

DEVELOPING A LANGUAGE ACCESS PLAN FOR YOUR AGENCY

Guidelines:

If your organization receives federal funds, either directly or through the state, your agency is required to develop a language access plan (this does not mean hiring staff for every conceivable language spoken by your clients).

1. Learn the requirements of Title VI, Executive Order 13166, and your state laws.
2. Determine language needs using DOJ's four-factor assessment:
 - a. Number or proportion of persons with Limited English proficiency (LEP) in the eligible service population.
 - b. Frequency with which these LEP persons come into contact with your program.
 - c. Importance of the benefit or service.
 - d. The resources available.
3. Based on the assessment's results, identify the languages that will be included in the agency's language access plan and how the agency will provide interpretation services to LEP clients.
4. Develop an outreach plan to notify LEP persons that services are available.
5. Integrate your agency's language access policies and procedures into the agency's regular policies and procedures manual for use by all, not only bilingual, staff.
6. Train all staff and volunteers on language access laws:
 - a. Federal laws: Title VI and Executive Order 13166.
 - b. State laws on court interpretation to determine:
 - clients' rights to interpreters in civil courts,
 - who provides the interpreters,
 - who pays for interpretation.
 - c. Protocols for filing a Title VI complaint with the Department of Justice should a client's language access rights be denied by a federal grant recipient.
7. Implement and train staff about language access advocacy and agency protocols on:
 - a. Responding to LEP callers and in-person contacts.
 - b. Advocating for and asserting LEP clients' rights to qualified interpreters in courts and other systems.
 - c. Providing LEP clients with tools (such as "I speak..." cards) that assist them in asserting their right to language access in the courts and other public agencies.
 - d. Responding to court requests that bilingual advocates interpret by attempting to decline and disclosing their conflict of interest on record.
 - e. Working with interpreters, including basic knowledge about interpretation: types, modes, code of ethics, qualifications and roles.
 - f. Identifying and responding to poor, incorrect or biased interpretation.
8. Evaluate plan's effectiveness regularly to ensure it meets the needs of LEP persons.
9. Monitor demographic changes and immigration/refugee resettlement patterns to identify new LEP populations your agency will need to serve.
10. Engaging courts and public agencies in a dialogue on language access and Title VI.

Resources:

1. **American Bar Association:** List of state statutes on the provision of language interpreters in civil cases. http://www.abanet.org/domviol/docs/Foreign_Language_Interpreters_Chart_12_2008.pdf
2. **American Bar Association's Commission on Domestic Violence:** Materials on integrating interpretation in civil representation of domestic and sexual violence victims. http://www.abanet.org/domviol/institute/integration_of_interpreters.html
3. **Department of Justice, Office of Civil Rights, Executive Order 13166 Limited English Proficiency Resource Document: Tips and Tools from the Field:** Overview and tips and tools for law enforcement, domestic violence specialists and service providers, 911 call centers, courts, federally conducted programs and activities. http://www.lep.gov/resources/tips_and_tools-9-21-04.htm
4. **Department of Justice, Office of Coordination & Review:** File complaints for Title VI violations. <http://www.usdoj.gov/crt/cor/complaint.php>
5. **Legal Services Corporation:** Guidance to LSC programs on training, procedures and policies. http://www.abanet.org/domviol/institute/integration_of_interpreters/Guidance_to_LSC_Programs_for_Serving_Client_Eligible_Individuals_with_LEP.pdf
6. **National Association of Judiciary Interpreters and Translators (NAJIT):** Professional certification, training, policy advocacy, how to work with interpreters. <http://www.najit.org>
7. **National Center on Immigrant Integration Policy:** Policy, research, technical assistance, training and an electronic resource center on immigrant integration issues with a special focus on state and local policies and data. http://www.migrationinformation.org/integration/language_portal
8. **National Consortium of State Courts:** Materials on court interpretation including tests for certifying interpreters and model guide. http://www.ncsconline.org/D_RESEARCH/CourtInterp.html and http://www.ncsconline.org/wc/publications/Res_CtInte_ModelGuideChapter10Pub.pdf
9. **Ohio State, Dept of Public Safety/Office of Criminal Justice Services:** Training materials for law enforcement and judges. <http://www.ocjs.ohio.gov/LEPResources.htm>