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## **D.C. Language Access Coalition**

### **Policy & Compliance Priorities**

**January 2010**

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#### **Education**

**1. Require individual public schools submit individual biennial language access plans (BLAP's)**

To ensure that DC public and charter schools are providing meaningful language access as required by the DC Language Access Act (LAA), each school should have specific BLAPs. Developing language access plans would compel schools to identify the language needs of both students and their families, inventory existing language resources within the school, and outline appropriate strategies for ensuring that the requirements of the LAA are met. DCPS's central office should be able to provide schools with guidelines and training on the requirements of the LAA. In addition, the Office of African Affairs, the Office of Latino Affairs and the Office of Asian Pacific Island Affairs should be available to offer technical assistance in the development and implementation of the plans.

**2. Improve Language Line training and availability within schools.**

Protocols should be established for the use of Language Line within schools and all teachers and administrative staff should be trained to use it so that they are able to effectively communicate with students' families. This is essential for use not only in emergency situations, but also for routine parent meetings. While we recognize that it may not be feasible to install a phone line in each classroom, an administrative office with a telephone with access to Language Line interpreters could be made available for teachers to reserve for meetings with English language learning parents.

**3. Implement proficiency standards and training for school staff acting as interpreters.**

Using bilingual school staff as interpreters saves both time and money and many schools are indeed using staff in an informal capacity to fulfill this need. However, to ensure effective and appropriate interpretation there must be standards for testing staff members' language proficiency. Further, all staff members identified as possessing the language skills necessary to act as interpreters must be provided with training on the skills and ethics of interpreting.

## Housing

### 1. **Improve agency compliance with the DC Language Access Act (LAA)**

The government agencies responsible for providing housing services to District residents have some of the lowest compliance ratings for implementation of the LAA. These agencies include the DC Housing Authority (DCHA), the Department of Consumer and Regulatory Affairs, the Office of the Tenant Advocate, the DC Office of Planning, and the Department of Housing and Community Development. While some agencies have taken steps to improve the collection of language data, the number of limited and non-English proficient clients who continue to receive notices in English indicates that this data is either not being recorded effectively in client files or not being used to ensure that clients receive materials in the correct language.

### 2. **Increase the number of linguistically isolated tenant based housing vouchers.**

The Coalition supports an increase the number of linguistically isolated housing choice vouchers earmarked by the DCHA. In addition, eligibility criteria should be revised to extend the voucher program to members of the District's African (predominantly French and Amharic speaking) communities.

### 3. **Support the Omnibus Rental Housing Amendment Act of 2009**

The Coalition supports the passage of the Omnibus Rental Housing Amendment Act of 2009, as an important piece of legislation for ensuring that all tenants in DC, including those with limited English proficiency, have safe and adequate housing. In particular we urge the council to vote in favor of the Tenant Access to Justice Reform Act of 2009 giving tenants the right to bring suit in Landlord Tenant Court.

"I was 8 weeks pregnant and began to bleed. I went to the ER because I was afraid I was miscarrying. None of the staff there spoke Spanish and I was not checked. They just prescribed me medicine for Chlamydia and sent me away. I didn't know what to do. Everything moved so fast."

- *Spanish-speaking Resident of the District of Columbia*

## Health Care

### 1. Improve data sharing systems for language preference

District agencies and health care providers must improve systems to ensure that language preference data is being collected and shared between government agencies, managed care organizations, and providers. The lack of this data leads to poor coordination and the inefficient use of resources. For example, failing to collect language preference data means that mailings need to be sent out to customers in every language to ensure compliance with the DC Language Access Act (LAA). Improving data sharing systems for language preference will reduce costs to government agencies, improve customer service, and ensure compliance with the LAA by enabling agencies to accurately identify clients' preferred language and communicate with them in that language. Some of the data systems most in need of coordination are ACEDS (the Income Maintenance Administration's database), MMIS (the Department of Health Care Finance's database), and the systems of managed care organizations.

### 2. Support state plan amendments to increase federal dollars for the District

The Coalition supports amendments to the Medicaid state plan that would:

- i. Increase available federal dollars available to the District by adding language services as a Medicaid covered service under the state plan.
- ii. Opt the District into the recently passed Children's Health Insurance Program Re-authorization Act (CHIPRA) law that expanded Medicaid coverage to legal immigrant women and children. This would allow the District to obtain federal dollars by moving people from the Alliance program to the Medicaid program.
- iii. Ensure that the Department of Health Care Finance (DHCF) offers language services to all out-patient fee-for-service Medicaid providers regardless of the number of employees or size of the practice.

### 3. Share information about the availability of language services with patients

Department of Health Care Finance should ensure that providers post information about the availability of language services in spaces such as waiting rooms and offices. These notices should be provided in the languages designated by the Office of Human Rights as covered under the LAA. Agencies should hire bilingual staff to facilitate the provision of language services in the most prevalent languages and offer telephonic services for many more. In addition, the Coalition encourages the DHCF to strengthen outreach to the limited and non-English proficient (LEP/NEP) community to educate them about their right to language services. Patients should be given access to oral language services when interacting with providers over the phone and answering machine messages should be recorded in commonly encountered languages.

## Human Services

### 1. Designate additional prevalent languages

The DC Language Access Act (LAA) requires that prevalent languages are to be designated based on the population that is *likely to be served or encountered* (as well as the population that actually is served or encountered). The Coalition is concerned that some limited and non-English proficient (LEP/NEP) community members may not be seeking assistance as they know that they will be unable to access language services. To address this, the Income Maintenance Administration (IMA) and other District agencies should use additional data sources (such as Census data) to identify which languages are likely to be encountered.

### 2. Improve IMA's collection and sharing of data about language preference.

In order to serve the LEP/NEP community, offer effective translation and interpretation services, and be in compliance with the LAA, the IMA must collect data about individual clients' preferred language. Further, the provision of language services to Medicaid and DC Health Care Alliance beneficiaries would be significantly improved through better sharing of language preference data with the Department of Health Care Finance.

Collection of language data could be improved in the following ways:

- i. Ensure that ACEDS (IMA's database) includes a preferred language field that includes the District's most prevalent languages as identified by Office of Human Rights (OHR), allows other languages to be manually entered, exists as a required field, and does not list "English" as the default language.
- ii. Revise the IMA combined application for benefits by:
  1. Including French as one of the languages that the first page of this application is translated into; and
  2. Adding "Other" as an option in the preferred language field in the instance that an individual's preferred language is not one of the six most prevalent languages in DC.

### 3. Ensure accurate translation of vital documents and written communication for LEP/NEP clients.

Department of Human Services (DHS) and the IMA must translate vital documents, including letters to clients, into the prevalent languages designated under the LAA. It is essential that customers receive notices in a language that they understand as these notices often tell customers about an action that is being taken in their case, request additional information regarding their case, or advise them of meeting dates and other important information. In addition to providing translated documents in the prevalent languages, the IMA needs to develop a plan for communicating the content of notices to those customers who speak languages not covered under the LAA.

## Transportation

### 1. Ensure web translations of vital information are done by qualified human translators.

The Coalition has been working with WMATA to advocate for improvements in the accuracy of their online translations. WMATA is currently accepting bids for human translation services for their website, but it is important that all vital information affecting limited and non-English proficient (LEP/NEP) individuals' access to Metro services be translated. The Coalition will be monitoring the quality of these web translations.

### 2. Improve in station language accessibility for limited and non-English proficient patrons.

There are three key areas in which changes must be made to improve in station language access.

- i. Metro station managers are the key points of contact for Metro riders and must be trained to use language line and Metro's "Visual Translator" to enhance their ability to provide meaningful language access.
- ii. Overhead announcements in stations, trains and buses must be made in additional languages. This includes regular announcements regarding doors closing and not opening again, but more importantly emergency announcements about trains being out of service and notices to disembark.
- iii. Translated information must be available at Metro fare-card machines to ensure that LEP/NEP individuals can accurately operate them.

### 3. Ensure language access is included as a line item in all department budgets.

To ensure the ongoing provision of language services, language access must be included as a line item for every department in the Metro and Department of Transportation budgets.

"I don't travel with buses and Metro given the experiences I had in the past. I would usually tell the driver the place I needed to go to and he would be like "What"? I would repeat over and over and he would start talking. I assumed that he would let me know when we got there. Unfortunately, I would find myself at the last bus stop even though I remained on the bus and sat very close to the driver so he can remember me. I missed many of my appointments, because of the language barrier."

- District of Columbia resident from Francophone West Africa

## **Employment Relations**

### **1. Ensure translation of vital documents into prevalent languages**

As stipulated by the DC Language Access Act (LAA), the Department of Employment Services (DOES) must translate vital documents into the languages spoken by either 3 percent or 500 of their clients and make these documents “accessible at points of entry and available online.” According to the Regulations to the LAA, vital documents include application forms, appeal forms and letters to clients who are identified as being limited and non-English proficient (LEP/NEP). Furthermore, standards must be established for the translation of these documents by qualified professionals to ensure a high level of accuracy and effective communication. To ensure that meaningful language access is available agencies must adequately train all staff members concerning their obligations under the LAA.

### **2. Ensure appropriate interpretation services are available**

Agencies must make appropriate language services available for interviews and meetings. Funding must be set aside in the agencies’ budgets for qualified live interpreters to ensure meaningful interpretation and avoid mistakes.

### **3. Improve language preference data collection**

In order to serve the LEP/NEP community and offer effective translation and interpretation services the Department of Employment Services (DOES) must collect data about individual clients’ preferred language. The Coalition is concerned that this obligation is not currently being met in a systematic and appropriate way. We urge you to raise this compliance issue in the upcoming oversight and budget hearings to ensure that District residents are receiving equal access to services.

## **Workforce development**

### **1. Improve the transparency and accountability of DOES application processes.**

Publish the following documents and make sure that they are available in the prevalent languages identified by the Office of Human Rights.

- i. A list of the documents that applicants are required to provide in order to receive a training voucher (ITA)
- ii. The up-to-date income threshold for eligibility for DOES services.
- iii. A calendar of orientation events so that DOES clients are able to take advantage of these.
- iv. A notice of who to contact if services are not provided and available paths for recourse.

### **2. Support non-Computer based services for English Language Learning clients**

DOES one-stop centers should develop non-computer based alternatives to assist limited and non-English proficient clients with their search for employment. Many English language learning clients have limited computer skills and are unable to negotiate the website or the computer-based services at one-stop centers. Furthermore, the level of English required to navigate the websites and complete the forms is far higher than is required for many jobs. The Coalition suggests that all information be published in an easy to read format based on the principle of plain language. Plain language is defined as writing that effectively communicates with the specific audience being addressed. Using plain language ensures that your audience can both find and understand the information provided.

### **3. Improve collaboration with training providers**

It is essential that the DOES proactively reach out to community-based organizations that serve immigrant communities to ensure that the District's limited and non-English proficient (LEP/NEP) community members are receiving equal access to workforce training opportunities. A streamlined and transparent process should be implemented to ensure that training providers are aware of the requirements necessary to enter into a Blanket Purchase Agreement with DOES. Further, there must be greater accountability for the distribution of these agreements to ensure that providers serving the District's LEP/NEP communities are represented.