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October 17, 2022

To: Supervisor Holly J. Mitchell, Chair
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From: Rafael Carbajal
Director

REPORT BACK ON STRENGTHENING LANGUAGE ACCESS IN COUNTY SERVICES (ITEM NO. 18, AGENDA OF JANUARY 25, 2022)

On January 25, 2022, your Board directed the Office of Immigrant Affairs (OIA) in the Department of Consumer and Business Affairs (DCBA), in consultation with County Counsel, the Department of Children and Family Services, the Alliance for Health Integration, the Department of Public Social Services, other impacted County departments, as well as strategic external partners and stakeholders, to develop and submit to this Board, within 180 days, a Countywide Language Access and Equity Plan.

The attached report includes OIA's recommended framework for countywide language access and covers the following:

- An assessment of the County's current language capacity to equitably serve its immigrant and Indigenous residents;
- A review of the Federal, State, and local legal requirements governing language access;
- A framework for language access across County departments;
- Strategic goals and recommendations for countywide language access, and
- Recommended next steps and anticipated budgetary impacts.

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SUMMARY OF REPORT

During the past few years, the ongoing COVID-19 public health crisis has disproportionately and negatively impacted ELL populations. The lack of consistent, timely and reliable translation of public health information, especially into non-dominant, non-threshold languages, prevented many ELL populations from accessing personal protective equipment, COVID-19 testing and vaccinations. When ELLs sought interpretation at testing and vaccination sites, they oftentimes were unable to receive appropriate language services. Community-based organizations (CBOs) also struggled to keep up with translating changes in Health Officer Orders and business closures. CBOs supporting ELLs reported that clients seeking pandemic-related economic assistance, from pandemic unemployment assistance to rent relief, struggled to find reliable information in their preferred language. Outreach and public health education efforts were confronted with misinformation circulating in digital media channels in which the County has historically refrained from participating.

This is especially critical in light of the fact that anywhere between 40 and 60 percent of the workforce in the County's essential industries are immigrants. Further, the majority of Angelenos who access the County's public healthcare system do not speak English as their preferred language for communication. In general, equitable access to language services is a key determinant in ELLs accessing County services and benefits that have the potential to significantly transform long-term academic, physical health, economic stability, and other life course outcomes.

This report provides a baseline for the current state of language access within the County. It also provides a strategic framework for countywide language access designed to support public-facing County departments to continually develop their language access strategies.

Federal, State and Local Legal Requirements Governing Language Access

There are several statutes and regulations that govern language access requirements. In particular, the three that provide the most useful context for local jurisdictions in their delivery of language access are:

1. *Title VI of the Civil Rights Act of 1964*[1] prohibits discrimination on the basis of race, color, or national origin in any program or activity that receives federal funds or other federal financial assistance.

[1] "Limited English Proficient (LEP)," U.S. Department of Justice – Office of Justice Programs (January 7, 2020), https://www.ojp.gov/program/civil-rights/limited-english-proficient-lep

2. *Executive Order 13166*[2] requires that federal agencies work to ensure that recipients of federal financial assistance take reasonable steps to provide meaningful access to their ELL applicants and beneficiaries consistent with, and without unduly burdening, the fundamental mission of the agency.
3. *California's Dymally-Alatorre Bilingual Services Act (1973)*[3] establishes minimum requirements for language access, by requiring public agencies to have a certain number of qualified bilingual staff and to translate documents into preferred languages.

Current State of the County's Language Access Capacity

A recent survey of County departments found that departments were at varying levels of capacity and engagement in the delivery of language access.[4] The effect of these differences is a patchwork of strategies that contributes to inconsistent experiences with language access reported by community stakeholders. There is a real opportunity to support departments in providing a more consistent and effective delivery of language access services through countywide language access protocols and policy.

- Fifty-seven percent of the County departments that responded to the survey have an established practice of reviewing language need data on an annual basis.

- Forty-three percent of the survey respondents have a staff person who is designated to respond specifically to language access questions.

- Half of the survey respondents estimate that their bilingual staff receive a "bilingual bonus" at least once a year.

The primary barrier County departments identified to their delivery of language access is inadequate resources. Departments specifically pointed to the need for more investment in outsourced translation services, interpreters at public meetings, and interpreters who could provide timely service in emergency situations.

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[2] "Improving Access to Services for Persons with Limited English Proficiency," National Archives – Federal Register (August 16, 2020), https://www.federalregister.gov/documents/2000/08/16/00-20938/improving-access-to-services-for-persons-with-limited-english-proficiency

[3] "The Dymally-Alatorre Bilingual Services Act," Migration Policy Institute, https://www.migrationpolicy.org/sites/default/files/language_portal/Dymally-Alatorre%20Act_0.pdf

[4] The Los Angeles County Counsel coordinated this confidential survey on behalf of DCBA's Office of Immigrant Affairs

There is also a clear opportunity to provide uniform standards and guidance to departments on how to make decisions about which languages to provide translation or interpretation in based on resource constraints and the level of need.

Framework for Language Access Across County Departments

This report proposes a coordinated countywide language access system comprised of three main parts:

- OIA, as the County's coordinating agency to provide technical assistance and organize training for public-facing departments and to support them in aligning with the proposed countywide language access policy and strategic goals.
- Individual departments integrating language access into their annual strategic planning. Language access coordinators from each department would participate in an interdepartmental language access working group established and coordinated by OIA.
- OIA recruiting Community interpreters and translators to serve as a shared resource for departments.

Strategic Goals and Recommendations for Countywide Language Access

The main body of this report proposes seven strategic goals that will help public-facing County departments to operationalize this framework:

1. Collect and Use Language Need Data to Improve County Service Delivery and Inclusion: Regularly collect data on language needs and preferred language requests and use data to improve customer service and resource allocation for all public-facing County departments.
2. Increase the Availability and Quality of Spoken & Signed Interpreter Services: Established protocols for quality spoken and signed language services that are clearly communicated to the public for all public-facing County departments.
3. Increase the Availability and Quality of Document Translation: Established protocols for the translation of information and documents identified as vital for the public for all public-facing County departments.
4. Develop Departmental Language Access Plans: Review language access strategies on a regular basis for all public-facing County departments.
5. Conduct Training: Plan for providing ongoing training for staff on the provision of language accessibility and cultural responsiveness for all public-facing County departments.

6. Effectively Response to Language Access Complaints: Established protocols for the collection of and effective response to language access complaints for all public-facing County departments.
7. Ensure Quality of Outsourced Language Access Services: Established protocols for the regular assessment of their department's language services vendors and strategic partnerships for all public-facing County departments.

RECOMMENDATIONS

The attached report outlines a proposed strategic framework for equitable countywide language access and makes the following recommendations that can be adopted by your Board to strengthen language access efforts countywide:

1. Designate OIA as the coordinating agency for a countywide language access system, focusing specifically on the following three priorities:

    a. Technical assistance to County departments on their departmental language access plans;
    b. Coordinating language access trainings to complement trainings already conducted by County departments; and
    c. Aligning relevant County systems and structures with County requirements.

2. Direct OIA, in consultation with County Counsel, to draft a countywide language access policy that addresses the County's commitment to equitable access to language services, for the Board's consideration.
3. Direct OIA to launch the countywide language access initiative with existing resources and to implement key recommendations as funding and other resources are identified and secured.
4. Direct OIA to work with the Chief Executive Office to identify and secure stable, long-term funding for the implementation of strategic recommendations.
5. Direct OIA to work with the Anti-Racism, Diversity & Inclusion (ARDI) to align language access strategic recommendations with ARDI efforts related to data collection and County workforce training in linguistically and culturally responsive service.
6. Direct OIA to establish an interdepartmental working group, composed of each public-facing department's designated language access liaison, which will support sharing of resources and facilitate collaboration among departments.

7. Direct OIA to build strategic partnerships with community-based organizations to expand the translation and interpretation services capacity available to the County.

NEXT STEPS

OIA will produce a final report within 180 days of submitting this report that will address the longer-term structural issues to support more equitable language access services for County residents. The final report will explore and make recommendations for how individual departments and the entire County system might identify savings and achieve efficiencies by streamlining and strengthening systems, like the bilingual bonus system, departmental complaint systems, and contracting with community language access service providers as part of the County's Equity in Contracting Initiative.

Should you have any questions concerning this report, please contact me or Rigoberto Reyes, Executive Director, Office of Immigrant Affairs, at (213) 247-1365 or rreyes@dcba.lacounty.org.

RC:JA:RR
CO:MN:EV:ae

Attachment

c: Executive Officer, Board of Supervisors
Chief Executive Office
County Counsel
Department of Children & Family Services
Department of Public Social Services
Alliance for Health Integration
Anti-Racism, Diversity & Inclusion (ARDI) Initiative

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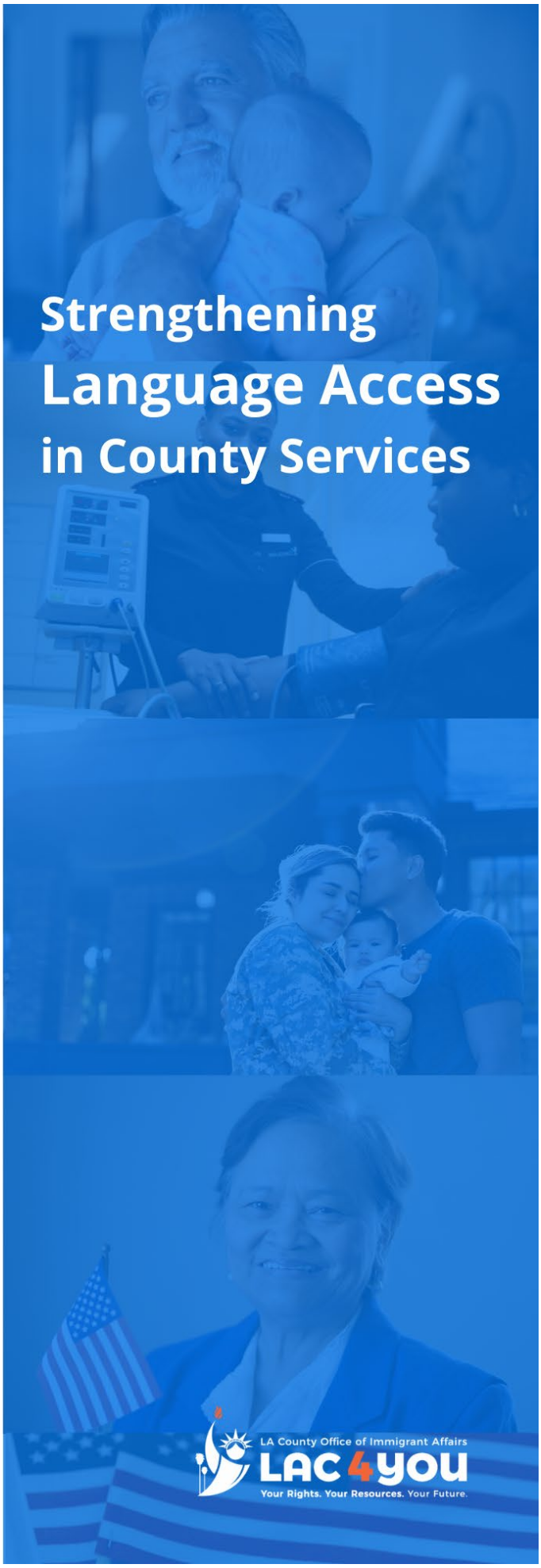
Strengthening Language Access in County Services



LOS ANGELES COUNTY
CONSUMER & BUSINESS AFFAIRS

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Executive Summary

The ongoing COVID-19 pandemic underscores the critical need for providing effective language access resources and services to vulnerable and historically underserved English Language Learners. Federal and state policies obligate the County to provide meaningful language access.

It is also consistent with the County's commitment to equity and to improving the life course outcomes of English Language Learners (ELLs) as a historically and disproportionately impacted population.

Finally, language access is a data-driven approach to benefits and service delivery that is more cost-effective in the long run as resources are deployed to geographic regions and communities that need them most.

Adopting a countywide language access framework helps move the County from a patchwork of different departmental approaches to a more uniform and consistent delivery of language access services informed by standards and best practices. Ultimately, the County aspires to create a "no-wrong-door" approach for ELLs to obtain consistent high-quality language access resources and services.

Key Concepts

English Language Learner (ELL): Also known as Limited English Proficiency (LEP) this designation refers to individuals who do not speak English as their primary language and who do not read, write or speak English. This report chooses to use the term, "English Language Learner," as an asset-based framing of individuals with this level of English language skill, rather than "Limited English Proficient," which suggests that an individual is deficient if they do not understand or communicate in English.

However, it is also a reality for many immigrants that they are not on a track to learn English. So a term like "non-English preferred language speaker" could be used interchangeably. For this report, the term "English Language Learner" will include individuals in this situation.

Preferred Language: The primary language an individual prefers to read, write and speak in

Interpretation: Rendering spoken or signed language into another language, while maintaining the meaning and tone of the language

Translation: Rendering written communication into another language, while preserving meaning

Coordinating Countywide Language Access

The strategic framework proposed in this report focuses on three key roles that move the County towards providing a more consistent way of thinking about language access countywide while supporting departments in developing language access strategies that address their unique needs and resources:

- **The Los Angeles County Office of Immigrant Affairs (OIA) as the County's coordinating agency for countywide language access** would provide technical assistance and training to individual departments on the development of their language access plans. This includes building a bench of outsourced interpreters and translators for non-threshold languages that can be a shared resource with individual departments.
- **Individual departments develop their own annual language access plans**. This would include training staff in the County's and department's language access policies. It also would include offering professional development opportunities for staff.
- **Strategic partnerships with community interpreters and translators** will expand the County's capacity to deliver language access through trained and certified professionals from linguistic communities the County seeks to serve.

Strategic Goals & Recommendations

Below is a summary of the main strategic goals articulated in this report, which will serve as a "north star" guiding the County towards more equitable access for ELLs to language services. For each strategic goal, there is a set of key recommendations that will help operationalize that goal.

Goal #1: Collect and Use Language Need Data to Improve County Service Delivery and Inclusion

1. **All public-facing County departments will regularly collect data on language needs and preferred language requests to inform resource allocation and improve customer service accessibility.**

<u>For County Departments</u>

1.1. Every County employee should assess and document the language need of every customer / client / patient at the earliest point of engagement with an ELL. This language need data must be documented and recorded in a central location within the department.
1.2. All public-facing County workers shall be trained to consistently ask if language assistance is required.
1.3. County case management and client databases should capture a client's preferred language as a mandatory field.

For OIA as Coordinating Agency

1.4. OIA should work with local research partners to conduct research and produce a report detailing the County's language diversity.
1.5. OIA should work with other County departments and research partners to develop an up-to-date map of linguistic isolation and language need.

Goal #2: Increase the Availability and Quality of Spoken and Signed Interpreter Services

2. **All public-facing County departments will have established protocols for quality spoken and signed language services, which are clearly communicated to the public**.

For County Departments

2.1. Each public-facing department should have written procedures for the delivery of spoken or signed interpretation.
2.2. To the extent possible, each public-facing department should attempt to offer, when available, in-person or video-based interpretation before offering telephonic interpretation.
2.3. Each public-facing department should strive to apply best practices for plain language communication.

For OIA as Coordinating Agency

2.4. OIA should provide guidance to all public-facing County departments on the effective utilization of bilingual County staff for interpretation.
2.5. OIA should coordinate regular cultural sensitivity trainings that help County employees understand the specific and unique cultural challenges confronted by ELLs.
2.6. OIA should conduct a survey of bilingual employees receiving bilingual bonuses in order to determine County's capacity to serve ELLs and any gaps in the workforce's ability to fully accommodate language access needs.
2.7. OIA should explore how to enhance the bilingual bonus system to incentivize bilingual employees to complete formal interpreter training.
2.8. OIA should explore the possibility of including the top languages of need into County job descriptions in order to further build a County workforce that reflects the county's linguistic diversity.

Goal #3: Increase the Availability and Quality of Document Translation

3. **All public-facing County departments will have established protocols for the translation of information and documents identified as vital for the public.**

For County Departments

3.1. Each public-facing department should come up with a translation policy that identifies what vital documents should be translated, lists the threshold languages provided, and details how translated documents will be tracked, maintained, and updated. Translation policies should at minimum align with the countywide language access strategic goals but also with any relevant federal or state requirements.

3.2. Each public-facing department should, as part of their document translation policy, establish procedures and protocols for their work with community-based partners. Ideally, this would include a community review process involving community experts who can assess the accessibility of translated documents.

For OIA as Coordinating Agency

3.3. OIA should develop guidance for public-facing departments on how they indicate and direct ELL users to multilingual content on their website.

Goal #4: Develop Departmental Language Access Plans

4. **All public-facing County departments will review their language access strategies on a regular basis.**

For County Departments

4.1. Each public-facing department should incorporate language access as a dimension of their regular annual strategic planning process in order to identify opportunities to strengthen language access and procure resources as part of the budgeting process.

4.2. Each public-facing department should review their language access plan on a regular basis (at least biannually) to review language access resource allocations and to resolve any language access complaints.

4.3. Each public-facing department should post their language access plans to their websites and make those plans available in the threshold languages identified by the department.

4.4. Each public-facing department should identify and any federal or state language access requirements that may require more than County requirements.

For OIA as Coordinating Agency

4.5. OIA shall develop an interdepartmental language access working group, composed of each public-facing department's designated language access liaison. The working group will support the sharing of resources and facilitate collaboration among departments.
4.6. OIA shall create a language access toolkit for departments as a resource for public-facing departments to assist in the development of their own language access plans.
4.7. OIA shall submit to the Board of Supervisors an annual report on countywide language access.

Goal #5: Conduct Training

5. **All public-facing County departments will have a plan for providing ongoing training for staff on the provision of language accessibility and cultural responsiveness.**

For County Departments

5.1. Each public-facing County department shall continue to offer trainings to its employees that are aligned with the countywide language access strategic goals.

For OIA as Coordinating Agency

5.2. OIA shall develop standards to guide public-facing County departments to ensure that their trainings are aligned with the countywide language access strategic goals.
5.3. OIA shall conduct a baseline analysis of language access trainings that departments have completed in the last three years to understand the current state of departmental language access trainings.
5.4. OIA should establish a County training curriculum to help coordinate and make available countywide language access trainings, including specialized trainings in medical interpreting and court interpreting, to all public-facing County departments to supplement their departmental trainings.
5.5. OIA shall work with the Anti-Racism, Diversity and Inclusion (ARDI) Initiative and Department of Human Resources to establish countywide employee training on language access, cultural humility, and immigration status considerations for the entire County workforce.

Goal #6: Effectively Address Language Access Complaints

6. **All public-facing County departments will have established protocols to collect and effectively respond to language access complaints.**

For County Departments

6.1. Each public-facing department should have their language access complaint process published in an easy-to-find part of their website.
6.2. Each public-facing department should have their language access complaint process visible in physical spaces where ELLs receive services.
6.3. A department's language access complaint system should include recourse for the ELL when their complaint has not been resolved by the department.

For OIA as Coordinating Agency

6.4. OIA should explore the opportunity to enhance existing language access complaint processes by providing non-binding management suggestions to support departments in resolving language access complaints.

Goal #7: Ensure Quality of Outsourced Language Access Services

7. **All public-facing County departments will have established protocols for the regular assessment of their department's language services vendors and strategic partnerships.**

For OIA as Coordinating Agency

7.1. OIA should develop a list of vetted vendors that other departments can tap into for outsourced translation and interpretation services. Community feedback on vendors should be incorporated into the vetting process.
7.2. OIA should develop its own language access master agreement that gives it the ability to establish contracts with vetted interpretation and translation partners specializing in languages that are less commonly spoken in the County. This master agreement will complement similar existing master agreements held by other public-facing departments.

About This Report

On January 25, 2022, the Board of Supervisors unanimously approved a board motion on “Strengthening Language Access in County Services.” The motion directed the Los Angeles County Office of Immigrant Affairs (OIA), in the Department of Consumer and Business Affairs (DCBA), to report back to the Board with a comprehensive assessment of the County’s current language capacity to equitably serve its immigrant and Indigenous residents equitably and a set of recommendations and strategies for the County to improve its language access capacity.

Over the course of six months, the OIA engaged in several efforts to baseline the County’s current language access capacity and efforts, including:

- Community listening sessions consisting of both one-on-one and in group feedback sessions with over 80 community-based organizations (CBOs) that provide language access services to the County
- Consultation with technical assistance providers specializing in training local jurisdictions in linguistic and cultural competence
- Engagement of impacted County departments named in the board motion (i.e., Alliance for Health Integration, Department of Public Social Services and Department of Children and Family Services)
- Collaboration with the language access leads with the City of Los Angeles and the City of Long Beach
- A landscape analysis of language access at the federal, state and local levels in order to identify common themes, best practices and promising solutions.

This report consists of three main sections:

- the current state of language access in the County.
- A framework for language access that can be employed by individual County departments to further develop their language access strategies.
- Strategic goals for County departments and specific recommendations for reaching those goals.

Section 1: Current State of Language Access in the County

Language Need in Los Angeles County

The County of Los Angeles — the nation's largest local jurisdiction with a workforce of more than 100,000 employees — provides service to over 10 million residents. 3.6 million of these residents — 1 in 3 — are foreign-born. More than half of the County's population speaks a language other than English at home — more than 220 languages — adding to the region's rich cultural diversity.[1] 1 in 3 immigrant-headed households are linguistically isolated, meaning that no member of the household, age 14 and older, can speak English "very well."[2]

Wars, widespread political violence and natural disasters have led to massive migrations of millions of people, significantly changing the demographic makeup of an already linguistically and culturally diverse region. Los Angeles County has become the destination for many of these individuals seeking safety and a chance at a new and better life. For example, there is an increased demand for interpreters of Indigenous Mexican and Central American languages by unaccompanied minors held in federal detention facilities. There's a greater need for Haitian Creole speakers as a growing number of Haitians join asylum seekers at the border. A large number of Afghan refugees were resettled in the County following the withdrawal of U.S. forces from Afghanistan. It is also highly likely that a considerable number of Ukrainian refugees may be resettled in the County as well due to Russia's ongoing invasion of Ukraine.

During the past few years, the ongoing COVID-19 public health crisis has disproportionately and negatively impacted ELL populations. The lack of consistent, timely and reliable translation of public health information, especially into non-dominant, non-threshold languages, prevented many ELL populations from accessing personal protective equipment, COVID-19 testing and vaccinations. When ELLs sought interpretation at testing and vaccination sites, they oftentimes were unable to receive appropriate language services. Community-based organizations (CBOs) also struggled to keep up with translating changes in Health Officer Orders and business closures. CBOs supporting ELLs reported that clients seeking pandemic-related economic assistance,

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[1] Asian Americans Advancing Justice - Los Angeles, "L.A. Speaks: Language Diversity and English Proficiency by Los Angeles County Service Planning Area," 2009

[2] USC Dornsrife Equity Research Institute, "State of Immigrants in Los Angeles County," 2022.

from pandemic unemployment assistance to rent relief, struggled to find reliable information in their preferred language. Outreach and public health education efforts were confronted with misinformation circulating in digital media channels in which the County has historically refrained from participating.

Federal, State and Local Laws Affecting Language Access

There is a considerable number of federal, State and local laws and policies offering guidance and regulation of language access. In fact, there are hundreds of laws and policies governing language access just in the public health sector alone.

This report focuses on three laws that provide the most useful context to local jurisdictions in their delivery of language services.

First, **Title VI of the Civil Rights Act of 1964**[3] prohibits discrimination on the basis of race, color or national origin in any program or activity that receives federal funds or other federal financial assistance. Title VI offers guidance on creating equal access for Limited English Proficiency (LEP) speakers to federally-funded programs.

Second, federal **Executive Order 13166**[4],"Improving Access to Services to Services for Persons with Limited English Proficiency," requires federal agencies to examine the services they provide, identify any need for services to those with limited English proficiency, and develop and implement a system to provide those services so that ELL persons can have meaningful access to them. It is expected that agency plans will provide for such meaningful access consistent with, and without unduly burdening, the fundamental mission of the agency. The Executive Order also requires that federal agencies work to ensure that recipients of federal financial assistance provide meaningful access to their ELL applicants and beneficiaries.

Finally, **California's Dymally-Alatorre Bilingual Services Act** (1973)[5] establishes minimum requirements for language access, by requiring public agencies to have a certain number of qualified bilingual staff and to translate documents into preferred languages.

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[3] "Limited English Proficient (LEP)," U.S. Department of Justice – Office of Justice Programs (January 7, 2020), https://www.ojp.gov/program/civil-rights/limited-english-proficient-lep

[4] "Improving Access to Services for Persons with Limited English Proficiency," National Archives – Federal Register (August 16, 2020), https://www.federalregister.gov/documents/2000/08/16/00-20938/improving-access-to-services-for-persons-with-limited-english-proficiency

[5] "The Dymally-Alatorre Bilingual Services Act," Migration Policy Institute, https://www.migrationpolicy.org/sites/default/files/language_portal/Dymally-Alatorre%20Act_0.pdf

Section 2: Countywide Language Access Framework

A Framework for Language Access Across County Departments

To have consistent and meaningful language access across County departments, a consistent set of standards and specific guidance on how to operationalize those standards is needed.

More specifically, the language access frameworks surveyed for this report all addressed four key elements:

1. Standards
2. Systems
3. Staffing
4. Supports

Standards

For there to be effective implementation of equitable countywide language access, County departments need specific guidance and technical assistance. Protocols for the early identification of language needs and the collection and assessment of this data should be in place. Protocols should also be in place for the translation of vital information and documents, clearly defining how the agency defines which languages are “threshold languages” for which there is a formal requirement for written language services. Clear guidance should also exist for the provision of spoken and signed language services, assessment of service quality, and required levels of services for different types of contact with and services for the public.

Systems

Once there is alignment around language access standards countywide, individual departments will have to assess their language service capacity and infrastructure, develop a strategy for the effective and efficient deployment of resources, and regularly review the strategy to ensure that it addresses the identified language need. A best practice is the development of an annual language access plan that is reviewed by the designated agency with the mandate for language access jurisdiction. Clear complaint processes should also exist to address situations when an ELL is unable to access

language services or when the ELL believes the services provided did not meet their need.

Staffing

One of the primary resources utilized by the County is its bilingual staff. Many County employees receive a “bilingual bonus” when they use their language skills to provide services on behalf of the County. There is an opportunity to centralize and build a bench of certified interpreters for the County that all departments can access. In addition, training should be provided to the entire County workforce about the basics of language accessibility, how to effectively access interpreter services, and how to develop a mindset of cultural humility.

Supports

Given the linguistic and cultural diversity of the County and the scale of language need, the County requires support to effectively address language access for all ELLs. Strategic partnerships with community partners, who can provide language services and can serve as trusted cultural brokers, are key. Technology can also be helpful in facilitating accessibility when leveraged properly.

Coordinating Countywide Language Access

To support the implementation of the County's language access framework, an agency should be designated and given the mandate to coordinate and oversee implementation. In its 2020 language access framework report, the Migration Policy Institute found that a jurisdiction’s office of immigrant affairs typically had the responsibility for coordinating and overseeing language access policy implementation.

A centralized and coordinated countywide language access system would be comprised of three main parts:

OIA as language access coordinating agency: The OIA would have the mandate to provide coordination and oversight of language access across the County. It would:

- Work with individual departments to help them develop their respective language access plans consistent with the countywide language access framework and any County policies.

- Coordinate and facilitate training and technical assistance workshops to support departments in increasing their language access capacity.
- Centralize information about language access in the County.
- Make recommendations to resolve language access complaints.

Individual departments: Departments will be asked to develop annual language access plans for review by the OIA.

Each department would have its own language access coordinator to serve as the first point of contact regarding language access issues.

A standing Countywide Language Access working group should be established and coordinated by the OIA as a space for department language access coordinators to share best practices and resources and to engage in collaborative problem-solving.

Community interpreters and translators: OIA should establish relationships (and whenever possible, formal contracts) with community interpreters and translators who specialize in languages that are not as widely spoken in the County and for which the County may not have internal bilingual staff.

Current State of the County's Language Access Capacity

A recent survey of County departments found that departments were at varying levels of capacity and engagement in the delivery of language access. The effect of these differences is a patchwork of strategies that contributes to inconsistent experiences with language access reported by community stakeholders. There is a real opportunity to support departments in the consistent and effective delivery of language access services vis-à-vis countywide language access protocols and policy.

Fifty-seven percent of the County departments that responded to the survey have an established practice of reviewing language need data on an annual basis.

Forty-three percent of the survey respondents have a staff person who is designated to respond specifically to language access questions.

Half of the survey respondents assess their bilingual staff receiving the so-called "bilingual bonus" at least once a year.

Eighty-nine percent of the survey respondents provide comprehensive training in the use of interpretation services.

Utilizing bilingual staff is the primary strategy employed by County departments to address language access. County departments also prioritize the translation of various documents for the public, including documents deemed vital to ELLs accessing benefits as well as press announcements and public health orders. There is also a heavy reliance on outsourced translation and interpretation services to provide access to languages for which a department may not have internal capacity.

The primary barrier County departments identified to their delivery of language access is inadequate resources. Departments specifically pointed to the need for more funding for outsourced translation services, interpreters at public meetings, and interpreters who could provide timely service in emergency situations.

Another key challenge County departments reportedly confronted is the number of languages into which they felt they needed to provide language access services. That only 28 percent of respondents said they have data about ELL need for non-threshold languages underscores the opportunity to provide uniform standards and guidance to departments on how to make language selection decisions based on resource constraints and the level of need for a particular language using a framework like the Four-Factor Analysis (*see Appendix B*).

These barriers and challenges are not unique to the County and are confronted by local jurisdictions across the country.

The next section offers strategic goals to help guide County departments in addressing these challenges and offers recommendations for how departments might take specific action to achieve the goal of consistent and effective language access service countywide.

Section 3: Strategic Goals & Recommendations

Goal #1: Collect and Use Language Need Data to Improve County Service Delivery & Inclusion

All public-facing County departments will regularly collect data on language needs and preferred language requests to inform resource allocation and improve customer service accessibility.

Effective language access strategy starts with accurate data about the language needs of individuals and communities served by a department. Departments can make more effective budget decisions by targeting and allocating language access resources to

geographic areas known to have populations of speakers of a specific language. Knowing which languages ELLs speak informs which languages documents produced by a department require translation. Language data also helps guide departments in staffing in-person interactions with ELLs in community outreach, public meeting and service settings.

Data about language need in the County typically gets collected when an ELL is looking for information and services. Language need is identified at key points in the County system including: when asked by a service center or benefits enrollment worker; when calling 211; choosing their preferred language from a phone tree menu; and asking for help in-language at a County service counter.

Identifying Language Need Early and At Every Stage of Engagement

The initial point of contact and identification of language need is a critical gap that many ELLs are unable to bridge. When calling a County phone line, ELLs may be confronted with automatic instructions that are mostly in English. Working-class individuals with limited discretionary time often give up on communicating language need, because they do not have the time to listen through all the possible language options in a phone tree menu. In fact, one community advocate shared that her organization, which serves Asian American and Pacific Islander community members, developed a cheat sheet to help callers skip the menu and select the right language option.

For some ELLs, assumptions are made about which language they speak, e.g., immediately assuming that someone from Mexico or Central America speaks Spanish when they speak one of the hundreds of Indigenous languages in that region. For others, their language need is not recognized because they are assumed to speak English. This is often the case for Black immigrants.

Many times, an ELL's conversational proficiency in English differs from their written proficiency. An individual might be able to speak English well with a worker on the phone, but when they go to fill out a benefits enrollment form, they require assistance in making sense of the instructions and filling out the form.

In all the above scenarios, it is important for County workers to ask at every point in the engagement process, not just at the initial encounter, if language assistance is required.

Data Collection

Data about language need is critical to make informed choices about where to deploy limited resources. Many agencies typically rely on Census and American Community Survey (ACS) data, which tends to lag by a few years. And given the reported undercounting in the most recent 2020 decennial census of historically undercounted communities, it is highly likely that Census data about the County's linguistic communities is not accurate.

Other sources of language need data include U.S. Department of Education and local school district data on preferred languages spoken at home, service planning area-level data gathered by County customer service centers, and feedback from community partners.

Data accuracy is also complicated by the fact that it is likely the case that there is underreporting of language need when first approaching the County. Community advocates have reported that County workers do not consistently ask if a caller has a need for language assistance. Some callers may be so discouraged that they do not bother to communicate the need for language assistance even if given an opportunity.

Anticipating Demographic Shifts

Tracking changes in language need data is critical, especially given population shifts driven by the pandemic and attendant economic hardship. Being able to respond to trends and anticipate changes will help the County to be more focused in deploying language services and resources to the geographic areas that need it most.

This is especially important given the recent arrival of unaccompanied minors from Central America and refugees and asylum seekers from the Ukraine, Afghanistan, Haiti and other countries.

Goal 1 Recommendations

<u>For County Departments</u>

1.1. Every County employee should assess and document the language need of every customer / client / patient at the earliest point of engagement with an ELL. This language need data must be documented and recorded in a central location within the department.

1.2. All public-facing County workers shall be trained to consistently ask if language assistance is required.
1.3. County case management and client databases should capture a client's preferred language as a mandatory field.

For OIA as Coordinating Agency

1.4. OIA should work with local research partners to conduct research and produce a report detailing the County's language diversity.
1.5. OIA should work with other County departments and research partners to develop an up-to-date map of linguistic isolation and language need.

Goal #2: Increase the Availability and Quality of Spoken & Signed Interpreter Services

All public-facing County departments will have established protocols for quality spoken and signed language services, which are clearly communicated to the public.

Being able to access high-quality and accurate interpreter services contributes to the equitable service of ELLs. Accurate interpretation and translation ensure that ELLs are receiving the information they need to be able to navigate the County service system effectively.

The COVID-19 pandemic has underscored how important accessing information in-language can be. In some situations, achieving language access has meant connecting with life-saving health care, receiving information and resources, remaining housed, and applying for and enrolling in benefits that have helped to provide economic stability.

To keep everyone safe from COVID-19, many public-facing County operations shifted to a remote and/or video-based engagement with County residents. On the one hand, this change expanded access for ELLs who might not have been able to physically come into a County office. On the other hand, this strategy highlighted the limitations of interpretation not occurring in person: Nonverbal cues that make up the majority of communication context are limited or lost.

Furthermore, ELLs' ability to utilize technology-enabled access was impacted by the digital divide: Anecdotal evidence from frontline community workers spoke to the lack of access to affordable and reliable technology, lack of literacy about how to use technology, and lack of stable internet connectivity.

Interpretation is also a matter of cultural humility: ELLs should expect they can engage any County worker and be made to feel that it is okay and encouraged to access County resources. However, several community advocates shared examples of how ELLs were left feeling ashamed and humiliated because individual County workers engaged them in a way that suggested those individuals should not be accessing resources or that they should speak English when asking for language access services. Linguistic and cultural responsiveness is even more critical, given the distrust for government institutions that already exists among many immigrant communities.

Quality of Interpretation

From confronting critical medical decisions to having an encounter with law enforcement officials, accurate interpretation can be the difference between life and death for ELLs. High-quality interpretation is critical for ELLs to successfully access and enroll in County benefits that have the potential to significantly and positively improve their life course outcomes. Accurate interpretation is also an essential part of facilitating inclusive public meetings that allow ELLs to fully participate in policy discussions that affect their quality of life.

Interpretation is defined in the International Organization for Standardization as *"Rendering a spoken or signed message into another spoken or signed language, preserving the register and meaning of the source language content."*

High-quality interpretation involves some form of certification, accreditation or licensure. The most effective interpretation trainings usually include exploration of the following:

- The role of the interpreter
- The difference between simultaneous interpretation (which occurs while the speaker is communicating in their preferred language) and consecutive interpretation (in which the interpreter facilitates communication into the other language after the speaker completes their communication)
- The ethics of interpretation, including maintaining confidentiality and impartiality
- How to address inaccurate interpretation

The default approach for many organizations that do not have immediate, direct access to interpreters is to rely on untrained interpreters to communicate. In some instances, bilingual staff may have the ability to communicate using layperson's speak; however, when it comes to guiding an ELL client in filling out a benefits enrollment form, staff may not have the technical language necessary to complete the form completely and accurately.

In other instances, County staff may rely on an ELL's family members or friends to provide interpretation. All professional interpreter associations discourage this practice because the loved one may have a bias or personal stake in the ELL's wellbeing, or the service recipient may be uncomfortable sharing or hearing sensitive information in front of their loved one. One community advocate interviewed for this report shared an anecdote of a doctor at a medical facility asking an ELL's young daughter to tell her mother that she had terminal cancer.

Matching Interpreter Services to Level of Need

Different situations present different levels of language access need, and therefore, different requirements for interpreter support. A walk-in client asking a service counter if they have someone who speaks their preferred language to address a routine question would be treated differently from a detained immigrant requesting legal counsel who can speak their language.

Feedback from both County and community partners suggests that there are three specific situations in which interpreter services are especially critical:

1. **Decisions about healthcare**: Healthcare interpreters are typically trained to use specific medical terminology, to be compliant with the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and to look for and bridge cultural differences. In order to best serve the ELL patient, a bilingual healthcare provider typically distinguishes between their role providing language interpretation and their role as a provider engaging the patient about sensitive medical information.
2. **Interactions with law enforcement**: Accurate, high-quality interpretation is ideal in situations in which an ELL is having an interaction with law enforcement officers. The Department of Justice provides guidance to law enforcement[6] that includes the periodic assessment of bilingual officers who engage in high-stakes interactions, e.g., conducting investigations, executing warrants, conducting arrests, providing advice of rights / Miranda warnings, conducting booking, interrogations, and witness interviews.
3. **Official legal proceedings**: ELLs interact with the court system for a variety of legal matters, many of them stressful. From child custody hearings and restraining orders to eviction trials, ELLs rely on court-provided interpreters to help them understand their rights and how to navigate legal proceedings. Interpretation is required for legal proceedings that involve the potential loss of benefits.

[6] "LEP Resource Guide for Law Enforcement," U.S. Department of Homeland Security, https://www.dhs.gov/sites/default/files/publications/lep-resouce-guide-law-enforcement_0.pdf

Interpretation in Emergency Situations

The best practice for interpretation is to schedule with an interpreter ahead of time. This gives the County worker an opportunity to provide the interpreter with all the relevant information and context for engaging the ELL. However, as the above critical situations suggest, it is not always possible to have a planned engagement with an interpreter. In such situations, it is a good practice to access certified interpreters through vetted telephonic interpretation services, like Language Line Solutions. Training for the utilization of on-demand telephonic interpretation in this kind of unplanned scenario is essential so that County workers know when and how to make effective use of the language access service. (One community stakeholder shared an instance when someone tried to access an interpreter but did not have the training to establish a three-way call between themselves, the interpreter, and the ELL.)

As mentioned above, relying on untrained interpreters, like an ELL's loved ones, is typically discouraged. However, an ELL's loved ones can be helpful in retrieving basic information for a County worker, like the ELL's name, contact information and preferred language.

Hiring & Utilizing Bilingual Staff

One of the ways in which the County can have capacity to respond to language need in different situations is through the recruitment and retention of bilingual staff.

Los Angeles County has a roster of employees who have qualified to request additional financial compensation when called upon to use a language they speak for work outside of their normal job responsibilities. County employees take an initial examination to qualify to receive this so-called "bilingual bonus." Once an employee is approved to receive the bonus, they do not have to undergo any further assessments.

Such a bonus has been used by other jurisdictions to incentivize employees to use their language skills for public engagement. Two issues emerge when engaging bilingual staff for work in this way:

First, many jurisdictions that rely on bilingual staff to provide language access are concerned about consistent quality interpretation. An employee who can speak conversationally with their own families may not necessarily have the requisite vocabulary and expertise to provide technical assistance to an ELL.

Two ways in which jurisdictions address this issue is training and certification. Trainings on the basics of interpretation and cultural responsiveness help to create a shared understanding for employees about the minimum expectations for effective language access. Assessment and certification mean that an employee has gone through a more intense training (typically 40 hours or more) in which they learn professional interpretation skills. This is especially important in the case of employees who receive HIPAA training as part of a medical interpreter program and those who receive legal training as part of a court interpreter program. Such certification or licensure opportunities have been used by jurisdictions to encourage those who receive a bilingual bonus to pursue more formal training in order to get a higher bonus.

Second, consideration needs to be given as to whether or not speaking a specific language should be part of an official job description. A few of the larger County departments have resources and staff to have standalone interpreter and translation pools. In most cases, an employee is using their language abilities separate from and on top of their regular job duties. In this latter instance, it might be appropriate to determine if a job description should have a specific language incorporated into it based on that job's client population. For example, if a worker is delivering services as part of a program focused specifically on Afghan refugees, then it would be appropriate to include being able to speak Dari, Farsi or Pashto as part of that position's job description.

Serving Individuals Who Are Deaf or Hard-of-Hearing

Deaf people have their own culture, comprised of languages and norms that define how they live in a world of hearing people. American Sign Language (ASL) is the preferred signed language for Deaf people in the United States, with its own specific gestures and grammar.

Deaf people are at higher risk of being victims of violence. According to the Vera Institute of Justice, one in four Deaf women will have a forced sexual experience in their lifetime. The same report cited a 1998 study that Deaf and hard-of-hearing children are 1.4 times more likely to experience neglect and twice as likely to have a forced sexual experience.

The American Disabilities Act (ADA) requires that interpreters be provided for Deaf people. The default practice tends to be to get an ASL interpreter. However, this practice is problematic because it assumes (1) that the Deaf person speaks ASL and (2) that the Deaf person speaks English. These dynamics are further compounded if the Deaf person is blind and therefore requires tactile interpreting (a form of ASL in which the interpreter uses touch on the Deaf person's hand to communicate) or low-vision

interpreting (in which the ASL interpreter is trained to sign within close physical proximity to the Deaf person).

In the case of Deaf ELLs, there is often a need for multiple interpreters: an interpreter might be need to transpose from a foreign signed language into the commonly spoken language from that individual's country of origin; from that spoken language into English; and from English to ASL.

The provision of language access for Deaf ELLs is a special example of the broader challenge of having a roster of interpreters, either on staff or through community partners, for languages other than English, which the County can access in emergency or unscheduled situations.

Centralizing County Interpretation Services

Ideally, time with an interpreter should be scheduled. This allows the ELL, the County worker, and the interpreter to all come prepared to a conversation with what they need to successfully address the ELL's issues.

However, scheduling interpreters can oftentimes be difficult, especially if the interpreter is providing service in a less common language. A few of the community advocates interviewed for this report shared examples in which several County departments held separate and slightly different contracts with community interpreters for interpretation services. As a result, there were instances where scheduling requests between different departments conflicted. One way in which King County in Washington State (which includes the City of Seattle) has resolved this conflict is the creation of a centralized scheduling platform that manages requests for interpreter services across departments.

One language access technical assistance provider lifted up a different challenge unique to Los Angeles County: Requests for services from interpreters who have to travel to distant parts of the County to provide their services. An interpreter might be scheduled to provide services in the San Fernando Valley, drive down to Long Beach, and then make their way to the San Gabriel Valley all in the same day. In such instances, the interpreter may resort to telephonic interpreter services while driving on the road, which is not an ideal situation. To address this kind of challenge, some jurisdictions will create dedicated spaces for interpretation, which are equipped with high-definition cameras and reliable internet connectivity, so that interpreters have one place to go to provide interpretation services. The City of Long Beach recently approved an American Rescue Plan Act-funded project to establish interpreter booths from which interpreters can work.

Goal 2 Recommendations

For County Departments

2.1. Each public-facing department should have written procedures for the delivery of spoken or signed interpretation.
2.2. To the extent possible, each public-facing department should attempt to offer, when available, in-person or video-based interpretation before offering telephonic interpretation.
2.3. Each public-facing department should strive to apply best practices for plain language communication.

For OIA as Coordinating Agency

2.4. OIA should provide guidance to all public-facing County departments on the effective utilization of bilingual County staff for interpretation.
2.5. OIA should coordinate regular cultural sensitivity trainings that help County employees understand the specific and unique cultural challenges confronted by ELLs.
2.6. OIA should conduct a survey of bilingual employees receiving bilingual bonuses in order to determine County's capacity to serve ELLs and any gaps in the workforce's ability to fully accommodate language access needs.
2.7. OIA should explore how to enhance the bilingual bonus system to incentivize bilingual employees to complete formal interpreter training.
2.8. OIA should explore the possibility of including the top languages of need into County job descriptions in order to further build a County workforce that reflects the county's linguistic diversity.

Goal #3: Increase the Availability and Quality of Document Translation

All public-facing County departments will have established protocols for the translation of information and documents identified as vital for the public.

Equitable access to information about County benefits and services is predicated on the effective dissemination of written information. The County has made great efforts to simplify benefits enrollment forms and to make sure that instructions for filling out forms are in plain language. Written documents are utilized for a variety of official and critical communications, including eligibility determination letters, outreach materials, notices and complaint forms. During the pandemic, public health orders and advisories and social

media posts were essential to communicate information about testing, vaccination, and personal protective measures.

Increasingly, written information and documentation are provided on digital platforms, like public websites and social media services.

Identifying Vital Documents

The first step in document translation is determining which documents need to be prioritized for translation. Considerations for prioritization include: if the documents relate to the potential loss of benefits or rights; how documents affect how an ELL navigates County systems; the importance of the information in the document to completing other critical steps in a process (e.g., instructions for filling out a form); how often the document is utilized by ELLs; and whether or not translation of the document makes sense, given the cultural context for a particular ELL community.

If there are sufficient resources, vital documents should be fully translated. If resources for a particular language are limited, then County staff can determine which parts of the document are the most critical and then translate just those parts.

Public forms and documents tend to need regular updates based on changes to programs and services or new laws and policies. More often than not, updates are made immediately to the English versions of documents, while that same document may not have updated translations into other languages. Because of this, it is a good practice to track the current version of each document and how that document is being maintained in other languages.

Defining Threshold Languages

Once vital documents have been identified, the languages into which those documents need to be translated have to be determined. These languages are determined based on whether they meet certain criteria identified by a jurisdiction, department, or agency for required translation. “Threshold languages” are languages that meet the criteria. The criteria for threshold languages may include, but are not limited to:

- A predetermined list of languages necessary for the implementation of a specific program or service, e.g., outreach to a specific linguistic community;
- A percentage of a population in a particular service area. For example, if the threshold in a particular service area is 10 percent, then any linguistic community that is 10 percent or greater of the population in that area triggers a requirement

that written documents be prioritized for translation into the language spoken by that community;

- The number of individuals speaking a particular language in a service planning area crosses a minimum number defined by the jurisdiction as the threshold. For example, if it is determined that more than 10,000 speakers in an area is the threshold, then any population that meets the threshold can expect to have documents translated into their language.

It should be noted that in a jurisdiction as large and diverse as Los Angeles County, with different linguistic populations concentrated in different parts of the County, the list of threshold languages and how they are determined may vary from one service planning area to the next and from department to department. Further, most linguistic communities will likely not be large enough to meet any threshold defined by the County.

Nonetheless, many jurisdictions will define a list of threshold languages that applies to all departments within the jurisdiction, regardless of what list any individual department might come up with. An example is New York City's Executive Order 120, which directs city departments to be able to minimally provide language access to the top six languages spoken in the city.

Because departments will likely come up with different threshold languages based on who they serve, it is important for County departments to communicate what their threshold languages are and share the process for selecting the languages so that ELLs can seek out additional support to access written documents in their specific language.

Quality Assurance for Translations

It is a common practice for County departments to rely on bilingual staff to translate documents. However, it is not uncommon that staff may have been raised to speak a language orally but did not learn how to properly write in the language.

The best practice is to rely on translators who have been vetted by the American Translators Association (ATA), the national industry group that governs the standards, ethics and practice of document translation. ATA translators are trained to accurately translate word for word, but more importantly, the meanings of words that may not have a direct translation from English to a target language. ATA translators are also able to ensure that script and style are preserved for written languages that do not read left to right the way English does.

Perhaps, most importantly, ATA translators are able to help departments develop glossaries of terms, an ongoing list of technical terms that are continually updated. This has been essential during the pandemic as the County's health departments developed words specific to COVID-19 to be used consistently to communicate public health information.

Another best practice for document translation is to have one translator conduct the initial translation and to have another validate its accuracy and alignment with program and legal requirements.

Use of Plain Language

A key principle for accessible document translation is the use of plain language: Government-produced documents should strive to provide simple, easy-to-understand writing that is free of jargon and technical vocabulary. This also includes consideration of where written copy might be published, especially on the web where most public information is posted. The use of plain language also contributes to high-quality document translation because it makes it easier for the translator to not have to worry about translating unnecessary words or technical vocabulary nor about culturally-specific or nuanced phrases.

Non-Written Communication

Written communication assumes a level of reading literacy in the translated language that an ELL may not have. Additionally, some languages are only oral languages and do not have written systems. In these instances, a recommended practice is to provide translations in an audio or video format. An example of this approach is the work that CIELO did to create videos for Indigenous Mexican and Central American language speakers about COVID-19 vaccinations.

Machine Translation Without Qualified Human Review

Another common practice is to use machine translation, i.e., using technology to translate documents. Machine translations can be inaccurate because they are designed to do word-to-word translations. Nuances like tone, context and gender get missed. Some jurisdictions have explicit prohibitions on the use of machine translation by technologies, like Google Translate, because of inaccurate translations.

The primary benefit of using machine translation is that it can be a helpful tool to accelerate the initial translation process. However, the machine translation should still undergo human translator review and validation to make sure that the translation is accurate.

Goal 3 Recommendations

For County Departments

3.1. Each public-facing department should come up with a translation policy that identifies what vital documents should be translated, lists the threshold languages provided, and details how translated documents will be tracked, maintained and updated. Translation policies should at minimum align with the countywide language access strategic goals but also with any relevant federal or state requirements.
3.2. Each public-facing department should, as part of their document translation policy, establish procedures and protocols for their work with community-based partners. Ideally, this would include a community review process involving community experts who can assess the accessibility of translated documents.

For OIA as Coordinating Agency

3.3. OIA should develop guidance for public-facing departments on how they indicate and direct ELL users to multilingual content on their website.

Goal #4: Develop Departmental Language Access Plans

All public-facing County departments will review their language access strategies on a regular basis.

A key practice that local jurisdictions have used to ensure the effective implementation of local language access policies and regulations is a language access plan. This implementation plan spells out how a department or agency will meet its language access responsibilities.

The language access plan should address the following:

- How language access is incorporated into program design / service delivery
- Available resources for language access
- Performance measures
- Legal requirements

Some jurisdictions tie the language access plan to the budgetary process: A department cannot have their annual budget approved until their language access plan has been approved. Completing the annual language access plan before the proposed budget gives a department an opportunity to request resources for language access provision.

Public Notice of Language Access Services

As part of their language access plans, most jurisdictions include guidance and/or requirements for how departments and agencies are to communicate what language access services are available to ELLs:

- **Wayfaring in County facilities**: One of the most common ways that language access services availability is communicated to the public is through multilingual signage in public buildings. However, a challenge to using signage to communicate with the public is the potential for low reading literacy: An ELL may not have the reading level to make sense of signage. Some jurisdictions complement signage with the practice of having greeters who are trained to be linguistically and culturally responsive to diverse language needs.

- **Direct outreach to ELL communities**: Another common and encouraged practice to notify ELLs of available language access services is through direct outreach. Information about services can be disseminated at community events, through trusted messengers, through ethnic media, and with outreach flyers, brochures, and other in-language materials.

Regular Countywide Language Access Reports

In many jurisdictions, the local language policy also mandates that the agency overseeing language access provide a regular report on how departments are complying with that policy. A regular language access report provides a high-level overview of trends in language need, identifies major barriers and challenges seen across departments, and offers potential solutions and resources.

Goal 4 Recommendations

<u>For County Departments</u>

4.1. Each public-facing department should incorporate language access as a dimension of their regular annual strategic planning process in order to identify

opportunities to strengthen language access and procure resources as part of the budgeting process.

4.2. Each public-facing department should review their language access plan on a regular basis (at least biannually) to review language access resource allocations and to resolve any language access complaints.
4.3. Each public-facing department should post their language access plans to their websites and make those plans available in the threshold languages identified by the department.
4.4. Each public-facing department should identify and any federal or state language access requirements that may require more than County requirements.

For OIA as Coordinating Agency

4.5. OIA shall develop an interdepartmental language access working group, composed of each public-facing department's designated language access liaison. The working group will support the sharing of resources and facilitate collaboration among departments.
4.6. OIA shall create a language access toolkit for departments as a resource for public-facing departments to assist in the development of their own language access plans.
4.7. OIA shall submit to the Board of Supervisors an annual report on countywide language access.

Goal #5: Conduct Training

All public-facing County departments will have a plan for the provision of ongoing training for staff on the provision of language accessibility and cultural responsiveness.

Departmental Language Access Plan Training

Training is especially important when a new language access policy is first adopted. All staff, especially those working directly with ELLs, are trained in the jurisdiction's overall local language access laws and policies, as well as their particular department's language access plan. Staff are also trained in their responsibilities to provide language access and how to effectively engage the department's language access resources in a timely manner.

Departmental trainings can cover a wide range of topics including:

- The department's legal responsibilities to provide language access

- The department's basic language access strategies and protocols
- When and how to access interpreter services
- Protocols for identifying language need and where to record this data
- What to do if there is a challenge with the interpreter or interpretation process

Baseline Training for the County Workforce

Every County employee should have the same understanding of the basic principles of meaningful language access. This is especially important in light of particular instances shared by community stakeholders of ELLs being made by County employees to feel like they should not be accessing language access services.

Minimally, County staff should all complete basic training in language access, cultural humility and immigration status considerations.

Departments invest in their own language access trainings. Standards established by the OIA as the County's language access coordinating agency would ensure that departmental trainings align with County requirements.

Professional Development Opportunities for Bilingual Employees

Language access training should be ongoing. Professional development opportunities for non-trained bilingual staff helps them to more regularly incorporate best practices into their in-language interactions with ELLs. Training also supports certified employees in maintaining their certification status between assessments.

In some instances, more extensive and specialized training is required. Medical interpreting requires content related to in HIPAA compliance, the ethics of interpreting, patient advocacy, and basic medical terminology. Legal interpreting requires training in basic legal concepts and terminology. However, offering training in medical and legal interpreting to all County employees may be a good practice by providing both non-trained and trained employees with additional professional development opportunities that might contribute to their career advancement.

Goal 5 Recommendations

<u>For County Departments</u>

5.1. Each public-facing County department shall continue to offer trainings to its employees that are aligned with the countywide language access strategic goals.

For OIA as Coordinating Agency

5.2. OIA shall develop standards to guide public-facing County departments to ensure that their trainings are aligned with the countywide language access strategic goals.
5.3. OIA shall conduct a baseline analysis of language access trainings that departments have completed in the last three years to understand the current state of departmental language access trainings.
5.4. OIA should establish a County training curriculum to help coordinate and make available countywide language access trainings, including specialized trainings in medical interpreting and court interpreting, to all public-facing County departments to supplement their departmental trainings.
5.5. OIA shall work with the Anti-Racism, Diversity and Inclusion (ARDI) Initiative, and Department of Human Resources to establish countywide employee training on language access, cultural humility, and immigration status considerations for the entire County workforce.

Goal #6: Effectively Address Language Access Complaints

All public-facing County departments will have established protocols for the collection of and effective response to language access complaints.

Having formal complaint procedures allows ELLs to exercise their rights to language access. Complaint procedures also help departments to improve language accessibility by providing opportunities to respond to gaps, barriers and challenges identified by ELL clients.

Typically, there are two categories of complaints:

1. Complaints about the initial request for and provision of interpreter services / translations, and
2. Complaints about the quality of interpreter services / translations provided.

Departments and agencies with established complaint procedures will often review complaints as part of their annual language access planning process. Complaints help departments to evaluate existing strategies and to implement new ones.

Language access policies may sometimes require that complaints be shared with the jurisdiction's language access coordinating agency. This enables ELLs to have recourse for action if their complaints have not been resolved successfully.

Goal 6 Recommendations

For County Departments

6.1. Each public-facing department should have their language access complaint process published in an easy-to-find part of their website.
6.2. Each public-facing department should have their language access complaint process visible in physical spaces where ELLs receive services.
6.3. A department's language access complaint system should include recourse for the ELL when their complaint has not been resolved by the department.

For OIA as Coordinating Agency

6.4. OIA should explore the opportunity to enhance existing language access complaint processes by providing non-binding management suggestions to support departments in resolving language access complaints.

Goal #7: Ensure Quality of Outsourced Language Access Services

All County departments will have established protocols for the regular assessment of their department's language services vendors and strategic partnerships.

Los Angeles County's linguistic and cultural diversity currently exceeds its language access capacity. This makes working with third-party vendors and community partners a critical part of the County's overall language access ecosystem.

Jurisdictions often extend the same standards and requirements for staff interpreters and translators to third-party providers to which these services are outsourced. Third-party providers are required to submit an explanation on how their staff translators and interpreters are trained and assessed in accordance with the standards of their profession.

In some jurisdictions, compliance with a language access policy is not just limited to those providing interpreter and translator services: Any contractor or grantee delivering services to the public on behalf of that jurisdiction is expected to comply with the jurisdiction's language access policy and standards.

One of the challenges articulated by community stakeholders is how difficult it is to contract with the County to provide interpreter and translation services even when the County needs those services. Stakeholders pointed to the County's contracting process as the primary reason for this difficulty. Two of the stakeholders interviewed also

mentioned that they have contracts with different County departments to provide interpreter services but that those contracts had different enough reporting requirements that it made providing services more burdensome.

One of the ways in which County departments have helped to streamline the contracting process for outsourced translation and interpretation services is through master agreements. Master agreements have given departments, like DPH, DPSS, DCFS and ISD, the flexibility to draw upon a pre-vetted pool of community interpreter and translation vendors.

Goal 7 Recommendations

For OIA as Coordinating Agency

7.1. OIA should develop a list of vetted vendors that other departments can tap into for outsourced translation and interpretation services. Community feedback on vendors should be incorporated into the vetting process.
7.2. OIA should develop its own language access master agreement that gives it the ability to establish contracts with vetted interpretation and translation partners specializing in languages that are less commonly spoken in the County. This master agreement will complement similar existing master agreements held by other public-facing departments.

Recommended Next Steps

Anticipated Budgetary Impacts

With adoption of this countywide language access framework and strategic goals, the County is establishing standards that will support the aspiration of providing consistent, quality language access services, regardless of which department an ELL is interacting with.

To operationalize this effort, departments will benefit from technical assistance and training to understand the new framework and to integrate the strategic goals into their strategic planning and operations.

As the proposed coordinating agency for the County, OIA currently has capacity to implement the following recommendations:

OIA shall develop an interdepartmental language access working group, composed of each public-facing department's designated language access liaison. The working group will support the sharing of resources and facilitate collaboration among departments. (*Recommendation 4.5*)

OIA should develop a list of vetted vendors that other departments can tap into for outsourced translation and interpreter services. Community feedback on vendors should be incorporated into the vetting process. (*Recommendation 7.1*)

OIA should provide guidance to all public-facing County departments on the effective utilization of bilingual County staff for interpretation. (*Recommendation 2.4*)

The formation of the language access working group will lay the foundation for countywide coordination of language access. It will also be the incubator for new strategies and projects that will support County departments in their implementation of the countywide language access framework and policy.

In order to ensure that the countywide strategy can be sustained beyond its initial implementation, additional resources will need to be invested in the following:

- Ensuring OIA has dedicated staff with the technical expertise to coordinate language access countywide
- Making sure that OIA has additional budget to create the proposed language access toolkit for departments (*Recommendation 4.6*)
- Integrating language access trainings into the County's existing training academy (*Recommendation 5.4*)
- Addressing the lack of centralized data on language need and making data usable for County departments in their strategic planning (*Recommendations 1.4 and 1.5*)

Recommendations

In order to implement the proposed strategic framework for equitable countywide language access, OIA makes the following recommendations that can be adopted by the Board to strengthen language access efforts countywide:

1. Direct OIA to be the coordinating agency for a countywide language access system, focusing specifically on the following three priorities:

    a. Technical assistance to County departments on their departmental language access plans;

   b. Coordinating language access trainings to complement trainings already conducted by County departments; and
   c. Aligning relevant County systems and structures with County requirements.

2. Direct OIA, in consultation with County Counsel, to draft a countywide language access policy that addresses the County's commitment to equitable access to language services, for the Board's consideration.
3. Direct OIA to launch the countywide language access initiative with existing resources and to implement key recommendations as funding and other resources are identified and secured.
4. Direct OIA to work with the Chief Executive Office to identify and secure stable, long-term funding for the implementation of strategic recommendations.
5. Direct OIA to work with the Anti-Racism, Diversity & Inclusion (ARDI) to align language access strategic recommendations with ARDI efforts related to data collection and County workforce training in linguistically and culturally responsive service.
6. Direct OIA to establish an interdepartmental working group, composed of each public-facing department's designated language access liaison, which will support sharing of resources and facilitate collaboration among departments.
7. Direct OIA to build strategic partnerships with community-based organizations to expand the translation and interpretation services capacity available to the County.

Next Steps

OIA will produce a final report within 180 days of submitting this report that will address some of the longer-term structural issues that need to be addressed in order to support more equitable language access services for County residents. The final report will explore and make recommendations for how individual departments and the entire County system might identify savings and achieve efficiencies by streamlining and strengthening systems, like the bilingual bonus system, departmental complaint systems and contracting with community language access service providers as part of the County's Equity in Contracting Initiative.

Appendices

- Appendix A: Stakeholders Interviewed
- Appendix B: Survey of Public-Sector Language Access Frameworks
- Appendix C: References & Resources

Appendix A: Stakeholders Interviewed

The following stakeholders were engaged for general insights and reflections as part of the research for this report. Stakeholders were either interviewed on a one-on-one basis or as part of a group listening / feedback session:

Community-Based Organizations
API Forward (Heng Lam Foong)
Asian Pacific Institute on Gender-Based Violence (Cannon Han)
Center for the Pacific Asian Family (Debra Suh)
Comunidades Indígenas en liderazgo (CIELO) (Odilia Romero)
Legal Aid Foundation of Los Angeles (Joann H. Lee)
Korean American Family Services (Alice Lee)
PALS for Health (Mireya Muñoz)
Pars Equality Center (Peyman Malaz)
Southeast Asian Community Alliance (Sissy Trinh)
Thai Community Development Center (Panida Rzonca)

Language Justice Working Group

- A coalition of over 20 Los Angeles County area, community-based organizations advocating for language justice

DPH COVID-19 Language Justice Workgroup

- API Forward Movement
- Asian Americans with Disabilities Initiative
- Child Care Resource Center
- Community Response System of South Los Angeles
- Indigenous Circle of Wellness
- International Institute of Tolerance
- Little Tokyo Service Center
- National Health Foundation
- PALS for Health
- So Cal Pacific Islander COVID Response Team
- Tarzana Treatment Centers
- Thai Community Development Center
- Vision y Compromiso

County Departments
AHI Language Access & Cultural Competency Team

- Scott Chan (Department of Public Health)
- Sandra Chang (Department of Mental Health)
- Dawn Flores (Department of Health Services)
- Erika Flores Uribe (Department of Health Services)
- Jorge Partida del Toro (Department of Mental Health)
- Sonya Vasquez (Department of Public Health)
- Gayle Haberman (AHI coordination)

Department of Children & Family Services (Teri Badia)
Department of Public Social Services (Marcia Blachman-Benitez)
District Attorney's Office (Ryann Gerber Jorban, Alice Kurs)
Los Angeles County Office of Education – Multilingual Academic Support (Ruth Baskett, Soomin Chao, EdD)

Municipal Partners
City of Los Angeles – Mayor's Office of Immigrant Affairs (Adriana Garcia, Nayra A. Pacheco Guzmán)
City of Long Beach (Juan Rosas, Francheska Deras)
New York City Mayor's Office of Immigrant Affairs (Matthew Lo)
City of Seattle – Office of Immigrant & Refugee Affairs (Joaquin Uy)
City & County of Denver Office of Immigrant & Refugee Affairs (Atim Otii)
City & County of San Francisco – Office of Civic Engagement & Immigrant Affairs
Global Cleveland (Elizabeth Cusma)

Appendix B: Survey of Public-Sector Language Access Frameworks

This section of the report will conduct a survey of the major language access strategic frameworks utilized by local agencies to guide them in developing and executing effective language access strategies.

U.S. Department of Justice Language Access Assessment & Planning Tool

In 2011, the U.S. Department of Justice (DOJ)'s Civil Rights Division published "Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs" to provide guidance to federal agencies, contractors, and state and local agencies utilizing federal funds. The tool provides a framework for ensuring that agencies are in compliance with Title VI of the Civil Rights Act of 1964, which prohibits recipients of federal dollars from discriminating on the basis of race, color, or national origin, including limited English proficiency.

The report lays out three Ps of language access that agencies must address in order to effectively address language accessibility. Those three dimensions are:

1. Language Access **Policy** Directives
2. Language Access **Plan** for Implementation
3. Language Access **Procedures**

Policy Directives: This speaks to the standards and guiding principles governing language access for an agency. Policy directives come in different forms, from enforceable ordinances adopted by a jurisdiction's executive to administrative protocols guiding how agency staff are supposed to interact with ELLs.

Implementation Plan: The implementation plan lays out the operational plan for how the agency will meet its responsibilities to its language access policy directives. The plan articulates strategic goals and objectives, roles and responsibilities for agency staff and contractors, and allocation of resources.

Procedures: Procedures describe the processes by which the implementation plan will be executed. This includes how to provide language services, protocols for collecting data, and how to access language access resources.

In this same report, the DOJ lays out six elements agencies should consider in assessing their capacity to effectively deliver language services:

1. Understanding how ELLs interact with the agency
2. Providing language access services
3. Identifying and assessing ELL communities
4. Training staff
5. Providing notice of language assistance services to ELLs
6. Monitoring, evaluating and updating the agency language access plan

These six elements are important for any agency self-assessment of language accessibility.

DHHS FOUR-FACTOR ANALYSIS

In its revised *Guidance to Federal Financial Assistance Recipients Regarding Title VI and the Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons* (2002), agencies receiving federal funding are said to provide meaningful access to language services when they consider and balance four factors:

1. the number or proportion of ELL persons eligible to be served or likely to be encountered by the program or grantee;
2. the frequency with which ELLs come into contact with the program;
3. the nature and importance of the program, activity or service provided by the recipient to its beneficiaries; and
4. the resources available to the grantee/recipient and the costs of interpretation/translation services. There is no "one size fits all" solution for Title VI compliance with respect to ELL persons, and what constitutes "reasonable steps" for large providers may not be reasonable where small providers are concerned.

These four factors are to be used to assess the agency's language accessibility and to maximize its limited resources to provide as much language access as possible to ELLs.

DHHS CLAS Standards

The U.S. Department of Health & Human Services' National Culturally and Linguistically Appropriate Services (CLAS) standards "are intended to advance health equity, improve quality, and help eliminate health care disparities." These standards have taken on even greater importance with the ongoing public health crisis posed by the COVID-19 pandemic.

The 15 CLAS standards define what culturally and linguistically-responsive care is and set expectations for how that care might be delivered by addressing the following:

- Governance, Leadership and Workforce
- Communication and Language Assistance
- Engagement, Continuous Improvement, and Accountability

Migration Policy Institute Framework for Language Access

In October 2021, the Migration Policy Institute (MPI) conducted a survey of 45 state and local language access ordinances in 40 jurisdictions around the country. The report sought to draw out common elements that jurisdictions thinking of enacting similar language access ordinances might consider.

The MPI report found that the most effective and implementable ordinances had elements that fell into two categories:

1. Agency Responsibilities
2. Policy Administration

Agency Responsibilities: This refers to the activities required of departments by a jurisdiction's language access laws and policies. This includes types of language services, how notices are communicated, how staff are to be recruited and trained, and development of an annual language access plan.

Policy Administration: This refers to oversight and mechanisms to ensure accountability for effective implementation of local language ordinances. This includes oversight of the language access coordinating agency, as well as structured engagement of community partners.

Appendix C: References and Resources

Asian Americans Advancing Justice - Los Angeles, "L.A. Speaks: Language Diversity and English Proficiency by Los Angeles County Service Planning Area," 2013.

California Department of Health Care Services, "Standards for Determining Threshold Languages, Nondiscrimination Requirements, and Language Assistance Services," 2022.

California Healthcare Interpreters Association, "California Standards for Healthcare Interpreters: Ethical Principles, Protocols, and Guidance on Roles & Intervention," 2002.

Judicial Council of California, "Strategic Plan for Language Access in the California Courts," 2015.

Judicial Council of California - Administrative Office of the Courts, "Enhancing Language Access Services for LEP Court Users: A Review of Language Access Practices in California's Superior Court," 2013.

LEP.gov - Executive Order 13166

Migration Policy Institute, "A Framework for Language Access: Key Features of U.S. State and Local Language Access Laws and Policies," 2021.

PlainLanguage.gov, "Federal Plain Language Guidelines," 2011.

U.S. Department of Health & Human Services, National CLAS Standards.

U.S. Department of Justice, "Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs," May 2011.

Select Local Jurisdiction Language Access Laws & Policies

City & County of Denver - Office of Immigrant & Refugee Affairs
City & County of San Francisco - Language Access Ordinance
City of Los Angeles - Executive Directive No. 32
City of Seattle - Office of Immigrant and Refugee Affairs - Executive Order 2017-10
District of Columbia Office of Human Rights - DC Language Access Act
New York City - Local Law 30

Serving Deaf ELLs

Asian Pacific Institute on Gender-Based Violence, "Serving Individuals Who Are Deaf, Hard of Hearing, or Deaf-Blind and Do Not Use American Sign Language," 2015.

Deaf Hope, "Tip Sheet: Working with Sign Language Interpreters for Events," 2017.
National Consortium of Interpreter Education Centers, "Fact Sheet: Use of Interpreters in Law Enforcement Settings," 2012.

Vera Institute of Justice, "Culture, Language, and Access: Key Considerations for Serving Deaf Survivors of Domestic and Sexual Violence," 2015.

Document Translation

Judicial Council of California, "Translation Protocol," 2016.

LEP.gov, "Improving Access to Public Websites and Digital Services for Limited English Proficient (LEP) Persons," 2021.

Digital.gov, "Top 10 Best Practices for Multilingual Websites"