast majority of immigrants are highly motivated to learn English and recognize the importance of good English skills to their success. As these immigrants make the often-difficult transition toward English proficiency, receiving communities have a strong interest in ensuring that lack of English skills does not increase social or economic isolation, barriers, or disparities for their newest members.

The integration of immigrants into local communities can be strengthened when newcomers, including those with limited English proficiency, have access to government services that help them meet basic needs and become self-sufficient. In fact, government agencies that receive federal funds are required to provide language access to their LEP clients.<sup>2</sup> In some instances, government agencies' inability to communicate with LEP immigrants has had dire consequences.

**An 80-year-old man suffering from congestive heart failure, colon cancer, high blood pressure, and dementia died within 24 hours of being taken into police custody because the corrections officials could not communicate in his native language and were unaware of his medical conditions. The man's wife tried to explain that her husband was sick and needed medical care, but neither the police nor nursing staff understood her Cantonese.**<sup>3</sup>

In addition to the direct impact on immigrants themselves, language barriers to government agencies and services can affect the well-being of the broader community. Untreated illnesses and unsolved crimes can endanger public health and safety. Immigrants' inability to report workplace abuses can depress wages and deteriorate work conditions, lowering the standards for all workers, particularly those in low-wage industries.



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1. Capps, Randolph, Michael E. Fix, Jeffrey S. Passell, Jason Ost, and Dan Perez-Lopez. 2003. *A Profile of the Low-Wage Immigrant Workforce*. Washington, D.C.: Urban Institute. (Analysis of 2000 Census data found that 47 percent of immigrant workers were limited English proficient, i.e., spoke English less than "very well.")
2. See, e.g., Title VI of the 1964 Civil Rights Act. 42 U.S.C. Section 2000d.
3. Van Derbeken, Jaxon. 2001. "Death in a Cell: How Sick Man Spent Final Hours in SF Jail." *San Francisco Chronicle*, September 26, sec. A.

Although primary responsibility lies with government agencies, foundations can play an important role in catalyzing efforts to make publicly funded services more accessible to LEP individuals. Foundations can:

- **Convene stakeholders to identify language barriers in public services and to advance policy solutions.**

Stakeholder groups include policymakers, community advocates, service providers, and immigrant organizations.

- **Provide planning grants to help government agencies conduct assessments and develop effective language access policies and practices.** Efforts that involve collaboration among immigrant organizations and government agencies are especially promising.

- **Fund technical assistance to help government agencies to develop, implement, and evaluate language access strategies and demonstration projects.** Technical assistance is especially valuable to agencies with limited experience working with LEP populations, such as those located in new immigrant destinations.

- **Fund trainings and convenings to support peer-to-peer learning and the sharing of promising practices** among community advocates, practitioners, and government workers. Outside of the health care field, such opportunities are currently limited.

- **Support community and legal advocacy to monitor efforts by government agencies to increase access to services for LEP individuals.** Such advocacy can include providing feedback and technical assistance to public agencies on developing responsive language access practices; helping government agencies develop community and political support for its language access activities; and pursuing litigation in situations where agencies have consistently failed to remove harmful language barriers.



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- **Fund community organizations to provide interpretation and orientation services to help LEP individuals gain access to government services.**

Examples of such programs include providing community-based interpreters to help LEP immigrants communicate with their children's teachers and school officials, as well as helping LEP families receive appropriate social services.

In this section, GCIR profiles promising language access initiatives of varying scales to illustrate the range of possibilities, from modest efforts, such as the interpreter request card, to ambitious efforts that aim to change the way billion-dollar state agencies serve LEP populations. Examples from both established immigrant gateways and newer immigrant destinations are represented. Not only have foundations seeded or supported these initiatives, but in some cases, they have exercised leadership in convening key stakeholders to discuss problems and identify solutions.

GCIR hopes that the examples in this report will help you identify key elements of good programs and policies and inform the role your foundation can play to support promising efforts that relate to your funding priorities. As you explore funding strategies in this field, we invite you to utilize GCIR and the organizations featured in this section as resources that can help inform and guide your work to improve language access to government services for LEP populations in your communities.

DVD

**Watch the DVD  
Rain in a Dry Land:  
The Supermarket**

*Imagine moving from a refugee camp, where food is extremely scarce, to a major metropolis, where the simple act of buying tea requires new linguistic, technological, and social skills. Go shopping with one immigrant and his teenaged son, as they struggle to figure out how much "money" is left on their Food Stamp "charge card."*

## PUBLIC POLICIES TO EXPAND LANGUAGE ACCESS

### OVERVIEW

Despite myriad compelling reasons for increasing language access, government has consistently lagged behind the private sector in delivering multilingual services. Responding to market forces, private companies—including banks, utility companies, hospitals, and other businesses—have invested millions of dollars to provide services in various languages, especially in localities with large immigrant populations. These corporations have prioritized hiring bilingual staff, translating sales and product materials into other languages, and developing multilingual branch offices or telephone centers to communicate with LEP customers. Government agencies could significantly improve their ability to serve LEP clients by adopting these widely used business practices.<sup>4</sup>

Responding to federal policy directives (see sidebar), government agencies have begun to develop and implement strategies to expand language access to their services. And recognizing demographic changes, a growing number of states and local governments have affirmatively enacted their own policies requiring public agencies to provide equal access to LEP individuals. These local policies, which reaffirm federal language access requirements, generally share several important characteristics:

- They usually apply to government agencies that provide important services and have regular contact with the public (e.g., health care, social services, employment, and law enforcement).
- They require agencies to provide services in multiple languages, including both verbal communications and the translation of important written materials. However, as a practical and financial matter, most only mandate that services be provided in widely spoken non-English languages.

Two California cities, Oakland and San Francisco, were the first to adopt local language access ordinances in 2001. Washington D.C. and New York City followed suit in 2004. Maryland and California have similar laws in place at the state level, while many other public agencies have translated government documents into non-English languages and increased their hiring of bilingual staff even without new legislation.

### FEDERAL LANGUAGE ACCESS REQUIREMENTS

In August 2000, then-President Bill Clinton ordered federal agencies to develop guidelines to ensure that federally funded programs are accessible to LEP individuals,<sup>5</sup> as required by Title VI of the 1964 Civil Rights Act. Under Title VI, recipients of federal funding (e.g., state and local government agencies, hospitals, nonprofit organizations, and private businesses) must make their programs and services reasonably accessible to LEP individuals. The Bush administration reaffirmed Clinton's executive order, and the U.S. Department of Justice (DOJ) led a multi-agency effort to develop guidance to help federal agencies and entities that receive federal funding make their services accessible. The DOJ guidance emphasizes that recipients of federal funds must affirmatively ensure LEP individuals can effectively participate in their programs; failure to take reasonable steps may constitute national-origin discrimination prohibited by Title VI and may result in the loss of federal funding. The guidance of DOJ and other federal agencies, along with tools and resources to help recipients of federal funding comply with language access requirements of Title VI, can be found at [www.lep.org](http://www.lep.org).

4. Chinese for Affirmative Action. 2004. *The Language of Business: Adopting Private Sector Practices to Increase Limited-English Proficient Individuals' Access to Government Services*. San Francisco, CA: Chinese for Affirmative Action. Available at [www.caasf.org](http://www.caasf.org).

5. Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency*, 65 Fed. Reg. 50121. Federal Register: August 16, 2000, Volume 65, Number 159.

## SUCCESSFUL ELEMENTS OF LANGUAGE ACCESS POLICIES

The experiences of private corporations and government agencies suggest that reducing or eliminating language barriers in government services can be achieved effectively and efficiently when agencies implement policies that include the following elements:

- Regular assessment of the language needs of its constituency or clientele through demographic analysis, surveys, or intake information.
- A translation plan that identifies, prioritizes, and translates important documents in a linguistically and culturally competent manner.
- Sufficient numbers of qualified bilingual staff in positions that interact regularly with the public.
- Training of public contact staff on how to interact with LEP persons and on interpreter services.
- Centralized translation resources across local offices or even across agencies.

- Procedures for evaluating the quality of bilingual services.
- Easy-to-use complaint procedures and effective enforcement mechanisms.
- Outreach to LEP communities about their right to receive assistance in their language. This often requires collaborating with community-based organizations, ethnic media, and/or other immigrant institutions to disseminate materials and solicit feedback on the quality of services.

In addition to these elements, the support of elected officials or policy-makers is critical to putting in place effective language access policies in government. Making government more accessible to LEP individuals requires not only technical knowledge; ultimately, public agencies must understand that their constituency includes such residents to whom they are accountable for serving.

DVD

### **Watch the DVD Hold Your Breath: The Doctor's Office**

*In hospitals and doctors' offices around the country, complex and often confusing relationships are being played out between overwhelmed medical professionals and the non-English speaking patients they serve. Listen in as a well-meaning oncologist explains to the daughter of an Afghan refugee how a language barrier may have compelled her ailing father to refuse cancer treatment.*

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## PROMISING PRACTICES IN PUBLIC AGENCIES



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**F**oundations are playing an important role in making government services more accessible for LEP individuals. Individual grants are generally in the range of \$25,000 to \$75,000, although some health care initiatives are considerably larger. Foundation grants have supported technical assistance and planning to government agencies, partnerships between public agencies and immigrant organizations, and implementation of policy reforms. This section highlights some of the promising practices to improve language access in government agencies in the United States.

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### ASSESSMENTS AND DEVELOPMENT OF EFFECTIVE PRACTICES

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While an increasing number of states and municipalities have adopted language access policies in recent years, there are relatively few resources outside of the health care sector to assist practitioners in implementing these new requirements. In response, the Annie E. Casey Foundation launched a project to facilitate peer-to-peer learning and collaboration among government practitioners, as well as to develop best practices publications and web-based resources for public agencies serving LEP children, youth, and families. A primary goal is to build the capacity of child- and family-serving agencies to design and implement high-quality language access models.

The project seeks to develop a national peer network of experienced and new practitioners to document effective policies, program implementation, and evaluation methods. It also aims to develop ways of assessing the effectiveness of language access services to improve service delivery and outcomes for LEP children and families.

One example is a grant to the New York City's Administration for Children Services to develop a comprehensive plan for serving LEP families, making it one of first public child welfare agencies in the country to do so. The grant aims to make a wide range of agency services—child care and Head Start, child protection, preventive services, and foster care—available in the six major non-English languages in New York City.

"Immigrant families whose primary language is not English pose a special challenge to public systems and a special burden to children who may be asked to provide translation services," says Irene Lee, senior associate at the Annie E. Casey Foundation. "The Foundation is committed to promoting the goal that vulnerable immigrant children and families successfully learn English and have access to high-quality, low-cost social and financial services in their native languages, so they can become fully integrated into their communities socially, politically, and economically."

## COMMUNITY-PUBLIC AGENCY COLLABORATIONS

The Lloyd A. Fry Foundation has funded a unique collaboration between the Illinois Department of Human Services (IDHS) and the Sargent Shriver National Center on Poverty Law (Center) to develop a comprehensive plan for increasing LEP individuals' access to IDHS services. IDHS is the largest Illinois public agency, with over 15,000 employees and an annual budget of over \$5 billion. Its seven divisions provide most of the state's safety-net and self-sufficiency services, including welfare, mental health programs, alcoholism and substance abuse treatment and prevention services, programs for people with developmental disabilities, health services for women and children, prevention services for domestic violence and at-risk youth, and rehabilitation services.

The Fry Foundation's \$50,000 grant to the Center has allowed a team of experts to conduct a demographic analysis and assessment of IDHS's language capacities. IDHS has given the Center's staff and experts access to departmental documents and made senior staff available for interviews. The Center will make detailed recommendations, which IDHS

will use to develop a new language access plan that is expected to serve as a model for other state agencies.

Both IDHS and the Center credit the Fry Foundation for encouraging a partnership between agencies that have not always seen eye-to-eye. As Unmi Song, executive director of the Fry Foundation, observes, "Developing a plan for increasing immigrants' access to health and social services requires that it be informed both by the needs of the community and government institutions... Because these parties were willing to collaborate, there was an opportunity to develop a process and plan that everyone could support." The Community Memorial Foundation and Michael Reese Health Trust have also provided support for this project.

Shortly after San Francisco became one of the first municipalities in the United States to adopt a local language access ordinance in 2001, the Zellerbach Family Foundation provided Chinese for Affirmative Action/Center for Asian American Advocacy (CAA) a multi-year grant to monitor implementation and provide technical assistance to government agencies which faced challenges in meeting the new mandates.

Over a four-year period, CAA developed a community coalition that worked with law enforcement, public housing, human services, public health, and renters' assistance agencies to improve their capacity to serve LEP populations. The coalition's advocacy led these agencies to add bilingual staff positions and develop formalized procedures and staff trainings. For instance, in response to two police shootings of LEP individuals in 2003 and 2004, the coalition convinced the San Francisco Police Department to develop a curriculum and video training to instruct officers on how to interact with persons with limited English skills. Under this program, all patrol officers are given a multilingual card that allows LEP persons to identify their native language. Officers are also required to use telephone interpretation services when no bilingual police staff is available.

According to Lina Avidan, program executive at the Zellerbach Family Foundation, "This project demonstrates that language access is essential for the timely integration of newcomers into local communities. Beyond the impact of its work with immigrants, CAA has helped elected and appointed officials recognize that the entire community benefits when all residents have access to essential services and understand their rights and responsibilities as community members." The Zellerbach Family Foundation has since expanded its funding to provide support for similar work in Oakland, California.

With support from The Minneapolis Foundation, the Southeast Asian Community Council (SACC) developed and distributed interpreter request cards to Hmong-speaking individuals who use the card when they come into contact with police officers. Each card lists the telephone numbers of an English-speaking family member, SACC, and interpreter telephone services, so that police officers have several options for finding interpreters to communicate in Hmong. Three local police departments in the Minneapolis/Saint Paul metropolitan area and the state police agency have trained officers to respond to the usage of this card.



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## COST-EFFECTIVE METHODS OF SERVING LEP INDIVIDUALS

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The potential high costs of improving language access can present significant challenges to government agencies. Yet, more and more public agencies are developing innovative, cost-effective approaches that can be replicated in other communities. These approaches include utilizing volunteer interpreters, hiring bilingual workers, and using communication technologies to provide multilingual information. Many of the following cost-effective practices were developed in established gateways that have extensive experience serving LEP populations.

- **Utilizing Community Interpreters.**

The volunteer interpreters program, operated by the City of Oakland's Equal Access Office (EAO), provides language assistance to city departments that do not have sufficient bilingual staff. Volunteers receive basic training on how to interpret and are tested for language competency by EAO staff before they are referred to city agencies. Volunteer interpreters are only used in situations that do not require specialized vocabulary and where health and safety issues are not at stake. After each session, the volunteers are evaluated, and those who fail to provide competent interpretation receive further training or are removed from the volunteer pool. The program currently has approximately 65 volunteers who speak nine languages. These volunteers assist more than 500 LEP individuals per year.

- **Hiring Bilingual Staff.** In response to a lawsuit filed in the early 1990s, San Francisco Human Services Agency developed effective outreach efforts to increase its hiring of bilingual staff, recognizing that such an approach would be the most cost-efficient and effective way to communicate with its growing immigrant caseload. By 2004, 31 percent of the agency's public contact staff was bilingual, far exceeding the percentage of LEP individuals in the county's caseload.



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- **Using Communications**

**Technology.** New York City has been a national leader in developing a 311 telephone system that allows residents to obtain information about local government programs and non-emergency services. Calls to 311 are answered by a live operator, 24 hours a day, seven days a week. Through a contract with the AT&T Language Line, interpreters are available in 170 languages. Similarly, Oakland has established a cost-efficient method of providing basic information on city services through a multilingual telephone system that gives recorded information on 500+ city services in English, Spanish, Mandarin, Cantonese, and Vietnamese. For some departments, applications and information documents can be faxed or e-mailed to the caller upon request.

## COMMUNITY AND LEGAL ADVOCACY

With a three-year grant from the William Penn Foundation, Community Legal Services created the Language Access Project (LAP) in 1999 to increase the access of low-income LEP individuals to legal services in Philadelphia and to help make local government programs more responsive to this population. In a short period of time, the project has become a recognized national leader in advocating for innovative language access policies through the filing of complaints, negotiating with government agencies, lobbying for legislative changes, and providing trainings to public agencies, courts, and legal service groups. Its accomplishments include:

- **Reforming government welfare agencies.** After documenting language barriers at the state and city welfare agencies, LAP filed a series of administrative complaints under Title VI of the 1964 Civil Rights Act. Following an investigation, the U.S. Department of Health and Human Services found these agencies to be out of compliance with federal laws, and LAP is currently working with the state Department of Public Welfare to develop new procedures that are expected to increase LEP families' participation in critical income-support programs.

- **Developing innovative law enforcement language policies.** LAP worked with an immigrant coalition to advocate that the Philadelphia Police Department improve its capacity to serve LEP residents. Working in conjunction with a U.S. Department of Justice's review of the police agency, LAP's advocacy efforts resulted in a detailed departmental directive issued in December 2005 requiring police to provide language-appropriate services to LEP people. The directive establishes procedures for providing free language assistance, specifies how police officers are to interact with both LEP victims and suspects, and calls for the translation of many forms and documents into the most commonly encountered languages. To ensure proper implementation, the directive requires that all officers be trained on how to interact with LEP residents.

- **Providing technical assistance to the City's Global Philadelphia program.** This initiative, in accordance with the mayor's executive order, provides technical assistance and centralized resources to help increase LEP individuals' access to government services.

LAP has also received substantial support from the Samuel S. Fels Foundation and several grants from the Pennsylvania IOLTA (Interest on Lawyers' Trust Accounts) program.

The Rosenberg Foundation has a long history of supporting community-based and legal organizations to advocate for improved language access in public services. For example, Rosenberg provided multi-year funding to the Legal Aid Society/Employment Law Center's Language Rights Project to combat discrimination against language minorities through litigation, policy advocacy, and public education. The Project's activities include:

- **Legal advice and counseling.** The Project provides individualized assistance and legal counseling to callers via a toll-free, nationwide Language Rights Information Line (services provided in Spanish, Cantonese, Mandarin, and English).

- **Community outreach and education.** To educate language-minority communities and others about language rights, the Project promotes public service announcements and other media coverage of relevant issues, as well as distributes fact sheets and self-help materials in Chinese, Spanish, and English.

- **Technical assistance to community groups and lawyers.** Language rights attorneys provide free technical assistance to other advocates and service providers interested in developing policies and/or lawsuits to promote language access. For instance, the Project worked with immigrant advocates to draft the first local language access ordinances enacted in the United States (in Oakland and San Francisco).

- **Litigation.** The Project has also litigated a number of language cases in the areas of employment, education, and access to government and business services.

## EVALUATING LANGUAGE ACCESS PROGRAMS

Research has shown that high-quality translation and interpretation services, coupled with improved understanding of the immigrants' cultural traditions and practices, can help immigrant access services that can improve their health, self-sufficiency, and other qualities that lead to better integration into the receiving community.

Foundations can utilize the following measures to assess the quality of language access for LEP individuals, including measures such as effective communication and the degree to which services and systems are accessible to immigrants:<sup>6</sup>

- **Assessment.** The organization conducts a thorough assessment of the language needs of the population to be served.

- **Development of comprehensive written policy on language access.** The organization has developed and implemented a comprehensive written

policy that will ensure meaningful communication via interpreters, bilingual staff, language lines, community volunteer interpreters and translation of written materials.

- **Training of staff.** The organization has taken steps to ensure that its staff understands the policy and is trained accordingly to carry it out.

- **Vigilant monitoring.** The organization conducts regular oversight of the language assistance program to ensure that LEP persons have meaningful access to the program.

Foundations can also utilize the following indicators to assess the degree to which services and systems are accessible to immigrants and other LEP individuals:

- Presence of bilingual signs, telephone and service menus, images that portray people and symbols from different cultures in facilities, and

translated forms (e.g., applications, medical histories, education materials, consent forms for parents).

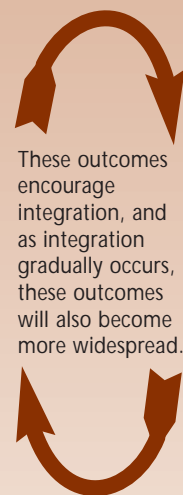
- Use of bilingual staff and/or interpreters at all points of contact with the organization.

- Service providers' knowledge about service recipients and consumers (e.g., ethnic background, language used, religious practices).

- Advertisement of translation/interpretation services in culturally appropriate venues (e.g., ethnic media, ethnic grocery stores, distribution of information at cultural festivals).

- Policies and procedures pertaining to language access (e.g., mandatory use of certified interpreters).

- LEP clients' understanding of the available services.



6. Office for Civil Rights. 2000. *Title VI of the Civil Rights Act of 1964; Policy guidance on the prohibition against national origin discrimination as it affects persons with LEP.* Federal Register: Department of Health and Human Services, 65(169). August 30.

