



Together we build a culture of fairness, diversity, and inclusion to improve health and achieve health equity.

# Get Your Language Access Plan in Shape

How to meet your legal obligations and make your programs accessible

# Presenters

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# Training goals

Understand the importance of language access

Understand your language access obligations

Identify practical solutions for meeting your language access obligations

Obtain language access resources



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# What is Language Access?

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Language access is achieved when individuals with Limited English Proficiency (LEP) can communicate effectively with your program staff and participate in your programs and activities.



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# Key Terms

## Limited English Proficient (LEP)

- Describes individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.

## Recipients of Federal Financial Assistance (FFA)

- Examples include: Recipients (grantees), sub-recipients, cooperative agreement recipients

## Language Access Plan

- A plan that establishes a strategy for ensuring meaningful access by LEP individuals to your programs and activities.

## Programs and Activities

- Anything an organization does, especially regarding interactions with the general public



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# Importance of Language Access



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# Language Access: The Law

## Title VI of the Civil Rights Act of 1964

- Prohibits discrimination on the basis of race, color, or national origin in any program or activity that receives FFA
- *Lau v. Nichols*: LEP status is connected to one's national origin

## Executive Order 13166

- Holds Federal Agencies to same standard as recipients and requires that Federal agencies work to ensure that recipients of FFA provide meaningful access to their LEP applicants and beneficiaries.

## Section 1557 of the Affordable Care Act

- Prohibits discrimination on the basis of race, color, national origin, sex, age, or disability in health programs or activities, any part of which received funding from HHS



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# Enforcement and Compliance

## HHS Office for Civil Rights (OCR)

Enforcement Agency

Reactive

## HRSA

Funding Agency

Proactive



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# Recipient Obligations

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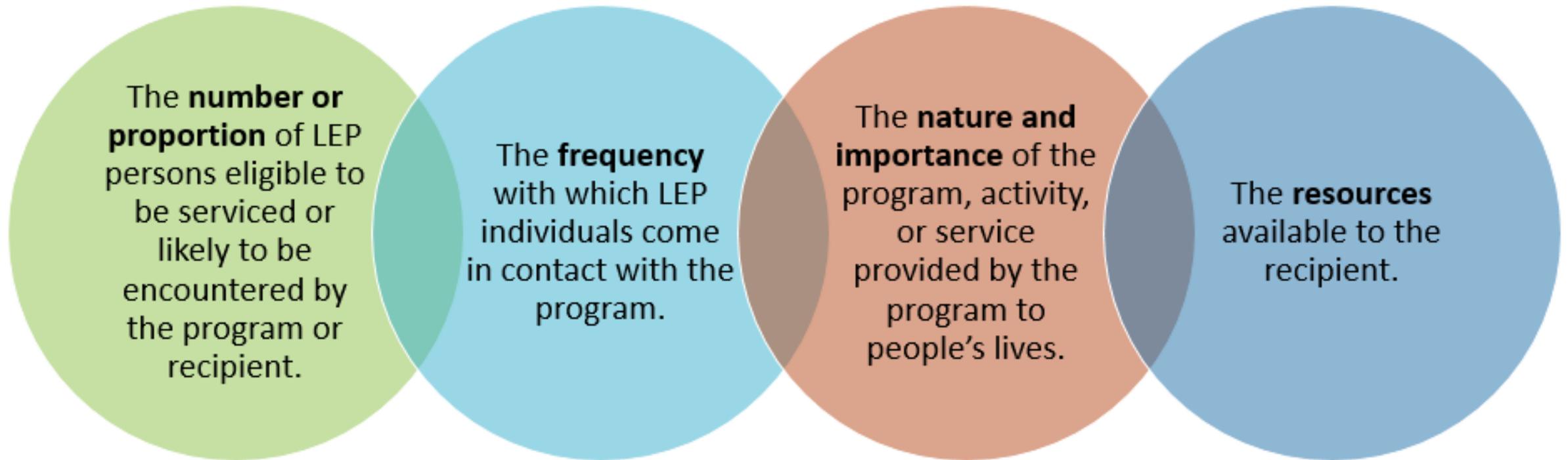
Recipients must take **reasonable steps** to ensure meaningful access to their programs and services.



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# Conducting a Needs Assessment



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# Developing an effective Language Access Plan

Identifying LEP Individuals who need language assistance

Language Assistance Services

Staff Training

Notice to LEP Individuals

Monitoring and Updating the Language Access Plan



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# Identifying LEP Individuals who need language assistance

- Many LEP individuals will self-identify as LEP by either a) indicating that they have difficulty speaking/understanding English or b) asking for an interpreter.
- If an individual has difficulty holding a conversation in English or is unable to answer simple questions, they may be LEP. To confirm, you could ask:
  - Are you able to easily understand English?
  - What language do you speak at home?

- Use language identification cards or "I speak cards"

<input type="checkbox"/> Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.	8. Croatian
<input type="checkbox"/> Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.	9. Czech
<input type="checkbox"/> Kruis dit vakje aan als u Nederlands kunt lezen of spreken.	10. Dutch
<input type="checkbox"/> Mark this box if you read or speak English.	11. English
<input type="checkbox"/> اگر خواندن و نوشتن فارسی بلد هستید، این مربع را علامت بزنید.	12. Farsi



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# Language Assistance Services

- An effective language access plan includes information about the ways in which language assistance will be provided.
- Recipients may want to include information on the following:
  - Types of language services available
    - Written Translation
    - In-Person Oral Interpretation
    - Video or Telephonic Oral Interpretation
  - How to ensure the quality of interpreting and translation services you provide



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# Staff Training

- An effective language access plan will include a process for identifying staff who need to be trained and a process for training them.
- Training should ensure that:
  - Staff know about LEP policies and procedures.
  - Staff with regular public contact are trained to work effectively with in-person and telephone interpreters.
- Recipients have flexibility in deciding the manner in which the training is provided.
  - The more frequent the contact with LEP individuals, the greater the need will be for in-depth training.



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# Notice to LEP Individuals

- It's important for the recipient to inform LEP individuals of what language services are available and that they are free of charge.
- Notice could be provided to LEP individuals by:
  - Posting signs in intake areas and other entry points
  - Posting notice on your website
  - Including notice outreach documents
  - Providing notice during initial point of contact
- Recipients should provide this notice in a language that LEP persons will understand.
  - <https://www.hhs.gov/civil-rights/for-individuals/section-1557/translated-resources/index.html>



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# Monitoring and Updating the Language Access Plan

- An effective language access plan should include a process for a recipient to monitor the implementation of its plan and for updating its plan as necessary
- Recipients should regularly review the following :
  - Current LEP populations in service area or population affected or encountered.
  - Frequency of encounters with LEP language groups.
  - Nature and importance of activities to LEP persons.
  - Availability of resources.
  - Whether existing assistance is meeting the needs of LEP persons.
  - Whether staff knows and understands the LEP plan and how to implement it.
  - Whether identified sources for assistance are still available and viable.



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# Using Grant Funds for Language Access Services

- Consider your language access costs and include those in your grant application. After the award is made you may formally request permission from HRSA to rebudget for unanticipated costs.
- Budgeted costs must be:
  - Allowable
    - Necessary and reasonable for the performance of the Federal award
    - Conform to any limitations or exclusions
  - Allocable
    - Incurred specifically for the Federal award
    - Be necessary to the overall operation of the non-Federal entity and is assignable in part to the Federal award
  - Reasonable
    - Generally recognized as ordinary and necessary
    - Comparable to market prices for goods or services
- Consult with the HRSA Grants Management Specialist and/or Project Officer



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# Using Grant Funds for Language Access Services (continued)

Some HRSA programs have legislative requirements to provide language access services. An example is the Health Center Program:

- A health center which serves a population that includes a substantial proportion of individuals of limited English-speaking ability must:
  - Develop a plan and make arrangements for interpretation and translation that are responsive to the needs of such populations for providing health center services to the extent practicable in the language and cultural context most appropriate to such individuals; and
  - Provide guidance to appropriate staff members with respect to cultural sensitivities and bridging linguistic and cultural differences.
  - These services can be provided directly by health center employees or volunteers or through formal written contracts or agreements.
- Provision of services is mandated as long as the health center shows they have an applicable population, so the health center may use Federal grant funds to provide these services subject to meeting the budgeting requirements mentioned previously.



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# Practice Scenarios

- You are a small organization with few resources. Can you use google translate to translate important program information for LEP participants?
- You have conducted an assessment and found that 99% of your service population is made up of English and Spanish speakers. You translate vital documents into Spanish and hire bilingual staff to assist Spanish speakers. One day you encounter an applicant who speaks Igbo. What are your obligations?
- Based on your assessment, you included language access services costs in your grant application and were approved. Nine months into the grant period you realize that you have additional language services costs that you did not foresee. What do you need to do to allow your organization to use your current award for these services?
- You are a small health care provider that is able to provide language services via a video remote interpreter. A patient brings her 17 year old daughter to her appointment and indicates that she does not trust the technology and would prefer for her daughter to act as her interpreter instead. What do you do?



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# Language Access Resources

- **HRSA Manage Your Grant Page**
  - <https://www.hrsa.gov/grants/manage/index.html>
- **LEP.gov**
  - Department of Justice Website with compiled Language Access resources
- **HHS Office for Civil Rights LEP Guidance**
  - <https://www.hhs.gov/civil-rights/for-individuals/special-topics/limited-english-proficiency/index.html>
- **HHS LEP Guidance for FFA Recipients**
  - <https://www.hhs.gov/civil-rights/for-individuals/special-topics/limited-english-proficiency/guidance-federal-financial-assistance-recipients-title-VI/index.html>



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# Contact

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**HRSA Office of Civil Rights, Diversity, and Inclusion**

**[HRSACivilRights@hrsa.gov](mailto:HRSACivilRights@hrsa.gov)**

**301-443-5636**

**Budget, reporting and other administrative requirement questions:**

Contact your Grants Management Specialist (on the last page of your Notice of Award)

**Project goals, scope and other programmatic requirement questions:**

Contact your Project Officer (on the last page of your Notice of Award)



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