Removing Barriers and Advancing Universal Access

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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:
  o Patient Protection and Affordable Care Act (ACA)
  o Centers for Medicare & Medicaid Services (CMS) Technical Guidance
  o 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
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**

<table>
<thead>
<tr>
<th>Questions</th>
<th>Responses</th>
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<tbody>
<tr>
<td></td>
<td>Notes and/or recommended solutions:</td>
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<tr>
<td>2. How does your Administration/Subdivision interact with LEP persons?</td>
<td>In person □</td>
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<tr>
<td></td>
<td>Telephonically □</td>
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<td>Electronically (e.g., email or website) □</td>
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<td>Mail □</td>
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<td>Other: Please specify in the notes section □</td>
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<td>Notes and/or recommended solutions:</td>
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<tr>
<td>3. How does your agency identify LEP persons? Check all that apply.</td>
<td>Assume they are LEP if communication seems impaired □</td>
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<td></td>
<td>Respond to individual requests for language assistance services □</td>
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<td></td>
<td>Self-identification by the non-English speaker or LEP person □</td>
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<td></td>
<td>Ask open-ended questions to determine language proficiency □</td>
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<td>Use &quot;I Speak&quot; language identification cards or posters □</td>
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<td></td>
<td>Based on complaints submitted to DSHS □</td>
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<td></td>
<td>We do not identify or have a process for identifying non-English speakers or LEP persons □</td>
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<td></td>
<td>Other: Please specify in the notes section □</td>
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<td>Notes and/or recommended solutions:</td>
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<tr>
<td>4. Does your Administration/Subdivision have a process to collect data</td>
<td>Choose an item.</td>
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<tr>
<td>on the number of LEP persons that you serve?</td>
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2019 DSHS Language Access Self-Evaluation Checklist

Administration/Subdivision Name: Click or tap here to enter text

Updated 1/24/2019
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 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.
     - 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 that language access procedures are consistent across the Department and effective.
Best Practice 4: Stakeholder Ownership

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 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
Universal Design and Applications for Access & Inclusion Policy Planning

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


- 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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