

STATE OF VERMONT
Agency of Human Services (AHS)

LIMITED ENGLISH PROFICIENCY	ORIGINAL POLICY ADOPTED DATE: September 1, 2003 REVISED DATES: 09/27/2006, 08/26/13	ORIGINAL POLICY NUMBER
	EFFECTIVE DATE: August 26, 2013	Category: General 01.02

PURPOSE:

To ensure that language assistance is provided, as may be needed, to ensure persons with limited English proficiency have meaningful access to the Agency of Human Services programs.

BACKGROUND AND RATIONALE:

In 2003, a working committee of representatives from all Agency of Human Services (Agency) departments and offices was formed to review practices within the Agency that exist to provide assistance to persons with limited English proficiency. This review was prompted by a re-issuance of the federal Health and Human Services' guidelines to ensure non-discrimination based on national origin, in compliance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. Section 2000d, et. seq., which states *"No person in the United States shall on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."*

Authority: As an agency receiving federal funds, all departments and Offices are governed by Federal Executive Order # 13166 signed in August of 2000. This Order established a goal to improve access to federally conducted and assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency. This order required that federal agencies adopt plans to ensure that persons limited in English proficiency "can meaningfully access programs and activities."

Most of the programs within the Agency are governed by Health and Human Services, which issued guidelines found at Federal Register Vol. 657, No. 22 / Friday February 1, 2002 and published a revised guidance on August 8, 2003, found at Federal Register Vol. 68, No. 153, regarding implementation of services to persons with limited English proficiency. In addition, regulations governing non-discrimination can be found at CFR Title 45, Part 80. Other federal departments, such as Agriculture and the Department of Justice, have their own specific guidelines or regulations.

UPDATING OF POLICY

The policy has been updated to reflect the changes that are happening in the field of technology. There is also the acknowledgement that AHS is committed to implement this policy on access to services for clients with limited English proficiency in a comprehensive manner.

SCOPE:

This policy applies to all Agency Departments, programs and employees.

PROCEDURES AND STANDARDS:

It is the policy of the Agency of Human Services to provide language assistance as may be needed to ensure meaningful access to all of our programs. Each department will take appropriate steps to provide language assistance so that persons seeking services may communicate effectively with program providers and with Agency and department staff.

Departments must take steps to ensure persons seeking services are able to understand which services and benefits are available to them, and how they may best receive them, including timely language assistance for access to emergency services provided by the Agency.

Interpretive and Translation Services: The Agency maintains three forms of interpretive and translation services to assist its staff in providing services to persons whose native language is not English, and whose proficiency in English is limited. Those services are:

- In-person Interpretive Services: The Agency maintains contracts to provide in-person interpretive services throughout the state.
- Written Translation Services: The State, through the Department of Information & Innovation, maintains a contract to provide translation of documents, brochures, application forms and any other needed written materials for all state agencies and departments.
- Telephonic Services: The State, through the Department of Information & Innovation, maintains a contract for assistance to allow all state agencies and departments to access interpretive and translation services telephonically.

Responsibilities:

- The Agency's Central Office will maintain overall coordination of LEP policies.
- The Agency's Central Office will coordinate and disseminate LEP information. Each department will have one or more representatives to serve on an Agency language assistance committee, which meets at least semi-annually.
- The Agency's Central Office will maintain the contracts for in-person interpretive services for use by all departments.
- The Agency's Central Office will continue to work with the community, including service providers, to maximize resources and expand language assistance.

- The Agency will attempt to include in its contracts for interpretive and translation services that whenever possible, the contractor or grantee will allow community-based organizations serving the same population in concert with the Agency to have access the state's contract rates and the lowest rate possible.
- The Agency's Central Office will support efforts to provide electronic correspondence in languages other than English to the extent practicable. When developing public-facing Web sites and applications, the Agency will consider the potential impact to limited English proficiency populations and ensure that language-specific responses are available as appropriate and necessary.

Department Responsibilities

The following departments are included in this policy: Department of Corrections, Department of Disabilities, Aging and Independent Living, Department of Health, Department for Children and Families, Department of Mental Health and Department of Vermont Health Access. These responsibilities also apply to the Agency's Central Secretary's Office.


- Each department will designate a person who is responsible for coordination of language assistance for that department.
- Each department will inform contractors, grantees, and sub-grantees receiving federal funds, of their requirements to ensure that persons with limited English proficiency will have meaningful access to services provided by them. Organizations receiving support from the Agency or its departments will be required to provide such assurances as a condition of contract and grant that these requirements are met. If necessary, organizations should include this item in their budget when submitting requests for grants and contracts.
- Each department will develop practices for staff awareness or training outlining how the department provides for language assistance.
- Each department will develop practices to ensure that supervisors and managers are aware of the resources that exist to assist persons with limited English proficiency.
- Each department will modify casework methods and technological tools to ensure that record keeping includes the ability to notify staff that a client may need language assistance with oral or written casework materials.
- Each department will develop and implement a procedure that follows the protocol of the Agency for notifying clients of their rights to complain about meaningful access to services.
- To avoid duplication, each department will maintain a centralized record of applications, forms, and announcements that are translated into languages other than English, that can be available to all of their district offices and where applicable to other departments.
- Each Department will ensure that when client demographic data is captured electronically, this data will include fields to identify that the client has limited English proficiency and the client's preferred language.

Shared Responsibilities - Agency and Department

- On a periodic basis, assessments will identify languages likely to be spoken by persons needing assistance, and to determine the extent of language assistance services that may be required.
- The Agency and departments will develop a program to inform staff on how to best serve persons who need language assistance.
- The Agency and departments will include reference to this policy in new employee orientation, and references in on going training and orientation programs. The Agency's and departments' employee orientation packages will contain reference to this policy with guidance for new employees.
- The Agency and all departments will prominently display and maintain uniform signs in all lobbies or entrances to their offices, which tell clients (in languages frequently encountered) of their ability to seek and receive language assistance at no cost to the client.
- The Agency and its departments will maintain a uniform procedure for timely and effective telephone communication between staff and clients who have limited English proficiency.
- The Agency and its departments will periodically assess public service announcements and public notices in order to begin to evaluate the need for notices and announcements to be communicated in languages other than English.

Implementation: The overall responsibility for providing meaningful access to services to those with limited English proficiency rests primarily with the departments and offices. To ensure a consistent and more comprehensive approach, the Agency's Office of the State Refugee Coordinator, shall oversee the implementation of this policy as a means of combining resources and shall maintain the Committee on Limited English Proficiency as a mechanism to review its implementation.

AUTHORIZING SIGNATURE:



Douglas A. Racine, Secretary
Agency of Human Services

DATE SIGNED:

August 26, 2013