

CALIFORNIA STATE  
PERSONNEL BOARD



BILINGUAL  
SERVICES  
PROGRAM

# LANGUAGE ACCESS IN STATE DEPARTMENTS

A Report from the

PERSONNEL RESOURCES AND INNOVATIONS DIVISION

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State of California

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## Background

In June 2000, the State Personnel Board (SPB) received authorization to establish a Bilingual Services Program (BSP) consisting of six positions. The BSP would be charged with examining; (1) the State's current efforts to comply with the Dymally-Alatorre Bilingual Services Act (Act); (2) best practices among public and private sector employers which respond to the language assistance need of limited or non-English speaking populations; and (3) a model plan for the delivery of and access to services for California's diverse population. Accomplishment of all phases of this review will occur over two to three years. This preliminary report represents the initial findings and recommendations of the BSP based upon testimony received from three public hearings, input of two advisory task forces comprised of state agencies and community organizations representing limited English-speaking populations, as well as surveys, discussions and interviews with over 119 state agencies.

According to the U.S. Census Bureau's 1990 census, English is spoken by 95% of its residents. Of those U.S. residents who speak languages other than English at home, the 1990 Census reports that 57% above the age of four speak English "well to very well." The United States is home to millions of national origin minority individuals who are "limited English proficient" (LEP). That is, their primary language is not English, and they cannot speak, read, write or understand the English language at a level that permits them to interact effectively. Consequently, persons who lack proficiency in English are unable to obtain basic knowledge on how to access various benefits and services for which they may be eligible. In 1973, the California State Legislature determined that language barriers prevented a substantial portion of California's population from communicating with their government and from exercising their right to critical government services. The Act was enacted to provide for effective communication between the State's residents and state, county, and municipal governments. Since that time, California has increasingly become the residential designation for immigrants and temporary Foreign Residents. According to the 1990 U.S. Census, 224 languages were spoken in California. In 1999, the Bureau's Current Population Survey reported that more than 4 percent of California's 33.4 million residents spoke no English at all.

The Act requires state and local agencies to ensure that they provide information and services in the various languages spoken by their clients where a "substantial" number of non-English-speaking people require such services. State agencies must employ a sufficient number of qualified bilingual staff in public-contact positions and translate documents explaining available services into languages spoken by their clients. State agencies are also mandated to conduct a biennial survey to determine the level of bilingual needs in each local office and the staffing available to provide such services. In addition, the SPB requires state agencies to develop a plan to respond to any deficiencies identified by the survey.

In November 1999, the California State Auditor issued a report on compliance with the Act by state and local government agencies. The report concluded that the SPB had fulfilled its responsibilities in accordance with the Act, however it offered a series of recommendations to further enhance the value and effectiveness of the State Bilingual Services Program. The Auditor further acknowledged that SPB had limited resources to implement the recommendations contained in the report. Subsequently in fiscal year 2000-2001, resources were authorized and the Bilingual Services Program was established. The Auditor found that some state agencies have not fully complied with certain provisions of the Act and that 8 of the 10 agencies audited were not aware of the requirement to translate materials explaining services into languages spoken by a

substantial number of the people they serve. The report called for SPB to assume a stronger role in informing state departments of their responsibilities under the Act and in providing technical assistance. The report described a number of areas for improvement, particularly the language survey and how its results are reported to the Legislature.

This report summarizes our findings to date and offers an action plan for the Bilingual Services Program.

### Scope of Review and Methodology

To determine the State's current efforts to comply with the Act, we contacted over 119 state agencies regarding their policies and services they provide to their non-English-speaking clients, resources devoted to such efforts, deficiencies identified in their last survey and plans to correct such deficiencies. In order to learn about the public's experience with State agency bilingual services program efforts, we held three public hearings in San Francisco on December 7, 2000; in Sacramento on February 6, 2001; and in Los Angeles on February 21, 2001. During these hearings, we heard from state department representatives regarding their programs, best practices of various private-sector organizations and from the public about their experience and concerns with the delivery of services from state government agencies. In addition, experts testified regarding California's demographics; community-based organizations discussed needs of the populations they serve; and Legislative representatives discussed their constituent needs. Finally, two advisory task forces were established in order to identify critical issues, legislative needs, and recommendations. The BSP invited representatives of the California Language Access Coalition to share their experience, identify and prioritize language access issues and to provide input to recommendations for policy and program improvements. State agencies were invited to participate in a second advisory task force lead by the BSP where we learned about departmental efforts to comply, their need for centralized resources, information and tools, and shared best practices among state agencies.

### Summary of Findings

SPB found varying levels of understanding and compliance with all aspects of the Act among state agencies. Clearly, the absence of a central oversight and enforcement authority within the Act has hampered state agency focus on the Act requirements. Departments frequently cited the need for technical assistance, central resources and information, funding for staff, interpreters and translation services as well as improved survey tools to assist in their compliance efforts. In addition to conducting Biennial language surveys on schedule, departments would like to see improvements to the process as well as the development of additional tools which will enable them to have up-to-date information to support their staffing and translation decisions. As a result, few departments had overall policies and language access plans that enable them to regularly evaluate ongoing language needs of their clients and employ resources necessary to respond to the need. Overall, state agencies support the creation of a central monitoring and enforcement mechanism to ensure that the policy goals expressed by the Act are implemented. The BSP is currently working on improvement of the next survey to be conducted in the fall of this year and is planning more extensive training of department agencies in their compliance responsibilities. Program efforts will be focused on increased monitoring, technical assistance and development of resources and tools to assist state agencies. The BSP will be offering bilingual fluency testing to state agencies unable to conduct their own examinations of their employee's language skills. Languages available centrally will include Spanish, Tagalog, and Chinese (Mandarin).

Community organization advisory task force members also conclude that a central monitoring and enforcement provision should be included in the Act particularly in light of the State Auditor findings that some state agencies do not know of or fully comply with the Act provisions. In addition, the coalition has identified the need to develop additional measures, such as language characteristics of county residents, to evaluate the level of need for language services including staffing, translation and interpreter services. SPB is working with the coalition to propose legislation to remedy this need and to improve the criteria used to identify language service needs.

During the three public hearings held throughout the state, we heard from community leaders regarding the financial burden shouldered by community based organizations when state and local agencies do not comply with provisions to deliver services to their limited English-speaking clients. We learned directly from the public of their stories of long waits, delay or denial of service, misdiagnosis or denial of health care, cultural insensitivity in program delivery, false incarceration, loss of driver license privileges, humiliation, and injustices resulting from the lack of language services and the severe consequences suffered. Most poignantly, we heard from the minor children of the LEP who came to the hearing to share their stories of serving as translators and interpreters for their family and their difficulty in translating complex medical diagnosis, treatment and procedures and/or legal documents or proceedings. All too often, clients must also rely on neighbors, or strangers for assistance and in the case of a victim of domestic abuse, officials relied on the accused abuser. While many of the incidents described during the hearings appeared to be in county government agencies, hospitals or other health providers rather than in state government facilities, some state agencies have the ability, and/or obligation in the case of programs receiving federal funding, to influence and direct policies and programs under their oversight. Impediments to effective communication and adequate service include the lack of qualified interpreters or translated materials describing services and benefits available, sensitivity of disclosing confidential information, and the ability of LEP individuals to communicate the relevant circumstances of their situation to the service provider.

Overall, the BSP found that the Act lacks critical oversight and enforcement mechanisms to ensure meaningful access to government services by LEP populations in California. Thoughtful amendments to the Act will clarify enforcement authority and procedures for violations of the Act provisions. Meaningful access to services and benefits will require the adoption of comprehensive written policies and procedures which will enable a state agency to respond to language needs of their clients; a thorough assessment of the language needs of the population to be served; funding for interpreter and translation services; training of staff to ensure understanding of departmental language access policies and options available to ensure effective delivery of services; and the development of standards for determining the quality and availability of interpreters and translated materials. Community-based organizations who serve LEP populations and who have the trust of the community often find themselves attempting to fill the gap as interpreters or translators rather than have their constituents be denied services. State agencies must do more to identify their clients language needs and to inform them of services available and how to access such information. Finally, state agencies need technical assistance, standards and guidance, centralized services, resources and tools for the development and implementation of effective Bilingual Services programs. The BSP recommends the ongoing and continued discussions with departments and community based organizations regarding improved methods to assist in the identification of language needs, delivery of services, community outreach efforts, and mechanisms to report any violations and enforcement of the Act.

## Specific Findings

### Current Extent of Compliance with Dymally-Alatorre Bilingual Services Act

#### Findings:

**Many State departments lack comprehensive written policies and procedures for the provision of meaningful access to services and benefits by LEP populations.**

While most state agencies do provide some bilingual services to their LEP clients, many lack a comprehensive written policy and procedures for identifying and assessing the language needs of its LEP applicants/clients; options for oral language assistance; notice to LEP persons in a language they can understand of the right to free language assistance; periodic training of staff; monitoring of the program; and translation of written materials in certain circumstances. In designing effective bilingual service programs, departments must adopt procedures for obtaining and providing trained and competent interpreters and other oral language assistance services, in a timely manner. Bilingual staff hired for public contact positions must be skilled and competent at the level of technical assistance necessary for effective communication.

#### Public Contacts

The Act requires that State and local public agencies serving non-English-speaking individuals employ a sufficient number of qualified bilingual persons in public-contact positions when a "substantial" portion of their clients have limited or no English-speaking ability. In 1977, the Legislature amended the Act to define "substantial" as 5% or more of the people served by an office or unit.

*12% public contacts require language services*

In the 1999-2000 language survey, we found that most departments provide information and services to their English-limited or non-English speaking clients. During a two-week period in Fiscal Year 1999-2000, 86 state agencies reported a total of 6,333,887 public contacts. Of these contacts, 766,799 or 12.11% were with persons who possessed limited or no English-speaking abilities. At this rate, over the course of one year we could expect to receive statewide over 19 million contacts with persons who possess limited or no English-speaking ability.

*3% internal populations require language services*

The Departments of Corrections, Developmental Services, Education, Mental Health and Youth Authority provide services to 333,921 individuals in their facilities. Of these individuals, 10,418 or 3.1% were persons with limited or no English-speaking ability. Of these individuals, 10,418 or 3.1% were persons with limited or no English-speaking ability.

*22% increase in bilingual positions*

#### Bilingual Public Contact Positions

The 86 departments participating in the 1999-2000 language survey report that they employ 7,234 bilingual employees in public contact positions. This figure represents a 22% increase in the number of bilingual public contact positions reported in the 1995-1996 survey.

***650 additional  
bilingual  
positions needed***

Based on the survey results, the 86 state departments identified a need for 650 additional bilingual public contact positions. Of these, 562 positions require Spanish language skills, 33 are for Dactylography, 17 are for Vietnamese, 9 are for Chinese/Mandarin, 6 are for Filipino/Tagalog, 5 are for Punjabi, 5 for Korean, 3 for Arabic, 3 for Armenian, 3 for Chinese/Cantonese, 3 for Russian and 1 for Portuguese.

**Translation and Interpreter Services**

The information in this section is largely based on an Interpreter/Translator Task Force Survey of 55 state departments conducted in June of 2000 and on a follow-up survey conducted earlier this year.

Forty-six state departments report that they provide translation services to their English-limited and non-English speaking clients. The table that follows reflects the departments who report translation of documents, publications, forms and/or audio/visual aids in over 40 languages.

**Departments Reporting Translations of Applications, Letters, Notices, Publications, Questionnaires, and Audio/Visual Aids**

Department	CHINESE	CAMBODIAN	HMONG	VIETNAMESE	SPANISH	OTHER
1. Aging					X	
2. Agriculture Labor Relations Board					X	Arabic, Ilocano, Tagalog
3. Alcohol & Drug Program				X	X	
4. Board of Control					X	
5. Board of Equalization	X			X	X	Korean
6. Board of Prison Terms					X	
7. Boating and Waterways					X	
8. Community Services Development				X	X	
9. Conservation, Dept.					X	
10. Consumer Affairs	X	X	X	X	X	Armenian, Korean, Laotian, Tagalog
11. Corrections					X	
12. Criminal Justice Planning					X	
13. Developmental Services	X		X	X	X	Korean, Tagalog
14. Education	X				X	Korean, videos in Chinese, Korean, Spanish
15. Employment Development	X			X	X	
16. Environmental Health Hazard Assessment, Office of	X	X		X	X	Korean, Tagalog
17. Fair Employment & Housing					X	

Department	CHINESE	CAMBODIAN	HMONG	VIETMANESE	SPANISH	OTHER
18. Food and Agriculture					X	
19. Forestry and Fire Protection					X	
20. Franchise Tax Board	X				X	
21. Health Services	X	X	X	X	X	Armenian, Tagalog, Japanese, Korean
22. Highway Patrol					X	Outreach Programs
23. Housing & Community Development					X	
24. Housing Finance Agency					X	
25. Industrial Relations	X			X	X	
26. Integrated Waste Management Board	X				X	
27. Justice					X	
28. Library						Braille and talking books
29. Lottery	X			X	X	Korean, Tagalog, Thai
30. Managed Risk Medical Insurance Board	X	X	X	X	X	Korean, Armenian, Russian, Farsi,
31. Mental Health	X				X	Korean, Arabic
32. Motor Vehicles	X	X	X	X	X	Amharic, Arabic, Armenian, Farsi, French, German, Greek, Hebrew, Hindi, Hungarian, Indonesian, Japanese, Korean, Italian, Laotian, Polish, Portuguese, Punjabi, Rumanian, Russian, Samoan, Serbo-Croatian, Tagalog, Thai, Tongan, Turkish
33. Parks and Recreation	X				X	Audio Aids, French, German, Japanese, Korean, Visual Aids
34. Personnel Board					X	Braille, video-Spanish
35. Pesticide Regulations					X	
36. Public Utilities Commissions	X				X	
37. Real Estate	X				X	
38. Rehabilitation					X	
39. Secretary of State	X			X	X	Tagalog, Japanese, Korean
40. Social Services	X	X	X	X	X	Armenian, Arabic, Farsi, Russian, German, Mien, Polish, Portuguese, Tagalog, Thai, Laotian, Indonesian
41. Student Aid Commission					X	
42. Toxic Substance Control	X			X	X	
43. Transportation					X	
44. Unemployment Insurance Appeal Board					X	
45. Water Resources					X	German, Japanese
46. Youth Authority	X			X	X	



In determining which forms to translate, departments report using departmental records and surveys from field offices, public contacts from statewide events, or program staff decisions based on perceived need. Section 7295.4 of the Act defines the types of forms departments are required to translate. Departments report the following types of documents have been translated:

1. Informational materials explaining available services available
  - Brochures/pamphlets
  - Posters
  - Manuals
  - Newsletters
2. Materials affecting individuals' rights
  - Application forms
  - Claim forms
  - Notices of action
  - Application for appeals and/or hearings
  - Notices of rights and responsibilities
3. Correspondence
  - Letters to and from English-limited and non-English-speaking clients
  - Completed forms or applications

#### **In-House Language-Service Units:**

Eight departments report that they use internal staff to meet their translation needs. Department of Social Services has its own unit to translate the department's vital documents. Other departments, such as Department of Consumer Affairs, Department of Highway Patrol, also have skilled bilingual staff to provide translation services internally. Paid staff interpreters and translators are especially appropriate where there is a frequent and/or regular need for such services. These individuals must be competent and readily available. Departmental language-service units offer greater control over the final product, more convenience for the service seeker, and faster turn-around time on assignments. Departments may be limited in the language capabilities of their staff and may require contract vendors for other languages. This option may include higher costs due to employee salary, benefits and overhead expenses. Where confidentiality is especially important or requires technical knowledge, use of internal staff is the preferred option.

#### **Use of External Vendors**

Eight departments report they regularly use both internal staff and external vendors for interpretation and translation services. Seven departments report the use of external vendors exclusively.

Many departments report the use of commercial telephone-based interpretation services. The use of contract services may be an option for agencies that have an infrequent need for interpreting services, have less

common language groups in their service areas, or need to supplement their in-house capabilities on an as-needed basis. Such services can provide good, timely service in a variety of languages and locations.

Departments requiring more extensive assistance seek specialized contractors and must undergo extensive bidding and bid-evaluation processes when the contract exceeds \$5,000. Contracting costs less than staffing an internal language services unit but does require considerable administrative input and time.

State departments can also use purchase orders for services costing under \$5,000. Three competing bids are required for contracts over \$2,000. Although convenient, the use of purchase orders limits departments' buying power.

### **State Departments Pay Different Rates For Translation Services**

State departments pay substantially different rates for their translation services. For example, one human services department indicated that it pays \$.25 per word for translation services and \$.10/word for proofreading, but another department in the energy sector indicated it pays \$200 per hour to a vendor requiring a minimum of three hours for two persons (translator and proofreader). Generally speaking, an average translator can translate and proofread a non-technical, 300-word document in about six hours. Based on this estimate, the first department just mentioned would pay \$105 for 300 words, but the second would pay \$1200 for the same services. Presumably, documents translated for the second department are so specialized that they justify the added cost.

### **Annual Workload and Expenditures**

The BSP surveyed state agencies on their annual expenditures for translation services. Information was incomplete and many departments did not respond. Consequently, additional follow-up is necessary to obtain more complete and accurate information. Because few departments have comprehensive policies and programs, it is doubtful that departments have identified all critical documents requiring translations. Therefore, it is not possible to identify the full extent of translation needs in state agencies or their estimated costs. What follows is a summary of the information provided by ten departments regarding their workload and expenditures during calendar year 2000 and their estimated costs for the current calendar year.

The following ten departments report that they spent approximately \$11-16 million (including costs for internal staff and contract services) on translations or revised translations of more than 3000 documents during the year 2000 (80% of translations from one department were revisions, so that number will probably not be matched this year). The following detail is reported by departments:

- Aging: \$1778 for 15 documents
- Alcohol & Drug Program: \$6912 for an unspecified number of documents
- California Highway Patrol: \$80,766.00 (internal staff) and \$137,267

- (contract services) for an unspecified number of documents
- Community Services: \$275,980 (internal staff); \$94,623 (contract services) for 20 documents
- Developmental Services: \$20,250 for 13 documents
- Health Services: estimated \$10-15M for an unspecified number of documents
- Managed Health Care: \$6934 for 18 documents
- Mental Health: \$30,000 for nine projects
- Social Services: \$549,207 (internal staff) and \$37,000 (contract services) for a total of 2100 translated documents
- Water Resources: \$1200 (contract services) for one document

They report the following anticipated costs for the current calendar year or approximately \$1.3 million will be spent on translation services for more than 143 documents (two departments did not provide cost figures).

- Aging: \$16,250 for 15 documents
- Alcohol & Drug Program: \$6912 for 30 documents
- California Highway Patrol: \$300,000 (internal staff and contract services combined) for approximately 30 documents
- Community Services: \$275,980 (internal staff) and \$94,623 (contracting services) for 20 documents
- Developmental Services: \$35,000 for 25 documents
- Managed Health Care: \$12,700 for 15 documents
- Social Services: \$562,699 (internal staff) and \$45,000 (contracting services) for an unspecified number of documents
- Water Resources: \$20,000 (contract services) for 4-8 documents

### **Departments May be Targeting Inappropriate Educational Levels When Translating Written Documents**

Departments responding to the survey indicate that 39% of the LEP clients served by their agency have a primary education level. A validation study conducted in the late 1970s similarly indicated that 95% of all public contact positions required language fluency level at the conversational level. It has been commonly accepted that public-sector documents intended for the general public should be targeted at the fourth-grade level so that the clients with different education levels are certain to understand them. The consequence of inappropriate translations can include the denial of access to government services. Ongoing assessments of the language needs of the population served are critical to determining the appropriateness of translations. The following chart suggests the need for standards in translations:

<b>Department</b>	<b>Translated at 4<sup>th</sup>-Grade Level</b>	<b>Translated at 6<sup>th</sup>-8<sup>th</sup>-Grade Level</b>	<b>Translated at 10th-12<sup>th</sup>- Grade Level</b>	<b>Unspecified</b>
Board of Prison term	<b>X</b>			
Water Resources	<b>X</b>			
Social Services		<b>X</b>		
Motor Vehicles		<b>X</b>		
Toxic Substances		<b>X</b>		
Rehabilitation			<b>X</b>	
Equalization			<b>X</b>	
Real Estate				<b>X</b>
Justice				<b>X</b>

### Use of Certified Interpreters

Departments who conduct court proceedings are required to use certified interpreters (California Government Code §§68560-68566). Other departments use certified and non-certified interpreters as dictated by contractor availability, budgetary considerations, and personal judgment.

Certified interpreters are typically used in complex matters where a higher level of quality, accuracy, and professionalism of services is required as in court or administrative proceedings. Certified interpreters are required to pass challenging oral and written exams, and are expected to complete 30 hours of continuing education and 40 assignments of recent professional experience every two years. Compensation for certified interpreters is much higher than for uncertified interpreters.

The following chart reflects the use of interpreters in ten departments:

Uses Certified Interpreters only	Uses Both Certified and Uncertified Interpreters	Uses Non-Certified Interpreters Only
Board of Prison Terms	CUIAB	California Conservation Corps
EDD	Department of Fish and Game	Housing & Community Development
Equalization	Franchise Tax Board	
Fair Employment and Housing		
Health Planning and Development		
Justice		
Pesticide Regulation		
Rehabilitation		
Secretary of State		
Toxic Substances Control		

### Alternative Methods For Providing Translation Services

#### California Multiple Award Schedule (CMAS)

**Translation/Interpreter Service Contract:** the CMAS language-service contract, which is being negotiated by the Department of General Services (DGS), is expected to streamline translation and interpretation services and provide state departments with easy-to-use, cost-effective, quality-controlled translation and interpreter services.

Normal bidding procedures for a large contract can be time-consuming and costly. The advantages of the CMAS include timely and cost-efficient identification of approved vendors. Pricing, quality and other competitive requirements can be negotiated in the bidding process. DGS anticipates that vendors, who will be listed by expertise and languages, will be available to state agencies by September of this year.

### **Centralize Translation Services:**

The state of Washington has centralized translation services within their Department of Social and Health Services (discussed later in this report). Centralized bilingual services are provided to other state departments, service providers including public and private sector employers. These services include:

- Language proficiency certification and qualification for bilingual employees, applicants for bilingual positions, contracted interpreters, contracted translators, and licensed agency personnel.
- Coordination of translations and translation quality control of forms, brochures, publications and other communications.
- Maintenance and monitoring of department and contractor compliance with policies regarding the provision of services to LEP clients.
- Monitoring language services contracts.
- Maintenance of lists of certified interpreters, translators and qualified interpreters.

Centralized translation services allow for competitive contracts with vendors, better quality assurance, consistent use of terminology, and minimize duplication of efforts.

### **Internet based vendor services**

Many out-of-state language-service providers are more competitive than local vendors used by departments. Nationwide language-service providers frequently offer competitive pricing, quality-control policies or procedures, and quick turn-around time. Departments can electronically transfer documents to and from these vendors.

### **Conclusions**

State departments can build or expand in-house language-service offices, contract out language services or utilize a combination of the two as appropriate for their needs. The CMAS translation /interpreter contract represents a significant improvement and additional tool for departments to access services in a timely manner. State agencies must be funded to enable the provision of translation and interpreter services required of the Act.

### **Best Practices in State Departments**

This section is not intended as comprehensive lists of bilingual services offered by either the department mentioned or state entities generally. We meant merely to showcase some of the best practices among state agencies and their efforts to communicate effectively with their limited-English speaking clients. One characteristic they appear to share is a commitment to assessing their clientele via surveys, call-tracking, or demographic studies. Assessment is essential to the enhancement of bilingual service programs;

#### **Department of Social Services:**

##### **Office of Human Rights, Civil Rights Bureau**

The Bureau Chief works through two internal operations that enforce federal requirements: the Equal Employment Opportunity (EEO) Office and the Civil Rights Bureau (CRB). The CRB oversees county agencies to make certain they are in compliance with civil rights laws including the Act. The EEO, in turn, conducts an internal language survey of county offices resembling that required by the Act.

The CRB performs on-site compliance reviews of county offices every one to three years, depending on the size of the local population receiving food stamps. During these visits, CRB evaluates the availability of translated forms and other publications. An important example is PUB 13, "Your Rights Under California Welfare Programs", and an updated version of, which is available in Vietnamese, Russian, Spanish, Chinese, Cambodian and English. PUB 13 is also available in large-print and audiotope version in both English and Spanish. CRB looks for the conspicuous posting in county offices of PUB 86, a sign explaining client rights, including the right to free interpretation services, in multiple languages.

##### **Language Services Unit**

This program provides translations for DSS and the Department of Child Support Services in Spanish, Chinese, Vietnamese, and Russian. Additional languages can be contracted on request. Many translated forms can be downloaded from the departmental website, facilitating language access for clients and employees alike. Language Services provides telephone interpretation in the four in-house languages to county offices as requested.

##### **Employment Development Department (EDD)**

EDD offers multilingual services throughout the state via printed forms and publications, telephone inquiries, and the EDD website. In addition, many of EDD's One-Stop Partnership offices<sup>1</sup> provide multilingual services.

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<sup>1</sup> One-Stop Partnership sites are offices where clients can receive a variety of state services from one location.

Throughout the department's Unemployment Insurance, Disability Insurance, and Tax programs, telephone call centers perform initial intake and answer customer inquiries. The call center's toll-free telephone number is available to English-, Spanish-, Cantonese-, and Vietnamese speaking customers.

The EDD website identifies a number of resources available in languages other than English. Cal-Jobs, for example, an Internet-based job listing and resume system, is available in Spanish. Spanish-speaking customers may enter their resume information in Spanish and perform job searches in Spanish. In addition, EDD's toll-free telephone directory allows access to directories for forms and publications available on-line.

Finally, EDD is currently completing system enhancements for its Unemployment Insurance and Disability Insurance programs. These enhancements will track individual customer language preferences and collect further data on the need for multilingual services. The data will also further help EDD identify additional strategies to increase access to programs and services.

#### **Franchise Tax Board (FTB) Call Center**

FTB is committed to providing meaningful services to both English- and non-English-speaking clients, and a total of 55 "multilingual agents" are available at the call center to handle as many as 15 different languages. Spanish is the most common language and is represented by 36 Spanish-bilingual employees. An additional 19 employees speak the following languages: Cantonese, Mandarin, Vietnamese, Tagalog, Ilocano, French, Polish, Russian, Serbian, Croatian, Punjabi, Hindi, Fijian, Swahili, and Palauan. FTB cannot contract with a telephone interpretation service like Language Line due to extreme confidentiality issues. Callers speaking a language other than these are therefore instructed to have their own interpreters available. Incoming calls are tracked by language; call-tracking technology informs supervisors which program technicians are handling a call, how long the caller has been on hold, and how long the call lasts.

Members of the FTB Bilingual Services Program randomly monitor calls handled by Spanish-speaking operators for quality control. These operators receive periodic training in proper vocabulary, language usage, and telephone etiquette.

FTB also has a Spanish-language service line and web page to provide information and assistance on tax issues. The Spanish service line is equivalent to the English service line in all matters concerning tax assistance.

Finally, FTB utilizes volunteer groups in Korean, Chinese, Vietnamese and Russian communities to assist non-English-speaking taxpayers with their returns.



**Department of Consumer Affairs (DCA)– Call Center**

DCA houses a 35-person call center that receives roughly 5,000 calls a day, six days a week, from consumers statewide. Incoming calls in Spanish and Vietnamese are handled by bilingual staff; others are handled via telephone-based interpretation services from Language Line. Calls are tracked by language. Call-tracking technology informs supervisors which program technicians are handling a call, how long the caller has been on hold, and how long the call lasts. DCA is an unofficial clearinghouse for consumer calls of all kinds, so technicians receive training on how to handle an enormous range of topics. DCA also translates selected consumer leaflets into various languages.

**Department of Motor Vehicles (DMV)**

DMV provides printed materials in a host of languages. More popular documents, such as driver's license exams, are offered in 33 languages. Interpretation and translation services are provided in person or through DMV Telephone Service Centers located throughout the state. DMV's telephone-based Interactive Voice Response System is available primarily in Spanish and refers callers to any of DMV's 1,970 bilingual staff statewide.

Interpretation services are available at the hearings held when someone loses driving privileges due to infractions or medical problems. If a person wishes to appeal a DMV decision, an interpreter is provided for the resulting administrative hearing. Interpretation assistance is provided if a non-English-speaking client needs instructions on taking the written portion of the driver's test.

***Language Fluency  
Exams*****Findings:**

During the late 1980s, as a result of budget cuts, SPB delegated bilingual fluency testing functions to departments. The SPB maintained a data bank comprised of the names and vital information of newly certified bilingual staff to SPB so that a central record of certified bilingual personnel could be maintained. Smaller departments or those with special language needs would rely on larger departments or contract vendors to provide bilingual fluency testing. As the demand for bilingual testing increased, departments proved unable to help each other reliably. Often departments would not report information on testing results and examination scores could not be verified for some individuals who claimed to be tested. Reliable, updated information on work locations of bilingual employees was not always available.

In addition to creating administrative problems, decentralization led to difficulties with the examination itself. The original bilingual fluency examination reflects a generic working environment and an assumption that 95% of public contacts required fluency at the conversational level. It tests basic conversational, grammatical, and vocabulary skills. Departments with more specialized, technical or higher level skill requirements were advised to develop their own customized examinations. Although a few departments customized the exam to

reflect their specialized services, most departments continue to use the original version for most of their bilingual staff without regard to the skill level requirement. Consequently, employees may not be able to explain technology or specialized services to a client. Some departments assist employees by developing a glossary of common terms to enable consistent interpretation/translation language. Best practices include some periodic training to update job-specific language skills. Some departments, however mistakenly assume that employees who have passed a generic oral fluency examination can perform sophisticated language service tasks, such as monitoring other employees' language skills, interpreting, and translating complex documents or proceedings.

### **Conclusions**

Decentralization of oral fluency testing has created administrative problems which may preclude departments from testing on a timely basis. Commonly used oral fluency exams should be reviewed to reflect current language level requirements and to ensure availability of required languages. Clarification of the use of certified bilingual employees for complex translation and interpretation services is necessary. Many departments do not offer training in specialized terminology and bilingual-service procedures to their employees.

### **Recommendations**

The BSP recommends ongoing discussions with state agencies to identify resources available to adequately test language fluency skills of state employees providing bilingual services. Because of the immediate need requested by state agencies, the Board will immediately offer centralized bilingual fluency testing in Spanish, Tagalog, and Chinese (Mandarin) to state agencies unable to conduct their own examinations on a reimbursable basis.

### ***Assessment of Language Service Needs***

### **Findings**

After its enactment in 1973, the Act was amended in 1977 to clarify issues in the original legislation. One change was to impose an annual language survey of each local office. The Act was amended in 1992 to change survey timing from annual to biennial. Surveys began in 1977 and were conducted more or less regularly for the next 22 years. As noted in the State Auditor's report of November 1999, two legislative statute chapters relieved SPB of its responsibility to report survey data, from 9/14/92 to 12/31/94, and from 9/27/96 to 9/30/99. State agencies assumed that this similarly exempted them from evaluating language needs and/or their responsibilities under the Act. As a result, comparison of survey data from 1977 to the present is difficult because of changes in Act requirements and survey methodology. Data from the last two surveys indicate a steady increase in the number of departments participating; the number of departments reporting the availability of translated materials, and especially the number of bilingual public-contact positions. The overall increase in bilingual public-contact positions, coupled with the decrease in calculated deficiencies, suggests

that bilingual services are increasingly more responsive to the language needs of California's non-English-speaking population.

Based upon the findings and recommendations contained in the Bureau of State Audits report, clearly the State Auditor perceives the Legislative Report not only as a data reporting tool but also as a resource to evaluate bilingual service programs. The report suggested the following recommendations with which the SPB concurs:

- ◆ SPB needs to make sure that surveys are conducted on schedule so that state departments and the legislature have up-to-date information for decision-making processes.
- ◆ The Legislative report should include detail on local needs for language skills. Currently, that detail is lost when unit data are combined to create totals for each by language. Policy-makers currently see only totals by language for each department.
- ◆ Departments' corrective action plans should specify what resources the department will use if it cannot hire more bilingual staff.
- ◆ The Legislative report should indicate expected vacancies within departments surveyed.
- ◆ SPB procedures for tracking the submission of all necessary survey information should be improved.
- ◆ SPB should establish practices for evaluating the corrective action plans submitted by departments and for monitoring their implementation.
- ◆ SPB should train survey coordinators on identifying all provisions of the Act that apply to their agencies.

Departments further indicated the need for SPB assistance in the following areas:

- ◆ The database application designed to collect survey data electronically was incompatible with some department computer operating systems.
- ◆ Departments with similar mission and client population could benefit from coordinated discussions and training on reporting requirements.
- ◆ Technical assistant and feedback on corrective action plans.

### **Conclusions**

The language survey tool used previously has not met the needs of users and clients. Important modifications and reliance on technology will ensure that future surveys are conducted timely, easier to use, and better assess the services offered.

Departments have requested a survey tool that will enable departments to better assess demographic and population information. Demographic

data are available from a number of sources, and some departments have launched internal efforts to assess the language needs of their clientele. For example, Highway Patrol, Department of Consumer Affairs, and Franchise Tax Board all track incoming calls by language. Department of Motor Vehicles is contemplating a quarterly language survey for internal use.

### Recommendations

In response to the issues contained in the Auditors report as well as those of state departments, the BSP is revising its survey methodology, tools, training and guidance to enable better and more complete information. In order to respond to the system compatibility question, the program plans to incorporate the survey instrument input and reporting through the SPB website. Internet access appears commonplace for most state departments and this option eliminates software and operating system compatibility. This option should be available for the fiscal year 2001-2002.

To ensure that users submit all needed information the survey tool will contain control features including mandatory questions that must be included in order to proceed and will feature user-friendly design.

Training sessions for the next survey cycle will group departments by key characteristics (the presence of an internal population, for example) so that they receive more consistent information. Improved training will also enhance the ability of public-contact workers to identify exotic foreign languages. We are expanding our language identification sheet to contain about 30 non-English languages compared to the current nine. In addition, we are looking at improvements to the tally sheet that public-contact staff uses during the survey period.

### *The Need for Increased Publicity and Community Outreach Efforts*

### Findings

An important key to providing meaningful access to benefits and services for LEP persons is to provide notice to LEP persons of services available, their right to language assistance and the availability of such assistance free of charge. Following is a partial listing of how some state departments meet this need:

- ◆ **The Department of Motor Vehicles** field offices post signs indicating what languages are available there on a given day. Through word of mouth, users who speak a particular language often migrate to locations where an unusual language is spoken (Somali in a Bay Area office, for example).
- ◆ **Franchise Tax Board** advertises tax-return assistance on local Spanish-language radio stations in Sacramento and works extensively with volunteer community groups representing various LEP populations.
- ◆ **Department of Social Services** inform clients of the availability of free interpreter assistance in various brochures and notices. Notices

and posters associated with changes in assistance program are posted prominently in welfare offices. These documents contain a statement instructing clients to inform a social worker of language needs. This statement is translated into the more common languages needed including Spanish, Russian, Vietnamese, Chinese, and Cambodian.

- ◆ **California Highway Patrol** has established a model traffic safety program targeting the Spanish-speaking community entitled "*El Protector*" ("The Protector"). The program's focus on traffic-safety education provides important information on traffic laws and has successfully reduced the level of accidents in these communities. El Protector Officers appear at cultural and other educational events in Hispanic communities throughout the state.
- ◆ The **Office of Traffic Safety** arranges for its representatives to appear on local Spanish-language talk and news shows during their "3-D Month" campaigns – drug and drunk-driving prevention efforts. Safety spots during prime-time, early-evening hours are particularly effective.
- ◆ **Managed Risk Medical Insurance Board** uses Spanish-language advertising to promote its Healthy Families program in local Spanish-language newspapers.
- ◆ **The Department of Health Services** offers Spanish-language public-service announcements on local Spanish-language radio stations and in Spanish-language newspapers.
- ◆ A number of state departments and offices offer Spanish-language links on their websites including **Consumer Affairs, Department of Managed Health Care, EDD, Department of Industrial Relations, Unemployment Insurance Appeals Board,** and the **State Personnel Board.**

### Conclusions

While some departments actively inform clients of their rights to language assistance, many others do not. The fact remains that many limited-English-proficient residents of California may not be getting language assistance simply because they do not know they are entitled to it. Despite the efforts outlined above, the majority of limited-English-proficient persons learn about services through community-based organizations and/or word of mouth. The dependence on these methods greatly increases the risk of accessing incorrect or outdated information.

Recent technological advances have made it easier for state agencies to store translated documents readily. While this However, access to computer technology and the Internet can be problematic for some communities.

### Recommendations:

Experience has demonstrated that word-of-mouth communication among LEP clients will cause individuals to seek out an office that offers certain language services. It follows that greater publicity efforts by state departments would result in more contacts by clients. Departments

should direct resources or seek additional sources to tailor public-service campaigns to their target audience. Volunteer campaigns should be supported as well, because they can also be an effective way of familiarizing communities with departments' services. Departments providing direct services in local facilities should post and maintain signs in the languages appropriate to the facility advising of their right to free language assistance services and inviting them to identify themselves as persons needing such services. Departments use language identification cards that allow LEP persons to identify their language needs to staff. Finally, mechanisms to report violations should be developed to ensure the effective provision of services.

*Issues Raised by  
Community Based  
Advisory Group*

**Findings**

In order to understand the concerns and issues of community-based organizations, we invited the participation of the California Language Access Coalition in an advisory task force. The advisory group included representative of Chinese for Affirmative Action, California Immigrant Welfare Collaborative, Center on Poverty Law & Economic Opportunity, and Mexican-American Legal Defense and Education Foundation. The group identified the following key issues needing change:

**Enforcement and Guidance**

The Act requires government agencies to make bilingual services accessible to persons who are not fluent in English. It also requires SPB to inform state agencies of their responsibilities and to provide state agencies with technical assistance. The Act provides no mechanisms to enforce compliance with the Act provisions.

**The five percent threshold**

The Act mandates state and local agencies to employ a sufficient number of qualified bilingual persons in public contact positions and provide materials explaining services in any non-English language spoken by a substantial number of the public served by the agency. The Act defines "substantial" as a five- percent threshold. The definition of 5 percent is problematic. While departments are not prevented from using a lower threshold to establish bilingual positions, translate materials or use interpreters, most state agencies believe that they are not obligated to provide any such services where the threshold is not met. This appears contrary to the intent of the Act, which is to provide for effective communication. Additionally, the biennial survey is solely used as the method to determine language access needs. The group believes that additional data sources, such as language characteristics of county population, can better identify areas where state local offices should focus language access needs.

This data can assist departments in identifying population characteristics in their local offices, allow them to tailor any available translations, or identify potential language fluency skills necessary in future employees, it does not assist in determining the level of need i.e. the number of bilingual contact positions needed.

**Funding sources for enforcement of, or compliance with the Act**

Just as the Act specifies no enforcement mechanism, it allocates no funding for compliance or enforcement. In fact, the language currently allows state agencies to comply to the extent that local, state or federal funds are available. The allocation of appropriate funding would provide incentives for implementation.

Additionally, departments may not be aware of or take advantage of any available federal funding for the provision of language services, which could mitigate costs.

**Defining vital documents that require translation**

Among departments that have been providing translation services, few have policies or procedures in place to determine vital documents needing translations. State agencies have not conducted a systematic review of their documents to determine which require written translation, languages needed and how to distribute information effectively.

**Recommendations:**

The SPB should continue the work of this advisory task force to propose appropriate legislative amendments necessary, as well as to develop standards, criteria and guidance for state agencies to follow. Additionally, the Board can act as a clearinghouse through its website for best practice options for translation and interpreter services delivery as well as to link state agencies with community based organizations that can provide specialized language services.

***Departmental  
Advisory Task  
Force*****Findings****The State Departmental Advisory Committee**

The advisory group included representative of the following departments: Consumer Affairs, Cooperative Personnel Services (CPS), Corrections, Employment Development Department, Fair Employment and Housing, Franchise Tax Board, Health Services, Highway Patrol, Housing and Community Development, Judicial Council, Motor Vehicles, Board of Prison Terms, Social Services, Department of Toxic Substances Control, Department of Transportation, Unemployment Insurance Appeals Board, and Department of Water Resources.

The primary concerns voiced among the departments were as follows:

- Need for centralization of interpreter/translator resources
- Refinements to the language survey to provide useful information for departments to assess their bilingual services needs
- Technical assistance and guidance to departments
- Assistance in testing their employees oral fluency.

**Conclusion**

State agencies are eager to comply with the provisions of the Act. It is evident that some of the issues raised by community-based organizations are also issues for state departments. We recognize that one size does not fit all and departments need assistance in tailoring their bilingual services programs to meet the needs of their language diverse clients. Additionally, departments need to understand the responsibilities under the Act and options available to ensure effective and meaningful access to services and benefits.

**Recommendation**

SPB staff is committed to working with departments to establish comprehensive bilingual services programs which include the following key components:

- Assessment of LEP populations and language needs;
- Publication of written policies and language assistance plans;
- Provision of appropriate staff training about the plan;
- Public outreach and notice of the availability of language assistance; and
- Periodic self-assessment and self-monitoring.

Departments will be able to refer employees to the SPB for oral fluency testing by in Spanish, Chinese (Mandarin), and Tagalog. If an exam is needed in another language, SPB will assist in the identification of appropriate panel members from available vendors; state agencies or community based organizations.

SPB is building a web page to include bilingual services information and resources for translation and interpretation services. We will also provide links to educational institutions that provide continuing training in language skills and links to departments who offer translations and other bilingual services.

Significant improvements to the 2000-2001 language survey, training of departments and resulting report will incorporate the State Auditor recommendations.

***Bilingual Services  
Provided by Other  
States*****Findings**

Various Federal and State laws and regulations exist which require language assistance. Many states are facing the same dramatic demographic shifts as California. At least 26 states and the District of Columbia have enacted legislation requiring language assistance, such as interpreters and/or translated forms and other written materials for LEP persons. Most States are focusing attention to the need for language services as a result of the new LEP guidance and Executive Order 13166. We found that Spanish was the main non-English language spoken and that Asian populations are showing strong growth.



*Bilingual Services  
Offered by the  
State of  
Washington*

Most states follow Federal Title VI, Civil Rights Act guidelines when establishing language services primarily in their state Health and Social Service departments. Few had centralized state bilingual requirements or services. States use internal staff for translations, sometimes supplementing services with outside vendors. Some rely on clients to provide their own interpreters. With the exception of Washington and California, most states do not test their bilingual staff for language fluency.

**Washington State – Language Interpreter Services and Translations (LIST)**

Washington State has such a highly developed, innovative bilingual services program that it deserves special mention. In response to litigation, the State of Washington established a unit within the department of Social and Health Services (DSHS) in order to improve the language access to state social and health services programs and benefits. The unit provides centralized bilingual services to other state departments as well as government and private sector providers of services. These services include:

- Language proficiency certification and qualification for DSHS bilingual employees, applicants for bilingual positions, contracted interpreters, contracted translators, and licensed agency personnel.
- Coordination of translations and translation quality control of DSHS forms, brochures, publications and other communications.
- Maintenance and monitoring of department and contractor compliance with DSHS policies regarding the provision of services to Limited English Proficient (LEP) clients, in consultation with LEP Cluster Coordinators.
- Monitoring language services contracts.
- Maintenance of lists of certified interpreters, translators and qualified interpreters.

DSHS offers different levels of skill certification depending on job classifications, as follows:

*Cluster One – oral test only*

(Office Assistant, Office Assistant Senior, Office Assistant Lead, Office Support Supervisor, Secretary, Secretary Senior, Secretary Lead, Secretary Administration, Secretary Supervisor, Executive Secretary, Forms and Records Analyst, Homemaker, Human Resource Assistant, Human Resource Development Specialist)

*Cluster Two - written and oral tests*

(Financial Services Specialists, Fiscal Technician-Accounting, Store Clerk, Supplies Technician, Quality Control Specialists)

*Cluster Three - written and oral tests*

(Vocational Rehabilitation Administrator, Vocational Rehabilitation

Counselor, Rehabilitation Aide)

*Cluster Four - written and oral tests*

(Community Worker, Service Delivery Coordinator, Community Services Program Manager, Community Resource Program Manager, Assistant to CSO Administrator)

*Cluster Five - written and oral tests*

(Social Worker, Mental Health Program Administrator, Mental Health Administrative Services Chief, Health Program Specialist, Mental Health Counselor, Juvenile Rehabilitation Counselor, Institutional Counselor, Psychiatrist Aide)

*Cluster Six – written and oral tests*

(Support Enforcement Officer, Financial Recovery Enforcement Officer, Developmental Disability Case/Resource Manager, Developmental Disability Outstation Manager)

### **Conclusions**

With the exception of the State of Washington, most states do not have centralized Bilingual Services Programs. Obtaining complete information of state activities was difficult as a result. The State officials we spoke with were impressed with California's Act and many requested that we share a copy not only of the Act but of this report as well. The BSP has committed to sharing best practices through the website currently under construction.

### **Recommendation**

Centralization of translation and interpretation resources for state departments would facilitate the identification and certification of qualified vendors and assure better quality control. It should be noted that not all departments could afford to pay the going rate for professional interpreters and translators. Departments in these circumstances report that contractors may abandon their project without notice if a higher-paying assignment comes along. More consistent and appropriate compensation of professional interpreters and translators by state departments should be pursued. The State of Washington has developed a centralized program, which can serve as a model for improvements to California state government.

### ***Bilingual Service Programs, Public and Private***

### **Findings**

Local agencies are also mandated to comply with the provisions of the Act, however there is no governing body to provide them with guidance. In our effort to learn about bilingual services provided by these jurisdictions, we sent surveys to 30 entities. Of these, only nine responded. The data presented below is a compilation of data from those responses.

**City of Sacramento:**

The City of Sacramento formed a multilingual task force to address community concerns over language barriers between LEP residents and city staff. The task force includes employees from personnel services, facilities management, and other programs in Public Works, the Fire Department, Sacramento Police Department, neighborhoods, Planning and Development Services, the City Library, Administrative Services, and the Sacramento Housing and Redevelopment Agency.

The task force has completed or is working on the following tasks:

- A survey of city staff with multilingual skills: The survey identified 30 different languages spoken. A list of multilingual employees willing to provide interpretation services has been distributed to city offices.
- A survey of departments: Information was sought on how the departments meet translation and interpretation needs and whether any of their job classifications should be bilingual.
- Creative recruitment and marketing efforts: the Police Department has taken the lead in this area and has teamed up with Sacramento's Human Resources department to reach out to ethnic communities, e.g., the local Hmong and Russian communities. As a result, the Police Department recently hired one additional Hmong police officer, one Hmong Community Services officer, and two Hmong police trainees. Four city job fairs are currently planned for different geographical locations in Sacramento.
- Preparing a resource list of community cultural organizations, services, and media in the Sacramento area: This list is being developed to provide improved outreach information for both Sacramento's human resources department as well as various city departments.
- Sacramento is negotiating bilingual pay incentives with its union.

**City of Los Angeles: Bilingual Skills Examinations for Employees**

The ethnic diversity of Los Angeles makes it essential for city employees to have languages in addition to English. To meet this need, Los Angeles since 1962 has used an outside entity to administer bilingual testing in 17 languages. Test fees are described as \$125 per department and \$20 per examination. City employees who pass the exam are eligible for a bilingual pay differential depending on the job classification and the employee's language skills. Positions who are classified under the five-step salary plan receive one salary schedule or one premium-level rate for providing oral conversation duties. Staff receives two salary schedules or two premium-level rates if duties involve providing both conversational fluency and interpretation other than English. Employees who are qualified for bilingual premium pay, but are not classified in position under the five-step salary plan, receive a 2.75% premium for duties involving oral conversation. For duties requiring that they converse, interpret and write a language other than English, employees receive a 5.5% premium.

Also, the Personnel Selection Branch of the Los Angeles Unified School District designs selection and examination procedures for specific bilingual classifications. Test formats include multiple-choice written tests, structured interviews, training and experience evaluations, performance tests, and job simulations. Testing is open to all organizations. A few state departments are currently certifying their bilingual employees via this exam.

**San Jose Unified School District** created a policy for its schools, "Master Plan for English Learners", defining who will receive bilingual services.

**Anaheim Union High School District** is guided by the so-called R30 Report required by state law. This report provides an actual count, by language and by grade, of bilingual students, both English-limited and fluent.

**Los Angeles City Personnel Department** is governed by an administrative code, §§ 4.84 and 4.170, stipulating compliance in hiring bilingual employees. The department uses internal staff and external contractors to meet language needs, and hires both certified and non-certified interpreters. They use a bilingual exam to test candidates before hiring.

**San Francisco Police Department** meets its language needs by subscribing to the telephone-based interpretation services via Pacific Bell and Language Line. The service costs \$3500 a month on average.

**Madera County Department of Social Services** has both internal staff and contractors produce translations. Bilingual staff must pass a proficiency examination to become eligible for bilingual pay. Staff provides any interpretation needed. Employees receive \$45.00 a month if they use their language skills 25% of the time worked. Employees who use their bilingual skills occasionally receive \$20 a month. Each department identifies and handles its own bilingual needs.

**Alameda County's Board of Education** asks bilingual employees to translate informational brochures for clients. It also uses external vendors for translations. Translation services are based on perceived client needs.

**San Francisco's Health Department** assesses client demographics based on patient self-identification, patient program utilization, and other data. Translations are provided when there is a perceived need. Internal staff and contractors are used for translating and interpreting. Interpreter services are provided in Spanish, Cantonese, Mandarin, Russian, Vietnamese, and Tagalog.

#### **UC Davis Medical Center**

UC Davis Medical Center created a language services section some ten years ago to provide a reliable source of professional language assistance to staff, patients, and their families. The office is divided into an interpretation and a translation section. The translation unit primarily serves hospital patients and staff, but translates foreign-language medical records and similar documents for external entities for a fee. The unit now employs 40 employees and staffs its office seven days a week. In-

house translators work in Armenian, Chinese, Hmong, Russian, Spanish, and Vietnamese. All other languages are contracted out. The unit has a language line that allows for three-way conference calls among the doctor, patient, and interpreter. Language Line services are used when a language need cannot be filled in-house. The unit provides its employees with ongoing training in terminology and other language-related skills. Signage in waiting rooms indicates the availability of language services.

### **Judicial Council of California (CJC) and Its Court Interpretation Program**

Under Government Code section 68565, the Judicial Council plays an important role in recruiting, training, testing, certifying, and evaluating court interpreters. In 1994, CJC approved the following requirements to become a certified court interpreter:

- Pass the State Certification Examination offered by an approved testing entity (currently California Personnel Services)
- Register with CJC
- Pay an annual \$85.00 fee
- Attend a Judicial Council Code of Ethics Workshop; and
- Submit proof of 30 hours of continuing education and 40 assignments of recent professional experience every two years.

State certification exams administered by Cooperative Personnel Services are offered in Arabic, Cantonese, Japanese, Korean, Portuguese, Spanish, Tagalog, and Vietnamese. Interpreters of languages for which there is no certifying examination are called “registered interpreters of non-designated languages”. Registered interpreters must meet requirements similar to those for certified interpreters. They must also establish their English proficiency, knowledge of court procedure, and knowledge of professional ethics.

Several educational institutions offer coursework that meets CJC's continuing education requirement.

The CJC website offers comprehensive information on court-certified interpretation and a list of certified and registered interpreters (<http://www.courtinfo.ca.gov/programs/courtinterpreters/>). This listing may be searched by a number of categories, including geographical region and language.

### **The Private Sector**

The private sector is not mandated to provide information or services in languages other than English, aside from right-to-know requirements for certain occupational, health, and safety issues. It often lacks formal policies on providing bilingual services to employees or clients. However, it now recognizes that limited-English-proficient communities also need goods and services, and many traditionally English-speaking businesses now offer some form of bilingual services. Following are some examples of private sector efforts to provide language assistance to their clients.

**Allstate Insurance** provides automobile and home insurance coverage. Although they have no formal policies on bilingual services, they do provide Spanish-language interpreters when needed. At the time of this report, we were informed that they do not translate their English-language materials.

**Sutter Memorial Hospital** offers interpreting services by staff that speaks more than one language. These employees are not professional translators or interpreters.

**Kaiser Permanente, San Francisco** - Kaiser developed a language interpreter services section around 1996 that allows non-English speaking patients to communicate with doctors by having an interpreter at the consultation. This service was created after it was noticed that patient enrollment in the Asian population was decreasing. Focus groups were developed to conduct research on the best practice to retain and attract patients. Kaiser adopted the recommendation that qualified interpreters assist non-English-speaking patients during medical consultations. The interpreters involved in the unit receive continuous training course to enhance their medical terminology.

#### **California State Automobile Association (AAA)**

AAA understands how California's demographics have changed over the years and how they must provide bilingual services to capture business from the non-English-speaking populace. AAA understands that to stay competitive, it can no longer conduct business solely in English. AAA provides services to four million members in more than 140 languages and contracts with Network Omni for their bilingual needs. Eighty percent of calls that come into the business are from Spanish-speaking persons, who make up 80% of the population. The remaining 20% of demand for bilingual services comes from the Asian community.

AAA conducts outreach among Hispanics and Asians in Alameda, San Francisco, and Santa Clara Counties. Hispanic outreach is conducted in the Central Valley, Salinas, and Watsonville area. Outreach has expanded in the Asian communities to target ethnic Chinese, Japanese, and Koreans in the Silicon Valley as well as the large concentration of ethnic Filipinos in the Daly City Area. AAA translates its business and consumer-protection publications. Consumer-protection publications promote safety and partnerships with groups involved in consumer outreach.

#### **Language Line Services**

Language Line is the largest provider of telephone-based interpretation services in the country and offers 140 different languages 24 hours a day, seven days a week. Current federal clients are FEMA and the Internal Revenue Service. Language Line assists 90% of the country's emergency services, including California 911. Language Line contracts with several state departments and provides services on juvenile-court and child-support issues. It handles all of Pacific Bell's non-Spanish-language bilingual calls and provides services to several large organizations in California, New York, Texas, and Chicago. Language Line processes about 25,000 calls a day, over a million minutes of interpretation services each month.

The organization was established in 1992 by a San Jose Police officer volunteering to assist the growing immigrant community in San Jose. Language Line allows a non-English-speaker to communicate with someone in their language via three-way conference calls. When an organization receives a call from a non-English-speaking caller, it puts the caller on hold and dials the 800 number for Language Line. The needed language is identified, and both organization and the initial caller are connected to an interpreter. The connection time averages from eight to ten seconds. Connections are available via automated or operator assistance. Spanish is the most requested language in California.

Language Line provides professional translation services as well as certified court and medical interpreters. Language Line's staff is a 1200-member pool of language-service professionals. Some 900 are used frequently, the remainder on an as-needed basis. Language Line carefully screens all contracted interpreters. Of 10,000 applications received last year, only 500 were accepted for ultimate hire. Candidates must pass extensive testing and are scrutinized by senior interpreters.

### **Conclusions**

These private entities have acknowledged demographic changes in California's population by developing resources to provide bilingual services. They have improved their profit margins by providing a much-needed service to the non-English-speaking public. Some of them count California state departments among their customers. These private-sector entities recognize the Civil Rights Act and its mandate to provide equal services.

### **Recommendations**

BSP should continue researching private-sector programs for providing bilingual services. Additional innovative services will come to light as private-sector bilingual-service programs grow.

## ***The Demographics of California***

### **Findings**

An examination of California demographics is essential to understanding the need for bilingual services in California. Expert testimony presented at the three public hearings provided the following information regarding the ongoing change in the demographics of the state of California.

**Dr. Belinda Reyes, Research Fellow, Public Policy Institute of California.** California has one of the most ethnically diverse populations in the world. The current generation of school children is the first in which Latinos, Asians, African-Americans, and mixed-raced children together outnumber whites. As of this year, no race or ethnic group constitutes a majority of the state's population. This increasing ethnic diversity represents a demographic transformation without historical precedence in the United States.

Here are some facts on past, present, and future demographics in the State of California as determined by the California Department of Finance:

- ◆ Between 1950 and 2000, California's population more than tripled to about 34 million residents.
- ◆ In 1970, almost 80% of the state's residents were non-Hispanic white, and only 20% of the population were minorities. The statistics released by the Californian Department of Finance in 1998 showed that only 52% of state's residents were non-Hispanic white; Hispanics made up the remaining 30%; Asians 11%; and African-American 7%. Most of California's population growth in the past few decades has occurred among Hispanic and Asian populations. This trend is expected to continue. Between now and 2025, California's population is predicted to increase to about 50 million residents. By 2025, Hispanics will represent the single largest ethnic group in the state.

#### County Population Profiles

In 1970, most California counties were predominantly white. Only one county (San Francisco) had a population under 60% white, and no county's population was less than 50% white. Very few counties had large Hispanic populations. Hispanics constituted more than 30% of the population in only two counties (Imperial and San Benito) and more than 15% of the population in nine counties (Fresno, Imperial, Madera, Merced, Monterey, San Benito, Tulare, and Ventura). Most of the northern and mountain counties were less than 5% Hispanic..

In 1970, Asians constituted more than 5% of the population in only three counties (San Francisco, Monterey, and San Joaquin). Only the county of San Francisco had a population more than 10% Asian.

Between 1970 and 1998, white population declined in all but one county, Sierra. Asians were the fastest growing group, with a population increase of over 500%, but still represent a small proportion of the population in most California counties. Only the San Francisco Bay area, a few Central Valley counties, and the four southern counties have substantial Asian populations.

By 1998, only half of California counties had a population over 70% white. One-third of California counties were less than 60% white, and ten counties (Alameda, Fresno, Imperial, Kings, Los Angeles, Merced, Monterey, San Francisco, Santa Clara and Tulare) had no single majority group. Only five counties were less than 5% Hispanic (Humboldt, Mariposa, Nevada, Shasta and Trinity). Asian populations exceeded 10% in fifteen counties, 20% in three counties (San Francisco, San Mateo, and Santa Clara), and over 33% in one (San Francisco).

#### The Role of Immigration

Immigration has been a key reason for growth in the Asian and Hispanic populations. A large immigrant population means that language is an issue for a large proportion of the population. Fluency in English is critical to functioning in the labor market as well as society generally, but remains an elusive goal for much of California's immigrant population.



Of foreign-born Asian immigrants, 35% of Chinese, 27% of Japanese, 35% of Koreans, and almost 40% of Southeast Asians reported limited English-speaking ability. Immigrants from India and the Philippines had smaller population segments with limited English, 13% and 7%, respectively. Almost 10% of Chinese, Koreans, and Southeast Asians speak no English. Of Hispanic immigrants, almost 50% of Mexicans had limited English ability, with 20% completely unable to speak English. About 40% of Central and South Americans, and 35% of Caribbeans had limited English-speaking ability; roughly 14% unable to speak English.

### **Ms. Mary Heim, California Department of Finance.**

The 2000 U.S. Census counted 33,871,648 California residents. This was an increase in population of more than 4.1 million over the past 10 years, and as a result California gained one seat in the House of Representatives.

More detailed Census information on age, race, and where in California people live will be available imminently. In addition, the new federal administration, in conjunction with Census Bureau experts, will soon be making a decision about the release of census data corrected for undercount. More detailed information about age, gender, living arrangements, marital status, household type, household size, and tenure will be available by this summer. Finally, socio-economic information, including language spoken at home and ability to speak English, as well as other parameters like educational attainment, mobility, and employment status, will be released in about a year. The following is what the Department of Finance expects the census to have found. Also presented are notes on anticipated future trends.

Population change in the 1990s has differed dramatically from the previous two decades. Natural increase, or the excess of births over deaths, has driven population growth for the first time since population data were collected. In addition, all of California migration gain has been due to foreign immigration, offsetting a loss of California residents to other states. These forces have resulted in the state becoming more ethnically diverse. The proportion of the population that is white has dropped by five percentage points. Therefore, there are fewer white residents in the state today than in 1992.

The only race group to experience consistent net immigration during the 1990's has been the Asian and Pacific Islander group. In the 1980's, much of California's Asian migration consisted of Southeast Asian refugees relocating to California from other states. Although Hispanic migration from outside the country is estimated at over 100,000 per year; California recorded a net migration loss in 1995 and 1996 as an even greater number of California Hispanics left for other states.

#### **Migration To California**

Migration from outside the U.S. plays an important role in California's changing population. Between 1997 and 1998, 371,000 persons legally migrated from foreign countries to California. California received 25 percent of all legal immigrants to the U.S., even though the state comprises just 12 percent of the U.S. population. Three out of four

foreign migrants come to California through family reunification. This phenomenon is called chain migration because it is self-perpetuating; as more people come, more are eligible to come. Male immigrants tend to be younger than females. This implies that males make the initial move to the U.S., followed by their families at a later date. Currently, foreign migration is female-dominated because of events that happened 15 years ago. Many predominantly male, unauthorized immigrants were legalized under the Immigration Reform and Control Act of 1986. Now these immigrants are bringing wives, daughters, mothers, and sisters through the family reunification program.

The median age for female immigrants is 30 years old. The median age for male immigrants is 27 years old. Immigrants are younger than the resident population, where the median age for females is 33 and for males, 31. Today, there are about five female immigrants for every four male immigrants. Immigrants tend to be married (62 percent of women and 55 percent of men). Very few are divorced or separated. Fewer than 50% of immigrants are in the labor force.

Los Angeles County is the most popular destination for immigrants, followed by Orange, Santa Clara, and San Diego. The county with the highest ratio of newly arrived immigrants to residents is Colusa, with an immigration rate in 1998 of 11.4 per 1000. San Francisco and Imperial counties had the second and third highest immigration rates. Of all immigrants to California, about 44% are from Latin America and the Caribbean, 43% are from Asia, and fewer than 1% are from Europe.

Mexico is the leading country of birth for California immigrants, followed by the Philippines, China, Vietnam, and India. Where immigrants prefer to settle in California depends upon their country of origin. Immigrants from Mexico tend to go to Los Angeles; those from the Philippines go to San Diego; many immigrants from Vietnam choose Orange County; and for immigrants from China, San Francisco is a favorite.

#### California's Demographic Future

By the year 2040, the Department of Finance projects California's total population will reach 58.7 million, the population of the United Kingdom today. This represents a growth rate of 73 percent over the 40-year period. More than half the counties in California will double their populations during this time.

The fastest-growing county in California, on a percentage basis is Imperial, closely followed by Colusa, Madera, and Riverside. Eight counties will add more than 1 million residents: Kern, Los Angeles, Orange, Riverside, Sacramento, San Bernardino, San Diego, and Santa Clara.

In absolute terms, Los Angeles with over 4 million new residents will have the largest growth. Other counties expected to experience large absolute increases are Riverside, San Bernardino, and San Diego. Five counties will cross the 1-million mark, including San Joaquin, Contra Costa, Ventura, Fresno, and Kern. Many population landmarks will be achieved during the forecast period. As the data released by the department of Finance, the population in California was 28 millions, 33

millions in 1998, and it is expected to surpass 40 million in 2011 and 50 million in 2028 as the following graphic shows:

The trend of natural increase – i.e., population growth caused by more births than deaths rather than increased immigration – expected to continue playing a major role in population growth. Migration will account for only 31 percent of the projected statewide growth. Although fertility trends can demonstrate wide swings in the long-term, in the short-term natural increase is like a freight train – slow to stop. Consequently, California's population is less likely to experience a sudden change in growth trends.

Extremes in the components of population change are illustrated by two of California's most urban areas, San Francisco, and Los Angeles. In San Francisco, migration partially counterbalances a decline due to natural decrease, or deaths exceeding births. In contrast, Los Angeles loses residents to adjacent counties like Riverside and San Bernardino. However, in Los Angeles the natural increase more than makes up for this outward migration, and the county gains population.

During 2001, the racial/ethnic mix of California was 49% white; 31% Hispanic; 12% Asian and Pacific Islanders; 7% African-American; and 1% Native American. By the year 2040, projections show the white proportion falling to 31%; the Hispanic proportion rising to 48%; and the Asian and Pacific Islander proportion remaining unchanged.

Since 1993, Southern California has had no racial/ethnic majority. Eight counties in California currently have no racial/ethnic majority. By the year 2040, 52% of counties will no longer have a white majority. The Hispanic population will become the largest racial/ethnic group in Southern California by 2006. It will have become the largest racial/ethnic group in the state as a whole by 2021.

At the end of the projection period, the highest concentration of whites will reside in Sierra County. Fourteen counties will have a Hispanic majority, and those with the greatest proportion of Hispanics will be Imperial and Monterey. The county with the highest concentration of Asians and Pacific Islanders will be Santa Clara. The county with the highest proportion of African-Americans will be Alameda, and the county with the highest concentration of Native Americans will be Alpine.

**Dr. Nina Ponce, Assistant Professor, University of California, Los Angeles.**

Dr. Ponce spoke tellingly of the implications of limited English proficiency. According to the Medi-Cal Managed Care Data Center, which collects primary language information, 40% of eligible recipients speak a primary language other than English. This figure varies from a high of 61 percent in Imperial County, to a low of nearly zero in Alpine County; in Los Angeles County it is 48 percent. For Hispanics, language barriers have had an especially strong impact on the utilization and long-term costs of health care. A study of the use of emergency-room services in Los Angeles County showed that Spanish-speaking patients requested fewer health services than the English speaking population did. The

study also showed that Hispanic patients had the lowest screening rates for pap smears and mammogram examinations. Over the long term, the health-care costs for this population are therefore likely to be relative higher than for English-speakers.

The diversity of California's population also has profound impacts in the classroom. Department of Education statistics show that in 1999-2000 there were 1.48 million LEP students in California public schools. Between 1995 and 2000, the total school enrollment there increased by 11% while LEP enrollment increased by 17%. The trend of growing LEP numbers will continue. Spanish is the most common non-English languages spoken in schools, but many other languages are found as well. The primary languages in that group now appear to be Vietnamese, Hmong, Cantonese, Tagalog, Khmer, and Korean. The need for language services in California schools, particularly in Spanish, is acute.

### **Conclusions**

California has become the most diverse state in the country. As a result, language abilities become more of an issue in terms not only of participation in society and the workforce but of civil rights as well. The absence of bilingual services can have serious implications for longer-term societal costs.

#### ***Federal Guidelines Title VI – Civil Rights Act***

#### ***Executive Order 13166***

#### **Federal Guidelines – Title VI of the Civil Rights Act and Executive Order 13166**

In August 2000, President Clinton States issued Executive Order 13166. The President was concerned that language barriers are preventing the federal government and recipients of federal financial assistance from effectively serving a large number of people in the country who are eligible to participate in their programs. This Executive Order directs federal agencies to break down language barriers by implementing consistent standards of language assistance across agencies and among all recipients of federal financial assistance.

Federal guidelines under Title VI of the Civil Rights Act (CRA) of 1964 prohibit discrimination on the basis of race, color, or national origin. The Civil Rights Division of the Department of Justice oversees the compliance and enforcement of Title VI as it concerns language access. In order for federal agencies and recipients of federal funding to comply with the recent Executive Order, the Department of Justice (DOJ) has taken the lead in issuing a general guidance document (LEP Guidance) to assist agencies with this endeavor. DOJ issued a guidance document, dated August 16, 2000, and entitled "Enforcement of Title VI of the Civil Rights Act of 1964: National Origin Discrimination Against Persons with Limited English Proficiency (LEP Guidance)". It addresses Title VI's prohibition on national-origin discrimination when information is provided only in English to LEP persons, and it lays out general principles agencies should follow when establishing services for their LEP clients.

The key to providing meaningful access for LEP persons is to ensure effective communication between the provider and LEP person. OCR has found four elements common to effective language assistance programs:

1. Assessment – A provider should assess the language needs of the population to be served, by identifying the following:
  - Languages likely to be encountered, number of LEP persons eligible for services and number of LEP persons likely to be directly affected by its program
  - Language needs of each LEP client/patient
  - Points of contact where language assistance is needed
  - Resources needed to provide effective language assistance, including location, availability and arrangements necessary for timely use
2. Development of Comprehensive Written Policy – Providers should develop and implement comprehensive LEP policies and procedures, including the following:
  - Providing notice to LEP persons in their language of the right to free language assistance including, but not limited to, use of language identification cards or posting signs in public areas.
  - Providing competent oral language assistance in a timely manner, which can include use of bilingual staff, staff interpreters, contracted outside interpreter services, voluntary community interpreter (through formal arrangement) and/or telephone interpreter services.
  - Providers must not require, suggest, or encourage LEP persons to use friends, family members, or minor children as interpreters. If a provider offers an interpreter and the LEP person declines and requests the use of a family member or friend, the provider may use the alternative if using such a person would not compromise the effectiveness of services or breach confidentiality. The provider must document the offer and refusal in the LEP person's file.
  - Providers must use persons who are competent to provide interpreter services. Competency includes: demonstrated proficiency in both English and the other language; orientation and training that includes skills and ethics of interpreting; fundamental knowledge in both languages of any specialized terms or concepts; cultural sensitivity; and a demonstrated ability to accurately convey information in both languages. Certification is not required but is helpful.
  - Translating written materials for certain LEP groups, depending on the size of the LEP group in the area served by the provider. OCR has set forth the following “safe harbor” guidelines.
  - Translation of all written materials for each LEP language group that equals at least 10% or 3,000, whichever is less, of persons eligible for or likely to be directly affected by provider's services

- Translation of at least “vital” documents for each LEP language group that comprises at least 5% or 1,000, whichever is less, of persons eligible for or likely to be directly affected by provider’s services
- Translated notice of right to competent oral interpretation of written documents for LEP groups that do not meet either guideline above
  - *Exception: For small providers where there are less than 100 persons in a LEP language group (even if that LEP language group meets the 10% or 5% guideline), the provider only needs to provide translated notice of right to competent oral interpretation of written documents.*

This means that OCR will find a provider in compliance with Title IV if the guidelines are met; however, failure to meet them does not necessarily mean that OCR will find a provider in violation of Title VI. OCR will review all relevant circumstances to determine the provider’s obligation to translate written materials.

3. Training of Staff – Providers should train their staff to ensure that staff understand and implement LEP policies and procedures. Training is essential to bridging the gap between policies and actual practices.
4. Vigilant Monitoring – Providers should ensure that LEP persons can meaningfully access their services. At least annually, providers should assess: the current LEP makeup of its service area; the current communication needs of LEP persons; whether existing assistance meets LEP needs; whether staff is knowledgeable about policies and procedures and how to implement them; and whether sources of and arrangements for assistance are still current and viable. One mechanism for monitoring is to seek feedback from clients and advocates.

### **Conclusions**

Guided by the Civil Rights Act of 1964 and Executive Order 13166, the federal government has reemphasized the services that recipients of federal monies must provide to the LEP populations they serve. Agencies and providers have a number of options for providing oral language assistance. Specific options used depend on a variety of factors including the nature of interaction, frequency of need and size of the population being served by each agency. DOJ’s guidance documents provide a model for defining reasonable efforts to provide meaningful access to LEP populations in California’s State Bilingual Services Programs.

### **Recommendations**

Thoughtful amendments to the Act will clarify compliance and enforcement responsibilities. The SPB should continue to work with its advisory task forces to develop standards, criteria and guidance for state agencies to follow. Federal guidelines will assist in these efforts. The Board can act as a clearinghouse through its website for best practice options for translation and interpreter services delivery as well as to link state agencies with community based organizations that can provide specialized language services. We must also look at practices of the

Judicial Council to improve our interpreter program that is managed by CPS; the State of Washington to assist in guiding improvements to interpreter and translation services as practiced by state agencies.

Finally, the BSP should continue the following activities:

- Provide guidance, monitoring, and technical assistance to state departments
- Improve existing methods of collecting departmental data via the language survey
- Educate departments on federal Civil Rights guidelines as well as on the Act
- Centralize a translation bank of interpreter and translator resources to help departments obtain the qualified contractors they need