

Ensuring Language Access for Families with Limited English Proficiency



Presented by the Multicultural Workgroup of the
Parent Technical Assistance Center Network

July 14, 2011

Responsibility of Parent Centers

CFDA 84.328M:

- Provide parents of children with disabilities, including low income parents, *parents of limited English Proficient children*, and parents with disabilities, with training and information
- Ensure that their training and information meet the needs of low-income and *limited English proficient parents*



For parents of children with disabilities

To help them gain the knowledge and skills they need to be advocates for their children

Legal Obligation to Provide Access



Entities receiving assistance from the federal government must take reasonable steps to ensure that persons with **Limited English Proficiency (LEP)** have *meaningful access* to the programs, services, and information those entities provide

Who has “limited English proficiency?”

Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write or understand English can be limited English proficient, or "LEP." These individuals may be entitled to language assistance with respect to a particular type of service, benefit, or encounter.



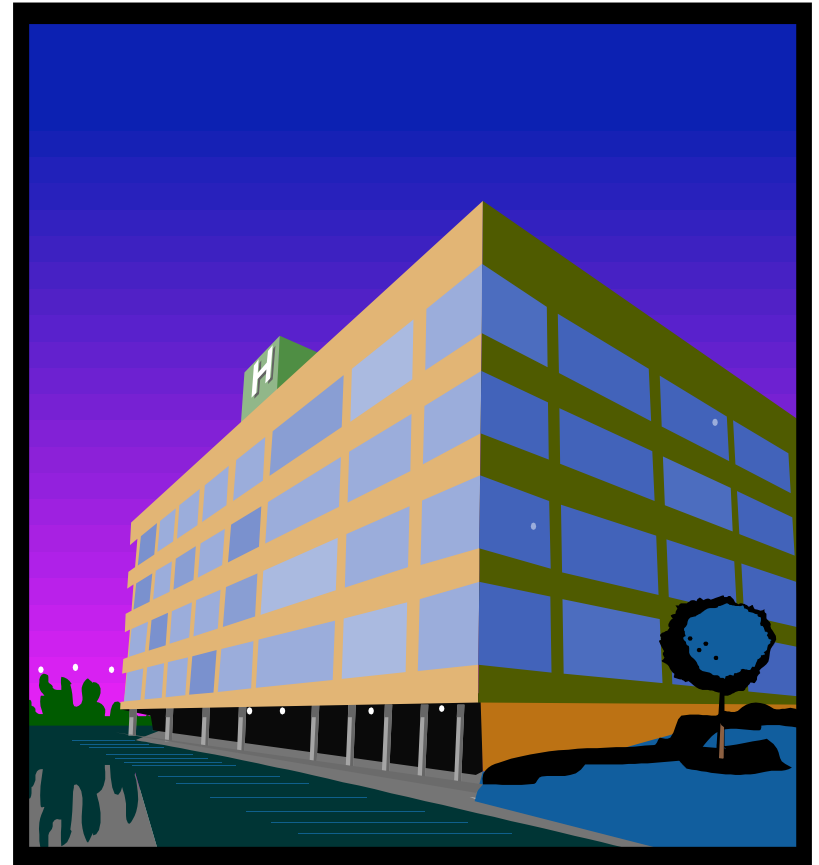
Who must comply?

- All programs and operations of entities that receive assistance from the federal government (*i.e. recipients*), including:



Who Must Comply?

- State agencies
- Local agencies (including schools)
- Private and nonprofit entities
- *Sub-recipients* (entities that receive federal funding from one of the recipients listed above)



What is the legal authority?



- For recipients of federal financial assistance, the legal authority is Title VI of the 1964 Civil Rights Act
- For recipients of federal financial assistance and federal agencies, the legal authority is Executive Order 13166

Title VI of the 1964 Civil Rights Act

- "No person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."
42 U.S.C. § 2000d.



Lau v. Nichols (US Supreme Court 1974)

- National origin discrimination includes discrimination based on a person's inability to speak, read, write, or understand English.



Executive Order 13166:

Improving Access to Services for Persons with Limited English Proficiency

- The Order covers all federal & federally assisted programs & activities
- Federal agencies must:



Executive Order 13166



Federal agencies must publish guidance on how their recipients can provide access to LEP persons & improve the language accessibility of their own programs.

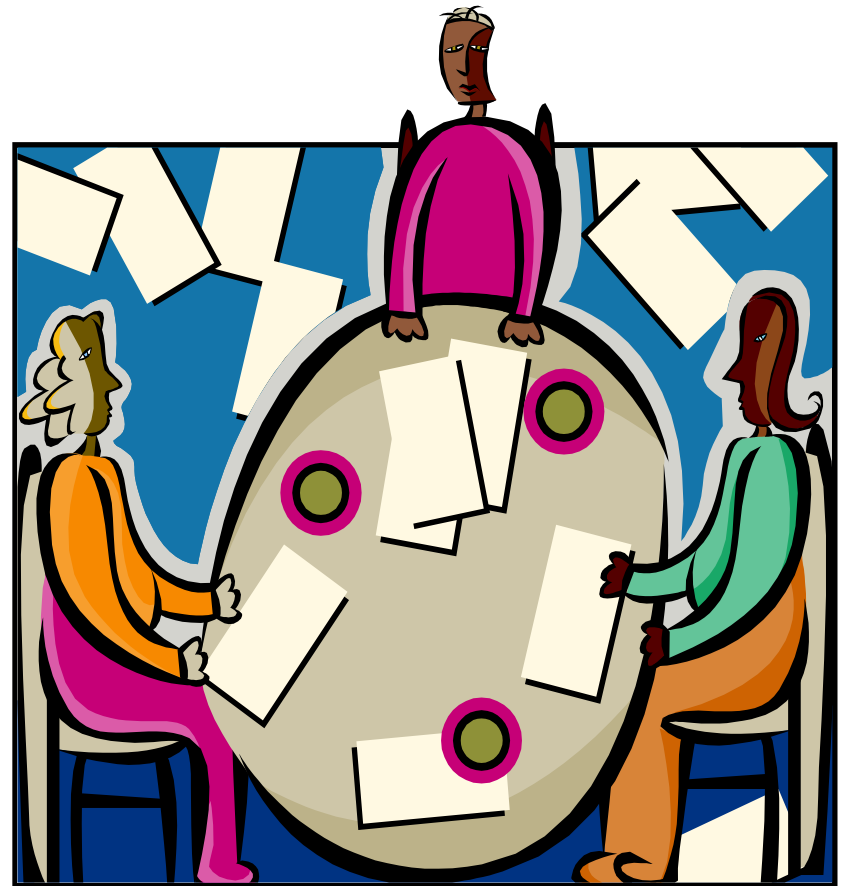
Executive Order 13166

- Break down language barriers by implementing consistent standards of language assistance across federal agencies and amongst all recipients of federal financial assistance.



4 Factor Analysis

- Recipients of federal financial assistance have an obligation to reduce language barriers that can preclude meaningful access by LEP persons to important government services. (The federal government has the same obligations as a result of Executive Order 13166.)



Individualized Assessment

- Each covered entity must conduct an individualized assessment that balances the following four factors:



Individualized Assessment: 4 Factor Analysis

- # of LEP persons eligible to be served or likely to be encountered
- Frequency of contacts
- Nature & importance of service to people's lives
- Costs & available resources



Number of beneficiaries

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee/recipient



Frequency of contact

2. The frequency with which LEP individuals come in contact with the program



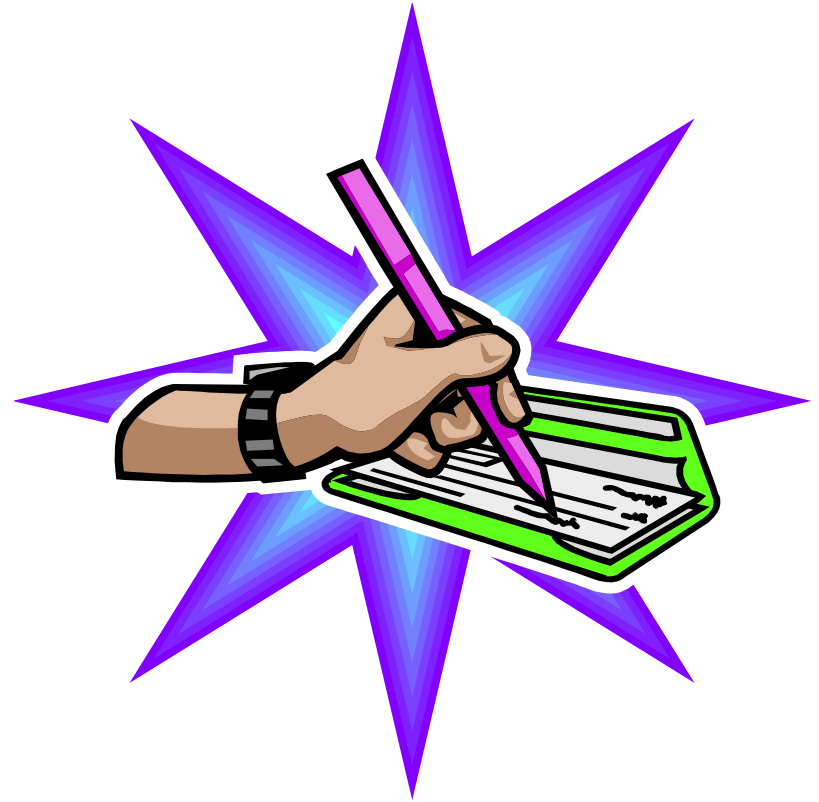
Nature/importance of services

3. The nature and importance of the program, activity, or service provided by the program to people's lives



Resources & Costs

4. The resources available to the grantee/recipient and costs.



Elements of an Effective LEP Policy



- Identifying LEP persons who need language assistance
- Identifying ways in which language assistance will be provided

Elements of an Effective LEP Policy

- Training staff
- Providing notice to LEP persons
- Monitoring and updating LEP policy



Language Assistance Services

- Written language services
- Translation of written materials



Language Assistance Services

- Bilingual staff
- Oral interpretation services
- Telephone interpreter lines
- Community volunteers



Payment for Services



- Persons with limited English proficiency cannot be required to pay for services required to ensure their meaningful, equitable access to programs, services, and benefits

Informed Consent

- Informed consent requires written information to be translated & oral information to be interpreted into the family's language
- Notice of rights must be in family's language



The Bottom Line



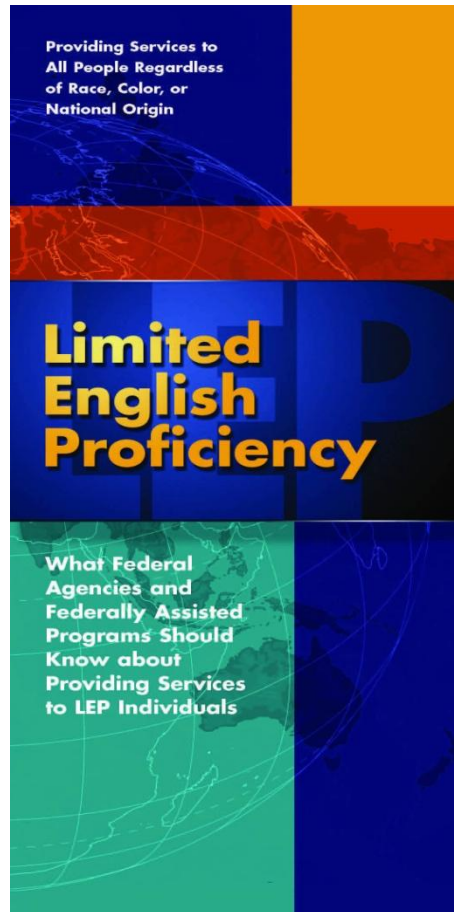
- The bottom line is ensuring meaningful and equitable access to programs, services, and benefits to children, youth, and adults with limited English proficiency!

Resources to Help Assess Language Access & Develop LA Plans



- Language Assistance Self-Assessment & Planning Tool & Assessing Access Worksheet: (Interagency Working Group on LEP, www.lep.gov)
- Cultural & Linguistic Competence Family Organization Self-Assessment: (<http://www.gucchd.georgetown.net/nccc/clcfoa/>)
- Parent Center Family-Centered Services & Non-Profit Management Self-Assessment Tool

Resources to Help Assess Language Access & Develop LA Plans



- Sample Language Access Self-Assessments:
 - Large PTI/Parent Center
 - Small PTI/CPRC
- Sample Language Access Plan
 - Large PTI/Parent Center
 - Small PTI/CPRC

(See Language Access,
www.parentcenternetwork.org/region1/resources/other_topics.html)

iTradúcelo » AHORA!

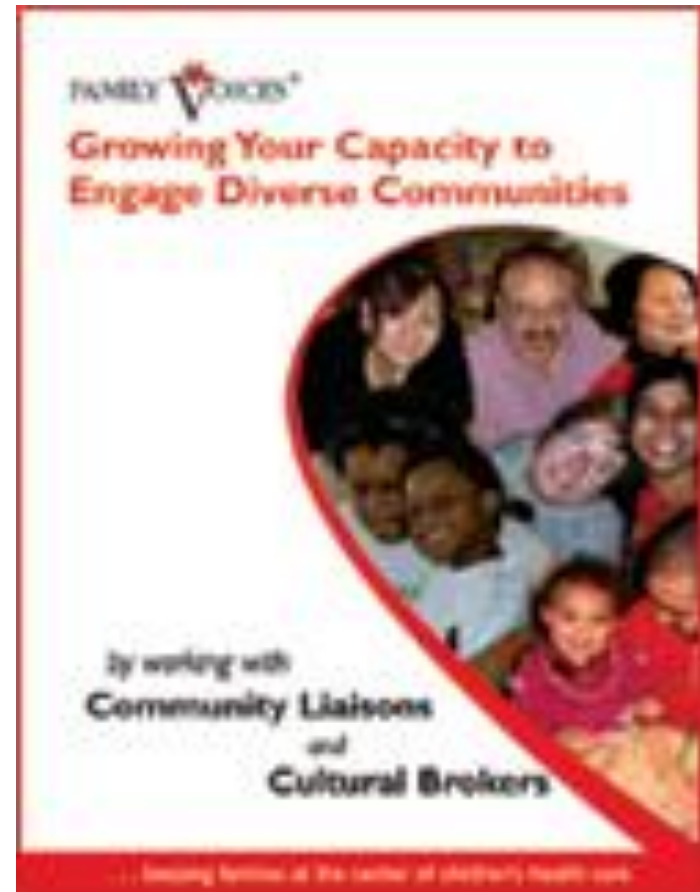
T R A N S L A T E N O W



- IBM *iTradúceloAhora!*
Bridging the Language
Divide for Spanish-speaking
families:
(www.traduceloahora.org)
- Other web-based translation
tools
- Language line & other
contracted language services

Other Resources

- Working with interpreters tip sheets:
(www.parentcenternetwork.org/region1/resources/other_topics.html)
- Growing Your Capacity to Engage Diverse Communities:
(https://org2.democracyinaction.org/o/6739/images/CommunityBrokers_04-27-2009.pdf)



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Questions?

State PTIs & CPRCS:

Contact your Regional Parent TA Center!

STOMP & VISIONS:

Contact the National Parent TA Center!

