

Removing Barriers and Advancing Universal Access  
Part 1: Best Practices for Developing a Language Access Plan for  
Government Agencies

Washington State DEI Summit 2020

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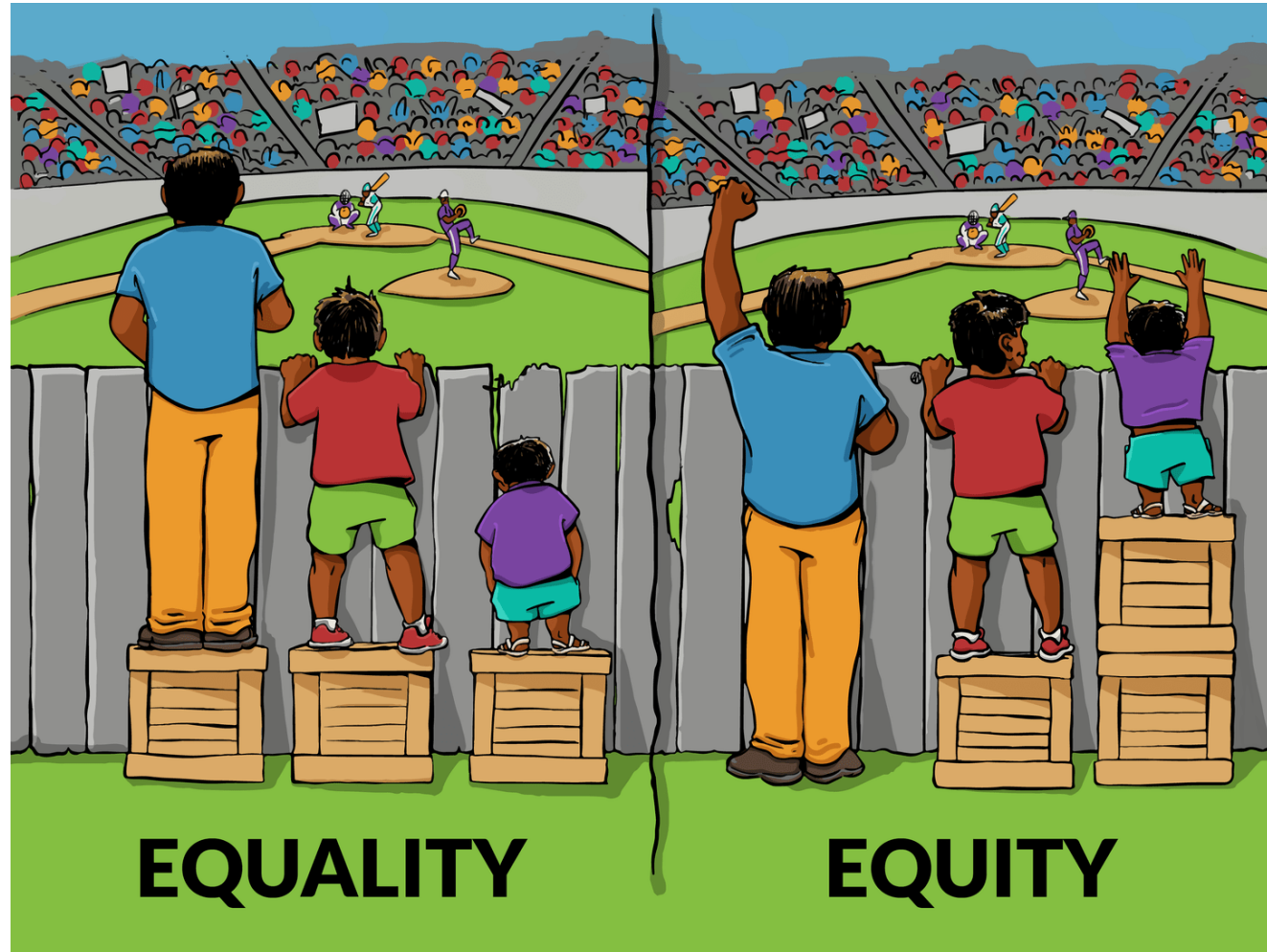
Chief, Access & Inclusion Planning

Office of Diversity & Inclusion

Washington State Department of Social & Health Services (DSHS)



Are access and inclusion demonstrated in these illustrations?



# Session Overview

Legal Authority

Business Case

5 Language Access  
Plan Best Practices

Barriers

Access & Inclusion  
Culture, Stakeholder  
Ownership, and  
Accountability

# Key Terms

- National origin discrimination
- Persons with limited English proficiency (LEP) and non-English speaking persons
- Language access
- Language access services
- Equally effective communication (ADA Title II)
- Language Access Plan

# Legal Universe

Washington Administrative  
Code; Consent Decrees; and  
Settlement Agreements

Federal Financial Assistance  
Recipient LEP Guidance

Federal and State Civil Rights  
Laws, Regulations, and Case Law

# Other authorizing sources:

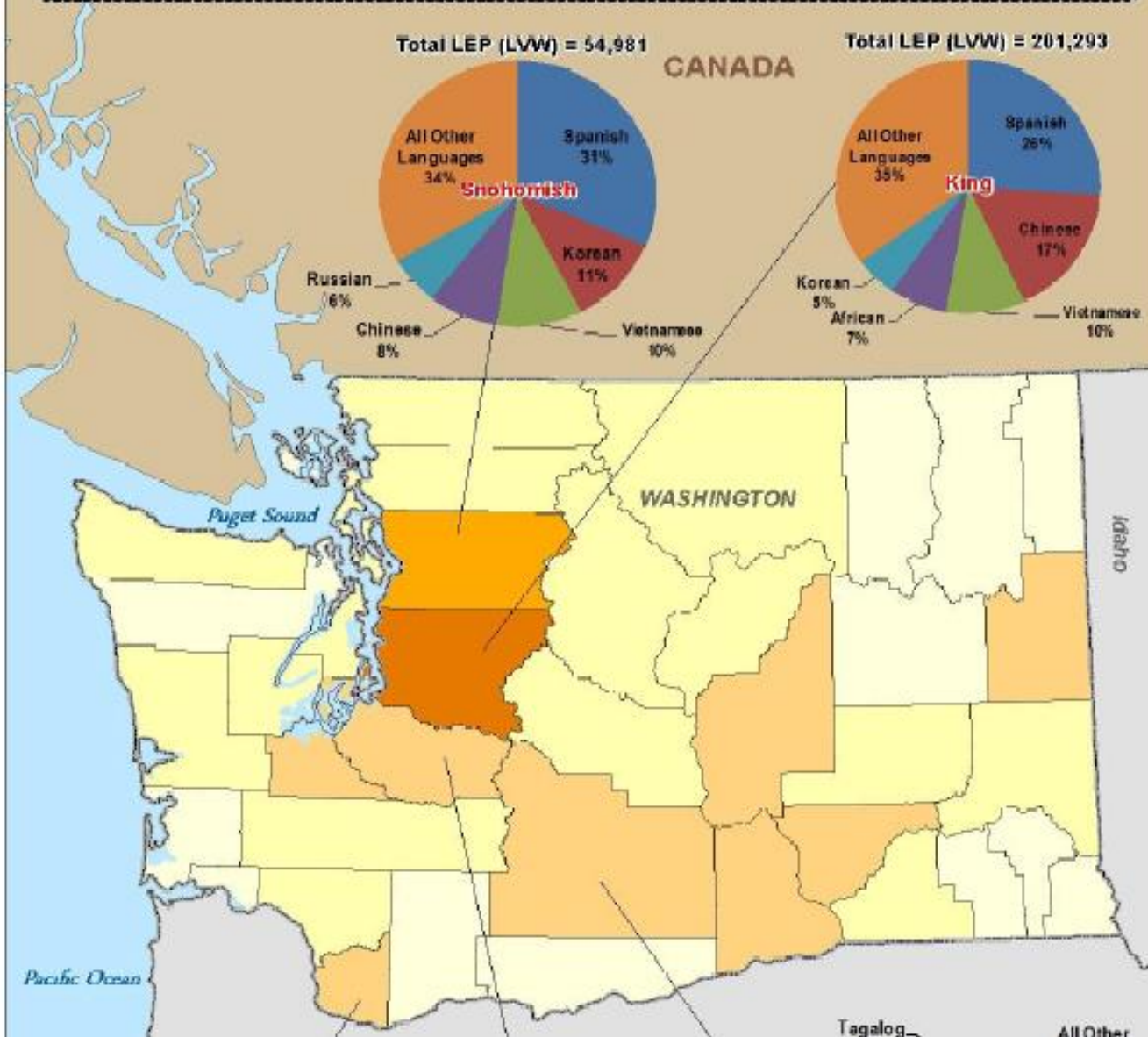
- State procurement laws for language access services
- Office of the Governor Executive Orders
- Administrative policies
- Collective Bargaining Agreement between the State of Washington and the Washington Federation of State Employees, AFSCME, Council 28, AFL-CIO for Language Access Providers
- If applicable:
  - Patient Protection and Affordable Care Act (ACA)
  - Centers for Medicare & Medicaid Services (CMS) Technical Guidance
  - National Standards for Culturally and Linguistically Appropriate Services (CLAS) in Health and Health Care

# Business Case

- Over 650,000 limited English proficient persons were estimated to be living in Washington State in 2016. A 5% increase since 2014.
- LEP populations are projected to increase dramatically. In some counties, students with limited English proficiency comprise over 50% of all students in the county.

Source: [OFM](#)

**State of Washington (ACS 2015)**  
**Total Persons 5 Years and Over Who Speak a Language**  
**Other Than English at Home and Speak English Less than "Very Well"**



[LEP Map](#)  
[Washington State](#)  
[2015](#)

[Description of Map](#)



# Findings in Health Care



[U.S. Department of Health and Human Services](#)  
[Georgetown University](#)

# Best Practice 1: Commitment from Leadership to Develop and Implement an Agency-Wide Written Language Access Plan (LAP)

For state and local government agencies:

- Written LAPs are strongly recommended by federal agencies that provide financial assistance.
- They may be considered when evaluating an agency's compliance with the law.
- They may increase the probability of successful agency-wide compliance with legal requirements and management of resources.
- They may increase the effectiveness of language access services delivery.

# Best Practice 2: Conduct a Self-Evaluation

2019 DSHS Language Access Self-Evaluation Checklist

Updated 1/24/2019

Administration/Subdivision Name: [Click or tap here to enter text.](#)

Questions	Responses
	Notes and/or recommended solutions:
<p>2. How does your Administration/Subdivision interact with LEP persons? Check all that apply.</p>	<p>In person <input type="checkbox"/></p> <p>Telephonically <input type="checkbox"/></p> <p>Electronically (e.g., email or website) <input type="checkbox"/></p> <p>Mail <input type="checkbox"/></p> <p>Other: Please specify in the notes section <input type="checkbox"/></p>
	Notes and/or recommended solutions:
<p>3. How does your agency identify LEP persons? Check all that apply.</p>	<p>Assume they are LEP if communication seems impaired <input type="checkbox"/></p> <p>Respond to individual requests for language assistance services <input type="checkbox"/></p> <p>Self-identification by the non-English speaker or LEP person <input type="checkbox"/></p> <p>Ask open-ended questions to determine language proficiency <input type="checkbox"/></p> <p>Use "I Speak" language identification cards or posters <input type="checkbox"/></p> <p>Based on complaints submitted to DSHS <input type="checkbox"/></p> <p>We do not identify or have a process for identifying non-English speakers or LEP persons <input type="checkbox"/></p> <p>Other: Please specify in the notes section <input type="checkbox"/></p>
	Notes and/or recommended solutions:
<p>4. Does your Administration/Subdivision have a process to collect data on the number of LEP persons that you serve?</p>	<p><input type="text" value="Choose an item."/></p>

# Best Practice 3: Establish Objectives, Action Plan Steps, and Success Measures

Draft example:

## 2. Improve language access procedures.

- a. **Objective:** Improve language access procedures to provide consistent and effective instructions to all staff for the provision of language access services.
- b. **Action Plan:**
  - Partner with stakeholders<sup>7</sup> to improve and/or develop Department model procedures for:
    - Identifying and recording primary preferred language(s) for interpretation and translation and language access needs (oral, written, and sign) of persons requiring language access upon initial contact in person, over the phone, and in writing.<sup>8</sup>
    - When to use State master contracts to provide language access services.
    - When to provide language access services off-State master contracts and appropriate payment.
    - Providing language access services in emergent situations.
    - Utilizing DSHS document databases to provide already translated vital written documents.
    - Collaborating with persons requiring language access to identify most appropriate language access services under the circumstances.
  - Provide model procedures to all DSHS Administrations and DVR to adapt to their needs.
- c. **Success Measures:**
  - Completion of all action plan steps by the end of FY2021 (June 30, 2021).
  - At least 90% of survey respondents indicate in the next Department-wide Language Access Self-Evaluation<sup>9</sup> that language access procedures are consistent across the Department and effective.

# Best Practice 4: Stakeholder Ownership



STATE OF WASHINGTON  
DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
P.O. Box 45839, Olympia, Washington 98504-5839

August 13, 2019

Dear Valued Stakeholder:

The Washington State Department of Social and Health Services (DSHS) **invites you to comment** on the **FY2021 – FY2023 DSHS Language Access Plan DRAFT**. The purpose of the Language Access Plan is to ensure reasonable steps are taken to **provide meaningful access to persons with limited English proficiency** and document the Department’s **compliance** with applicable **Federal and state laws and implementing regulations**.

DSHS does not exclude, treat persons differently, or otherwise discriminate on the basis of limited English proficiency. Diversity, equity, and inclusion are fundamental DSHS values. DSHS recognizes language access as an essential component of culturally competent and responsive service delivery.

The Language Access Plan will cover all DSHS operations for FY2021 – FY2023 (July 1, 2020 – June 30, 2023) and help inform decision package requests. Your feedback is essential to this process.

Comments may be submitted to [ODIMailbox@dshs.wa.gov](mailto:ODIMailbox@dshs.wa.gov) with the subject line “LA Plan Draft Comments” **by September 30, 2019** or mailed to:

DSHS Office of Diversity and Inclusion  
Mailstop 45010  
1115 Washington St. SE  
Olympia, WA 98504-5014

# Best Practice 5: Build in Accountability Measures

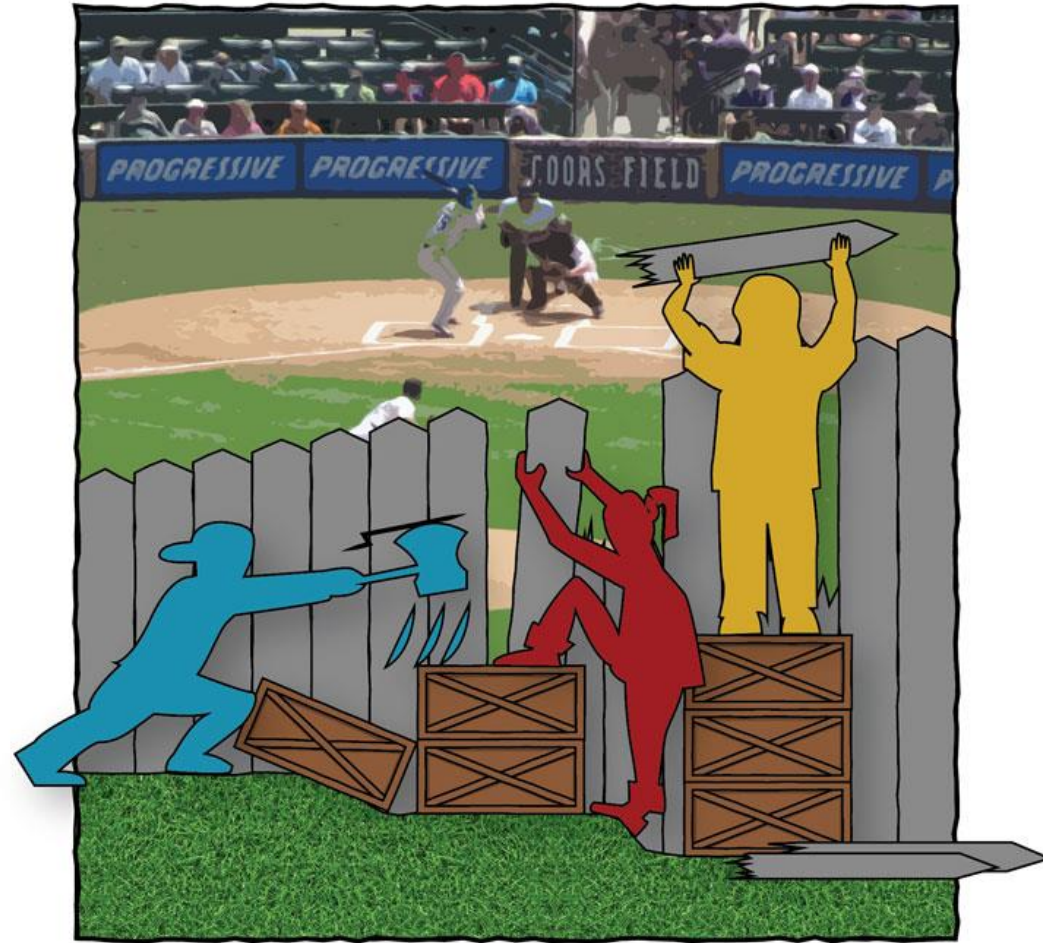


# Discussion

- What are possible barriers to successful development and implementation of a written LAP for your agency?
- What can you do to help remove or overcome these barriers?



# Access & Inclusion Culture



**JUSTICE**

Image Source: [www.culturalorganizing.org](http://www.culturalorganizing.org)



# Universal Design and Applications for Access & Inclusion Policy Planning

## The Principles of Universal Design

The design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design.

- 1 Equitable Use**  
The design is useful and marketable to people with diverse abilities.  
Planned door with sensors is convenient for all shoppers, especially those with a cart.
- 2 Flexibility in Use**  
The design accommodates a wide range of individual preferences and abilities.  
Public online gallery website offers navigational alternatives colors, text, and an image to audio link for accessibility.
- 3 Simple and Intuitive Use**  
Use of the design is easy to understand, regardless of the user's experience, knowledge, language skills, or education level.  
Large print volume is available in easy-to-read font and color contrast between the text and highly-contrast background.
- 4 Perceptible Information**  
The design communicates necessary information effectively to the user, regardless of ambient conditions or the user's sensory abilities.  
Small bumps on a cell phone keypad tell the user where important keys are without requiring the user to look at the keys.
- 5 Tolerance for Error**  
The design minimizes hazards and the adverse consequences of accidental or unintended actions.  
A perpendicular stop triggers on a rail gun requires the user to access the safety before pulling the trigger, minimizing accidents that occur when a user accidentally hits an adjacent gun while pulling the trigger.
- 6 Low Physical Effort**  
The design can be used efficiently and comfortably and with a minimum of fatigue.  
Standard door not require a lot of strength to operate, and can open automatically a closed door or window.
- 7 Size and Space for Approach and Use**  
Appropriate size and space is provided for approach, reach, manipulation, and use regardless of user's body size, posture, or mobility.  
Width of gate of turnstile allows wheelchair user to pass through without bumping into the gate or back of the turnstile.

**Center for Universal Design**  
at NC State  
Web: [design.ncsu.edu/cud](http://design.ncsu.edu/cud) | Email: [cud@ncsu.edu](mailto:cud@ncsu.edu)

[Image Source](#)  
[Center for Universal Design](#)

# Resources

- [U.S. Department of Justice Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs](#)
- [LEP Guidance for Federal Financial Assistance Recipients](#)
- [Federal Agency LEP Plans](#)
- [CMS Guide to Developing a Language Access Plan](#)
- [Model Language Access Plan – WA State Administrative Office of the Courts](#)
- [Washington State Coalition for Language Access \(WASCLA\)](#)

\*The updated DSHS Language Access Plan will be publicly available by the start of State Fiscal Year 2021 (July 1, 2020).

# Questions? Comments?

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Transforming  
Lives

