

A Guide to Language Access

NATIVE
interpreting

Limited English Proficiency (LEP)

- ▶ **Limited English Proficient (LEP):** Individuals who do not speak English as their primary language and who have limited ability to read, speak, write or understand English can be limited English proficient.
 - ▶ Nearly 44% of California residents speak a language other than English at home and 6.8 million of these residents have limited English proficiency.
- ▶ An **interpreter** is a person trained to convert oral messages from one language to another.
- ▶ A **translator** is a person specially trained to convert written text from one language to another.

Language Access Rights

- ▶ Title VI of the Civil Rights Act of 1964

- ▶ First step to meaningful access to linguistic services

“No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjects to discrimination under any program or activity receiving Federal financial assistance.”

- ▶ *Lau v. Nichols (1974)*

- ▶ *1974 Supreme Court Case*

- ▶ *California class action law suit expanding Title VI to include language access.*

- ▶ *Executive Order 13166 (2000)*

- ▶ *Expanded on Title VI by providing guidelines emphasizing the requirement to provide linguistic access to programs supported by federal funding.*

Meaningful Access

- ▶ Required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons without unduly burdening the agency.
- ▶ Language Access Services include interpreting services and translation of written documents
- ▶ The U.S. Department of Justice’s “four-factor analysis” provides a self-assessment structure:
 - ▶ Demographics: The number or proportion of the LEP population eligible to be served or likely to be encountered;
 - ▶ Frequency of Contact: The regularity with which LEP individuals interact with the organization/program
 - ▶ Nature: The importance of the program/service/activity to people’s lives
 - ▶ Availability of resources and costs: The balance between achieving meaningful access without creating excessive financial burdens on the organization.

California Laws

- ▶ California Civil Rights Act
- ▶ Bilingual Services Act (1973)
- ▶ The Healthcare Language Assistance Act (2003)
- ▶ AB 635 Medical Interpretation Services (2016)

Covered by Title VI

- ▶ Hospital and Health Clinics
- ▶ Medicaid and Medicare
- ▶ Alcohol and Drug Treatment Centers
- ▶ Day Care, Mental Health and Senior Citizen Centers
- ▶ Public Assistance Programs
- ▶ Police Stations
- ▶ Public Schools
- ▶ Courts
- ▶ Pharmacies

** Must receive federal financial assistance to qualify.

Barriers to Meaningful Language Access

- ▶ Gaps in coverage
- ▶ Unaware of rights
- ▶ Unaware of how to request services
- ▶ Poor quality of interpretation and translation services
- ▶ Rely on family members to interpret (including children)
- ▶ Interpreter and LEP don't speak the same dialect
- ▶ Problems with technology-based services

Interpreter Challenges

- ▶ Inability to hear speaker
- ▶ Speaker talks too fast or doesn't give enough time for the interpreter to comprehend and translate sentences into another language
- ▶ No prep materials or information on nature of appointment
- ▶ Cultural Knowledge
- ▶ Interpreting jokes, humor, sarcasm or idioms

Madelyne Wagner

madelyne@nativeinterpreting.com

(619) 930-5734