Research Institute for Social Equity

L. Douglas Wilder School of Government and Public Affairs

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Ensuring Language Access Equity in Virginia Government Services

Research Institute for Social Equity at Virginia Commonwealth University

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Executive Summary

Background

HB 1800 Item 42 #2h of the 2021 Virginia Appropriations Act (the Act) requires the Governor's Office of Diversity, Equity, and Inclusion (the ODEI) to develop recommendations to implement a state government language access policy that ensures equitable access to state services for people with Limited English Proficiency (LEP). Therefore, this report addresses the growing language needs of multilingual communities and people with LEP within the scope of the Appropriations Act. Given the need for accessibility for people with disabilities (PWD) and the charge given within Executive Order 47, this report also addresses the language equity and access for individuals with disabilities living in the Commonwealth of Virginia.

Providing meaningful language assistance to government information and services is the primary focus of this report to ensure equitable access to state services. Out of the revenues Virginia received from the federal distributions of the American Rescue Plan Act of 2021, the Virginia General Assembly appropriated funds to the Governor's Office of Diversity, Equity, and Inclusion (the ODEI) for language access planning consulting services to support HB 1800 Item 42 #2h of the 2021 Virginia Appropriations Act (the Act) pursuant to the 2021 Budget Bill, Special Session II. In developing these recommendations, the Act requires the ODEI to consult with relevant state agencies, organizations serving immigrants and refugees in Virginia, and applicable Virginia Advisory Boards. The Act also requires the ODEI to identify current practices in Virginia state agencies and best practices from other states and localities, assess applicable federal requirements, consider relevant data pertaining to Virginia's immigrant community, and develop a plan to determine which state agencies have the highest need for translation services, identify the types of services needed, and the determination of the costs to implement such services in support of determining amounts to consider for including in the budget for the 2022-2024 biennium. The ODEI also prioritized organizations serving persons with disabilities and low literacy levels.

As a result, the ODEI contracted with Virginia Commonwealth University's Research Institute for Social Equity (RISE) in the L. Douglas Wilder School of Government and Public Affairs to conduct research to assess how the needs of people with LEP and PWD are currently being met and to develop a plan for the future. This report was conducted within the framework of understanding that everyone, regardless of language or disability status, should have the same experiences when interacting with government services. A dozen researchers and subject matter experts conducted both primary and secondary research, which included surveys of best practices at both the federal and state level, surveys with senior leadership in more than 66 state agencies, and interviews with 34 front-line service providers and people with LEP.

To ensure comprehensive language access, this statewide report addresses the growing language needs of multilingual, LEP residents, people with disabilities, and those with low English literacy levels living in the Commonwealth of Virginia. This report presents the findings of the language access research and provides recommendations to implement a state government language access

policy that ensures equitable access to state services for people with limited language proficiency, including multilingual speakers, people with disabilities, and those with low literacy levels. This report addresses the unmet language needs of these groups living in the Commonwealth of Virginia and proposes recommendations that address barriers to equitable language access to state government services.

Current Situation

According to the U.S. Census, nearly 500,000 Virginia residents speak a language other than English and/or speak English less than 'very well.' The top 10 languages spoken in the Commonwealth include Spanish; Chinese (including both Mandarin and Cantonese); Vietnamese; Arabic; Korean; Tagalog (include Filipino); Urdu; Amharic, Somali, or Other Afro-Asiatic Languages; French (including Cajun); and Persian (including Farsi, Dari). Further, people with disabilities account for about 12.1% of Virginia's total population. Additionally, low literacy among adults in the Commonwealth is estimated to be around 11% statewide.[1]

Despite efforts to improve language access support and services for people with LEP and people with disabilities, accessibility to Virginia state government services is still a significant barrier. COVID-19 exacerbated this challenge. Additionally, there is limited evidence that many of the Joint Legislative Report and Review Commission's recommendations in a 2004 study to address the integration of Virginia's foreign-born residents have been implemented. Recent significant complaints and several lawsuits involving language accessibility highlight the urgency of this problem and the need for additional resources.

Several themes evolved from reviewing data gathered from interviews with Virginia state agencies and LEP/PWD-serving organizations that both deliver and receive language services:

- Translation services, translated documents, and language accessibility of state websites lack quality and are inconsistent.
- Limited employee training on state requirements, LEP/PWD rights, cultural awareness, along with limited engagement of the PWD and LEP communities, contribute to language accessibility barriers.
- Workgroups helped identify key state agencies to prioritize language accessibility efforts, including the Department of Medical Assistance Services, Virginia Employment Commission, and the Department of Education. A table of 18 "top priority" agencies is provided in Section 2.
- Workgroups identified four essential resources and support: certified interpreters, translators, and bi-lingual staff; community outreach; easily and readily available content; and consistent funding.

Survey of state agency senior leadership found:

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[1] Danville Register & Bee. (2020, Feb 1). Coalition to bolster literacy in South Central Virginia. https://godanriver.com/news/local/coalition-forms-to-bolster-literacy-in-south-central-virginia/article_8557d22d-9e3e-5627-8427-dbf4761c6e46.html

- Most agencies acknowledge they are more reactive than proactive in language accessibility efforts.
- Agency efforts and resources vary greatly.
- Most agencies acknowledge that a language needs assessment, quality check on current translation, and staff training on policies and processes are needed.
- Agencies desire assistance with "best practices" and additional direction and guidelines from the Governor's Office.
- Agencies recommend a centralized clearinghouse website to house agency resources and centralized statewide language access resources in one department.

Recommendations

This report highlights inequities in the way the diversity, equity, and inclusion (DEI) infrastructure was created and possible solutions to address those inequities. A statewide DEI effort that follows best practices is recommended to ensure that the Commonwealth of Virginia has improved capacity for delivering culturally competent language access services to meet residents' needs, thereby contributing to government legitimacy and democracy by extending government services to people with LEP and increasing trust, public participation, and political efficacy, so members from non-English speaking groups, people with disabilities, and those with low literacy levels feel supported and included in public life. Implementing many of the recommendations and best practices will strengthen the structure, contributing to Virginia's approach being recognized nationally.

Oversight and Staffing Solutions. We recommend the state establish a fully funded mechanism for oversight and staffing solutions to promote effective and efficient service, adherence to state standards, guidelines, and contractual requirements, and federal and state laws, regulations, and administrative directives.

Multilingual Translation and Interpreting Website and Hotline Services. We recommend the state increase access to language services by developing or enhancing existing modalities, including documents, websites, and hotlines for Virginians who need language assistance for multilingual speakers.

Procurement Services. We recommend the state establish and procure contractual services through vendors to meet language accessibility and accommodation needs and improve interaction with all state agencies.

Language Access Training and Professional Development Programs. We recommend the state establish a Subject Matter Expert (SME) certification program and other solutions for training and education of interpreters and translators, and customized training in specialty areas (e.g., law enforcement, the DeafBlind community, special education, behavioral health, simultaneous interpreting, conference interpreting) to advance the professionalization of interpreting services for language access and accommodations.

Assessment, Monitoring, and Evaluation. We recommend the state establish regular assessment, monitoring, and evaluation solutions state-wide to increase data-driven approaches to plan, design, and implement Limited English Proficiency and ADA

Accommodation services, including quarterly and annual evaluation of overall language access plan processes, impact, outcome, and client satisfaction.

Limited English Proficient and ADA Compliance. We recommend the state establish an effective compliance program incorporating policies, procedures, standards of practice, report of functions, and vendor performance to ensure the quality of implementation and oversight, accountability, transparency, and adherence to compliance requirements.

Legislative Action. We recommend the state repeal the following sentence in the Code of Virginia § 1-511 that states, in part, "[e]xcept as otherwise provided by law, no state agency or local government shall be required to provide…"

Recommended Budget / Fiscal Impact

Fiscal impact for recommendations total **$41.7 million** for two years. Personnel costs are estimated at $10.1 million, including 27 new FTEs in year one, and an additional 19 new FTEs in year two. These FTEs include expanding the ODEI by eight and 38 (spread over two years) specialists in 19 key state agencies. Non-personnel costs, including office space, multilingual translation and interpreting services, procurement of statewide services, language access training, and professional development programs, total $31.5 million over two years. A more detailed budget can be found in Section 7.

1 Background and Context

KEY INFORMATION:
- More than one million Virginians over the age of five speak a language other than English at home as their primary language (U.S. Census).
- The limited English proficiency (LEP) population in Virginia has more than doubled since 1990, and is now estimated to be 6.1% of the population, or nearly 500,000 people (U.S. Census).
- For eight of the top ten languages other than English spoken by Virginians, 30-50% of speakers have limited English proficiency.
- Despite efforts to improve language access support and services for people with LEP and people with disabilities (PWD), language accessibility to state government services still presents a significant barrier. This challenge has been exacerbated during the COVID-19 pandemic.
- There is limited evidence that many of the recommendations made in 2004 by the Joint Legislative Report and Review Commission (JLARC) to address the integration of Virginia's foreign-born residents have been implemented.
- This report also considers language access for people with disabilities, who account for an estimated 12% of the population. Racial and ethnic minority populations are more likely to report having a disability than white populations.
- Recent significant complaints and several lawsuits involving language accessibility highlight the urgency of this problem and the need for additional resources.

Background of Language Access Concerns in Virginia

The number of people in Virginia who speak a language other than English at home is growing. However, government practices, services, and information are often not sufficiently accessible for people with limited English proficiency. To better serve these populations, this report examines the causes and effects of current government practices. It offers recommendations to strengthen policies and procedures, improve language assistance, expand language access services for an increasingly diverse population, and align government practice with the legislative expectations of the 2021 Virginia Appropriations Act. Consequently, the Research Institute for Social Equity (RISE) at the Wilder School of Government and Public Affairs at Virginia Commonwealth University (VCU) worked with the Office

LANGUAGE ACCESS PLAN
A government agency document that details how services (including needs assessments, type of language services offered, notices, training for staff, and evaluation) are provided to individuals who are non-English speaking, have limited English proficiency, low English literacy skills, or for people with disabilities.

of Diversity, Equity, and Inclusion (ODEI) for the Commonwealth of Virginia to develop a comprehensive strategy that ensures equitable access to state services for Virginians with limited English proficiency. To accomplish this statewide initiative, this report focuses on language access plans, which are defined as a government agency document that details how services (including needs assessments, type of language services offered, notices, training for staff, and evaluation) are provided to individuals who are non-English speaking, have limited English proficiency, low English literacy skills, or for people with disabilities. (Additional definitions important to this report are provided in Appendix A).[2] Per the statutory obligation of the Commonwealth's Chief Diversity Officer, this report has solicited insight from internal and external stakeholders and residents, as well as public comment[3] and feedback from state employees, Secretariats, agency heads, and diverse communities to develop concrete equity policy recommendations that can address systemic inequities in state government practices and promote inclusive practices across state government.

There is an important historical context to this work. In 2004, the Joint Legislative Report and Review Commission (JLARC) published a study addressing the integration of Virginia's foreign-born populations. Nine of the 20 recommendations specifically addressed language access for non-native speakers. Below is a summary of JLARC's recommendations related to language access (see Table 1). To date, there is limited evidence that the recommendations have been advanced or completed. Therefore, it is essential to develop a statewide plan to improve the language access services in state and local agencies to ensure that LEP populations and PWD have equal access to public resources and services.

Table 1. Summary of 2004 JLARC Study Recommendations
The Department of Education should examine the add-on costs of operating ESL programs and other initiatives for limited English proficient students. This assessment should take into account educational costs incurred that extend beyond the classroom, as well as the amounts of local funding provided for these efforts.
The Governor should develop a State comprehensive plan for addressing the language access needs of Virginia's limited English-speaking residents, in accordance with Title VI of the Civil Rights Act of 1964. The Governor should establish a secretarial-level committee directed by the Secretary of Health and Human Services to develop this plan.
The Secretary of Health and Human Resources, in coordination with the secretarial committee, should develop guidelines for agencies to follow in assessing their current language access capabilities and levels of potential limited English proficient clientele. Agencies should carry out assessments of their language access capabilities and needs in accordance with the Secretary's guidance.
In developing the State language access plan, the secretarial committee should identify federal resources that could be used in providing appropriate language access to services in Virginia.
As part of its deliberations, the secretarial committee should evaluate various options for obtaining interpretations and translations and identify cost-effective methods for such activities. In particular, the possible use of a statewide contract for telephone interpretation should be explored.

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[2] Centers for Medicaid and Medicare. (2008). Guide to Developing a Language Access Plan. https://www.cms.gov/About-CMS/Agency-Information/OMH/Downloads/Language-Access-Plan-508.pdf
[3] Public comment and feedback for the initial draft of this report can be viewed in Appendix B.

The State language access plan should identify services for which accurate interpretation and translation is particularly critical and identify a method, or methods, for ensuring high-quality interpretations and translations in those services.

The VCU Adult Learning Resource Center should offer assistance to private ESL providers in identifying effective curricula and best practices that may be useful for the private providers.

The Department of Education should encourage local adult learning centers to develop contracts with private sector businesses for the provision of workplace ESL classes. The Department of Business Assistance business services specialist should help the local centers in developing opportunities for workplace ESL classes.

The Department of Education should begin to collect information on the structure and operation of each school division's approach to meeting the needs of limited English proficient students. This information should be used to identify particularly successful approaches to improving the academic performance of these students and should be shared among school divisions.

Source: [Acclimation of Virginia's Foreign-Born Population, Report of the Joint Legislative Report and Review Commission to the Governor and the General Assembly of Virginia, House Document No. 9 (2004).](#)

Virginia state agencies have recently received a number of complaints about the limited language access to public information and resources. There have been several requests from across the Commonwealth to improve language access support for the LEP population and people with disabilities. Below is a sampling of correspondence, concerns, and complaints regarding language services across the state.

- In April 2020, a member of the Virginia Senate sent a letter to Governor Northam to urge the administration to provide all administrative services in the five non-English predominant languages, including: Spanish, Korean, Vietnamese, Tagalong, and Chinese, as well as emergency funds for translation services to ensure that information and resources are accessible to everyone who lives in the Commonwealth.

- In 2020, media, such as the Richmond Times Dispatch and Virginia Mercury, reported Latinos' overrepresentation in confirmed COVID-19 cases and the difficulty of enhancing contact tracing, a state program to reduce the spread of the virus, among Latino community due to problems such as: Latino residents' reluctance to speak openly with health officials, a lack of Spanish speaking and culturally competent contact tracers, insufficient outreach to Latino community and the shortage of economic resources to ensure Latino residents' full participation in the contract tracing process.[4,5]

- A report from **ReEstablish Richmond** and the **Legal Aid Justice Center** pointed out several language barriers that newcomers experienced in getting their driver's licenses at the Virginia Department of Motor Vehicles (DMV). These included lack of translated study materials, confusing exam translations, no chance to practice the exam, no paper test printed in color,

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[4] Masters, K. (2020, June 26). Latinos shoulder a disproportionate share of COVID-19 cases. Advocates want more representation in contact tracing. Virginia Mercury. Available online at https://www.virginiamercury.com/2020/06/26/latinos-shoulder-a-disproportionate-share-of-covid-19-cases-advocates-wants-more-representation-in-contact-tracing/

[5] Moreno, S. (2020, July 11). The push for more bilingual contact tracers continues as Latinos make up about half of Richmond's COVID-19 cases. Available online at https://richmond.com/news/local/the-push-for-more-bilingual-contact-tracers-continues-as-latinos-make-up-about-half-of/article_68e4ca31-00af-55eb-9f18-bb72c58e75a8.html?utm_medium=social&utm_source=email&utm_campaign=user-share

and no interpreters during the test.[6] The Virginia DMV recently enhanced language access during the driver's license process for LEP customers. These efforts included reviewing and revising knowledge test questions in Spanish and other languages, developing a Spanish version practice knowledge test, offering detailed directions about taking the test on computer, making a paper version of the knowledge test available, and starting a survey to learn about language access practices from other jurisdictions.[7]

- In January 2021, students at George Mason University first reported inaccurate translations about COVID-19 vaccine information on the **Virginia Department of Health (VDH)** website that could hinder Spanish-speaking individuals from getting vaccines. Based on reports, VDH was relying on Google to translate vaccine information without monitoring the accuracy and consistency of the data.[8] On April 30, 2021, the **National Health Law Program** filed a complaint, pointing out that a lack of non-English translations and inaccurate translations limited people with LEP' access to Virginia's vaccine preregistration website portal and Fairfax County's vaccine information page.[9]

- A federal court ordered the **Virginia Department of Corrections (VADOC)** to implement a new language access policy on or before June 15, 2021, and to designate one department-wide LEP Coordinator and one LEP Monitor for each separate faculty to oversee the implementation of the new language access policy. This judgment resulted from a lawsuit (*Nicolas Reyes v. Harold Clarke et al.)* brought against VADOC by a plaintiff represented by the American Civil Liberties Union (ACLU) of Virginia. A monetary award of $115,000 was awarded to Reyes as compensation for solitary confinement experienced for over 12 years. The lack of a standardized language policy across state agencies and prison systems led to the General Assembly allotting $500,000 to the ODEI to identify holes in language access across Virginia's departments.[10]

- The **National Korean American Service & Education Consortium (NAKASEC**), a national network of organizations, reported that the community was frustrated about the language barriers in applying for unemployment insurance through the Virginia Employment

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[6] Jones, L.B., Oyola, L. A., & Kwon, J. (2021, March 2). Barriers and burdens: Lack of language access at the Virginia DMV creates roadblocks for refugee and immigrant newcomers. ReEstablish Richmond & Legal Aid Justice Center. Available online at https://static1.squarespace.com/static/56e188a6d210b87a6973cf2a/t/60675fdffce96f76408a35c8/1617387491199/-FINAL+Barriers+and+Burdens+Lack+of+Language+Access+at+the+Virginia+DMV+Creates+Roadblocks+for+Refugee+and+Immigrant+Newcomers.pdf

[7] Holcomb, R. (2021, May 5). DMV response to the report prepared by ReEstablish Richmond and the Legal Aid Justice Center. An email to Mona Haffez Siddiqui, Deputy Chief Diversity Officer and Senior Policy Advisor for the Office New Americans, Office of Diversity, Equity and Inclusion, Office of Governor Ralph S. Northam.

[8] Mnreno, S. (2021, January 14). Virginia uses Google Translate for COVID vaccine information. Here's how that magnifies language barriers, misinformation. Richmond Times-Dispatch. Available online at https://richmond.com/news/local/virginia-uses-google-translate-for-covid-vaccine-information-heres-how-that-magnifies-language-barriers-misinformation/article_715cb81a-d880-5c98-aac5-6b30b378bbd3.html

[9] National Health Law Program. (2021, April 30). Re: Discrimination provision of COVID-19 services to persons with limited English proficiency. An administrative complaint to U.S. Department of Health and Human Services Office of Civil Rights, Federal Emergency Management Agency Office of Equal Rights, and U.S. Department of Homeland Security Office for Civil Rights and Civil Liberties.

[10] Moreno, S. (2021, October 1). A court required Va. Department of Corrections to create a language access policy. It took nine months to go into effect. Richmond Times-Dispatch. Available at https://richmond.com/news/local/a-court-required-va-department-of-corrections-to-create-a-language-access-policy-it- took/article_fd99d7e6-7e35-5958-8d62-acf1ab6329ae.html
ACLU of Virginia. (2021, September 29). Language access policy adopted by VDOC as condition of court-enforced settlement. ACLUVA.org. Available at https://acluva.org/en/press-releases/language-access-policy-adopted-vdoc-condition-court-enforced-settlement

Commission because both the online portal and the phone lines were only in English and Spanish. NAKASEC recommended making a model to guide other state agencies.[11]

- In July 2021, the **Statewide Independent Living Council (SILC)** sent a letter to Governor Northam requesting an update on the accessibility of the Commonwealth's websites to ensure Virginians with disabilities have equal access to information about public services, including COVID-19.[12]

- In October 2021, nine organizations—including **Common Cause, Edu-Futuro, Justice for Muslims Collective, Latino Justice PRLDEF, Progress Virginia, Virginia League of Conservation Voters, League of Women Voters of Virginia, Virginia Civic Engagement Table, and Virginia Coalition for Immigrant Rights**—jointly sent a request to the Virginia Redistricting Commission, asking that the Commission change several of its practices. These requests included ending the Commission's English-only community engagement practices, taking immediate steps to ensure the accessibility of both the redistricting website and public meetings and hearings for people with limited English proficiency and people with disabilities. In addition, the English-only Virginia redistricting website has hindered people with LEP and people with disabilities from engaging in the districting process.[13]

- In November 2021, the **Virginia Department for the Deaf and Hard of Hearing (VDDHH)** filed a briefing paper titled "Commentary on a Virginia Language Access Policy" with the Office of Diversity, Equity, and Inclusion. This briefing paper identified issues related to sign language interpreter services such as the fragmentation and the lack of regulation of sign language interpreter services; the shortage of Black and Indigenous People of Color (BIPOC) sign language interpreters; the lack of awareness and dedicated staff for coordinating the use of interpreters for people with disabilities; and the cumbersome registration process of becoming a SWAM and microbusiness vendor. The report recommended several steps, including passing legislation to amend the Code of Virginia § 51.5-113; establishing scholarship and stipend programs to expand the pool of BIPOC interpreters and certified interpreters; appointing an LEP coordinator and an ADA coordinator in the Governor Office as well as in-state departments/agencies to oversee statewide compliance with both the Civil Rights Act and the Americans with Disabilities Act; and conducting a joint internal review among VDDHH, the Department of General Services, and/or the Department of Small Business and Supplier Diversity to streamline the registration process for sign language interpreters.[14]

In addition to the examples above, Virginia state agencies received additional correspondence that did not explicitly request language access services. However, the lack of language access in public services, especially for communities of color as well as people with disabilities was of concern from

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[11] Riddle, N. (2021, June 25). NAKASEC fights for language access in Virginia. Available online at https://www.fairfaxtimes.com/articles/nakasec-fights-for-language-access-in-virginia/article_448b8af6-d523-11eb-8810-3fca10f83b16.html

[12] Statewide Independent Living Council. (2021, July 28). A letter to Governor Northam.

[13] Common Cause, Edu-Futuro, Justice for Muslims Collective, Latino Justice PRLDEF, Progress Virginia, Virginia League of Conservation Voters, League of Women Voters of Virginia, Virginia Civic Engagement Table, & Virginia Coalition for Immigrant Rights. (2021, October 29). Re: Language and disability access deficiencies in the Virginia redistricting process. To the Virginia Redistricting Commission through email.

[14] Raff, E. (2021, November 8). Briefing paper title: Commentary on a Virginia language access policy. Virginia Department for the Deaf and Hard of Hearing.

agencies and individuals such as members of the Virginia House of Delegates, American Civil Liberties Union of Virginia, National Association for the Advancement of Colored People (NAACP), Asian American and Pacific Islander (AAPIs) organizations, Virginia Advisory Board, Department of Human Resource Management (DHRM), churches, and Virginia residents. For example, a letter from a member of the Virginia House of Delegates pointed out the scarce resources in reducing the spread of COVID-19, inequitable access to healthcare, and poor distribution of the already scarce resources to the communities in the Crater Health District. Another letter from Lieutenant Governor proposed creating a statewide COVID-19 Racial Disparities Task Force that included an action item about prominently posting direct, day-to-day point-of-service COVID-19 related multilingual healthcare information in under-served communities.

Despite efforts the state has taken to improve language access support and services for people with LEP and people with disabilities, the limited and uneven language accessibility of state government services is still a significant barrier for people with limited English proficiency as well as people with disabilities to access and use public resources and services. These challenges have been exacerbated during the COVID-19 pandemic.[15]

ABOUT LIMITED ENGLISH-SPEAKING HOUSEHOLDS

A limited English-speaking household is one in which no member 14 years old or older: (1) speaks only English; or (2) speaks a non-English language and speaks English less than "very well." people with LEP are those 14 years old or over who: (1) speak only English; or (2) speak a non-English language and speak English less than "very well."

Context of Language Access: The National Landscape

In the United States, there are at least 350 different languages spoken at home.[16] About 22% of households speak a language other than English.[17] Among residents who speak a language other than English at home, 122 million represent limited English-speaking households.[18] Since 1890, the United States Census has asked several questions about languages spoken or language used in the home to create policy solutions and legislative mandates in the United States. While historical language questions evolved from "languages spoken as a child" or "language use among foreign-born populations," federal, state, and local governments use language data to generate important statistics about languages spoken. According to the U.S. Census Bureau, Language Spoken at Home collected annually from the American Community Survey (ACS) is used to "analyze and plan programs for adults and children who do not speak English very well [and] to ensure that information about public health, law, regulations, voting, and safety is communicated in languages that community members understand."[19]

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[15] Brenda, G. (2021, April 23). Lost in translation: Language barriers hinder vaccine access. WebMD Health News. Available online at https://www.webmd.com/vaccines/covid-19-vaccine/news/20210426/lost-in-translation-language-barriers-hinder-vaccine-access
[16] U.S. Census Bureau. (2015). Census Bureau Reports at Least 350 Languages Spoken in U.S. Homes, Release Number CB15-185, https://www.census.gov/newsroom/archives/2015-pr/cb15-185.html
[17] U.S. Census Bureau, 2019 American Community Survey 1-Year Estimates, https://www.census.gov/programs-surveys/acs.html
[18] U. S. Census Bureau, 2019 American Community Survey 1-Year Estimates, Limited English Speaking Households, Table S602,
[19] US Census Bureau, American Community Survey (ACS), Why We Ask: Language Spoken at Home, https://www2.census.gov/programs-surveys/acs/about/qbyqfact/Language.pdf

As indicated in Table 2, the American Community Survey (2019) asks several questions to capture Language Spoken at Home and assess English language ability. These questions include: (1) Does this person speak a language other than English at home; (2) What is the language; and (3) How well does this person speak English? For persons who speak a language other than English at home and who speak English "Well," "Not well," or "Not at all," their English Language Ability is referred to as "Less than 'very well.'" According to the U.S. Census Bureau, linguistically isolated households or persons living in households who may need English-language assistance are considered "limited English-speaking household[s]," specifically households "in which no member 14 years old or over (1) speaks only English or (2) speaks a non-English language and speaks English less than 'very well.'"[20]

Table 2. American Community Survey (2019), Population Variables: <u>Ability to Speak English</u>	
Concept	**ACS Question**
English Language Ability	14a. "Does this person speak a language other than English at home?" ☐ Yes ☐ No 14b. What is this language? _____ For example: Korean, Italian, Spanish, Vietnamese 14c. "How well does this person speak English?" ☐ Very Well ☐ Well ☐ Not well ☐ Not at all
Limited English-Speaking Households	This variable identifies households that may need English-language assistance. A "Limited English-speaking household" is one in which no member 14 years old and over (1) speaks only English at home or (2) speaks a language other than English at home and speaks English "Very Well."
In Need of English Language Assistance	Perception of English-speaking ability. If all household members 14 and over speak a language other than English and speak English "Less than Very Well.'"

Source: U.S. Census Bureau (2019). American Community Survey and Puerto Rico Community Survey, 2019 Survey Subject Definitions.

In addition to knowing the languages spoken in the home, the ACS language data are used to identify vulnerable populations, provide essential translation services to people who do not speak English proficiently and ensure access to services for multilingual communities. For example, in states like Virginia, with large populations of people with limited English proficiency, the ACS language data are the primary sources for language data that identify community snapshots to plan service delivery. As such, the U.S. Census Bureau points out that "the federal use of the ACS language data is required to identify vulnerable populations that may be at disproportionate risk of experiencing limitations in health care access, poor health quality, and suboptimal health outcomes."[21] Furthermore, for State and local agencies, the U.S. Census Bureau notes that "State and local

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[20] U. S. Census Bureau, 2019 American Community Survey 1-Year Estimates, Limited English Speaking Households, Table S602,
[21] US Census Bureau, American Community Survey (ACS), Why We Ask: Language Spoken at Home,
https://www2.census.gov/programs-surveys/acs/about/qbyqfact/Language.pdf

agencies use these statistics to provide translation services and appropriate informational materials about voting, emergency planning, law enforcement, etc., in languages that residents understand."[22]

Table 3 depicts some of the Federal, State, and local governments' uses of language access data. These data assist policymakers and practitioners with planning and evaluating numerous policies and practices, especially concerning the following: providing meaningful access to support clients' language needs; improving staff language capacity; training staff and volunteers; using interpreters; translating documents and letters; engaging in outreach; and fostering continuous improvement around language access policies and procedures.

Table 3. Using the American Community Survey Data on Languages Spoken at Home to Improve Language Access in Federal, State, and Local Government	
Area	**Example of Using the ACS Data**
Disproportionate Risk	Required use of Languages Spoken at Home to identify vulnerable populations who may be at disproportionate risk of experiencing limitations in health care, access, poor health quality, and suboptimal health outcomes
Housing Needs	Required use of Languages Spoken at Home to report the housing needs of minorities, including non-native English Speakers. Several agencies are required by law to report these needs, including State and Local government grantees receiving formula block grant funds from the Community Development Block Grants, HOME Investment Partnership Program, Emergency Solutions Grant, and Housing Opportunities for Persons with AIDS programs.
Limited English Proficiency (LEP)	Required use of Languages Spoken at Home to counter discrimination in education, employment, voting, financial assistance, and housing, especially since failure to provide language assistance services to individuals with limited English proficiency (LEP) could constitute national origin discrimination.
Eligible Voting Populations	Required use of Languages Spoken at Home to enforce responsibilities under the Voting Rights Act's bilingual requirements and determine eligible voting populations for analysis and presentation in federal litigation.
Aging Population	Typical use of Languages Spoken at Home to develop plans to meet the needs of older individuals, including languages spoken by older people in the potential services population.
Public Health	Typical use Languages Spoken at Home to determine whether there could be language or cultural barriers to obtaining health care
Library	Typical use Languages Spoken at Home to focus on library collections
Advocacy	Typical use Language Spoken at Home to measure demand, plan, and fund English language education and programs for children and adults

Source: US Census Bureau, American Community Survey (ACS), Why We Ask: Language Spoken at Home.

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[22] ibid.

Context of Language Access: Limited English Proficiency (LEP) in Virginia

In Virginia, the LEP population made up about 2.8% (about 0.16 million) of the state population in 1990.[23] In 2000, the proportion of the LEP population in the state increased to 4.6% (0.30 million). This percentage further grew to 5.3% (0.41million) in 2013.[24] Today, 16.8% of Virginians aged five years and above (6.68 million of Virginia's population) speak a language other than English at home as their primary language; and about 6.1% (0.49 million) of Virginians have limited English proficiency (see Figure 1: The Proportion of LEP population in Virginia by years).[25]
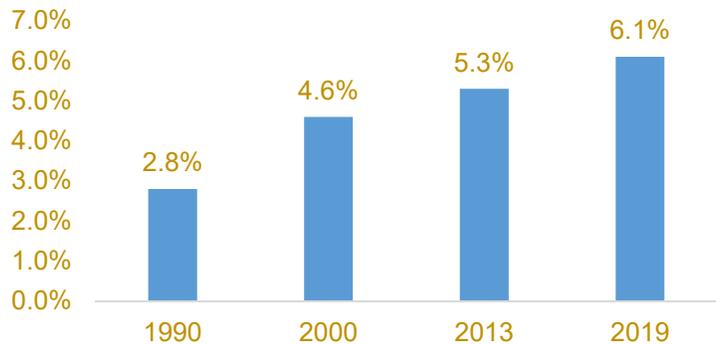
Figure 1. The Proportion of LEP population in Virginia by years
Source: US Census (2019a).

The increase in the population speaking languages other than English is not surprising given that the population of Virginia is becoming more racially and ethnically diverse. In 1960, about 79.2% of Virginians were White, 20.6% were Black, and 0.2% were the population of all other races.[26] In 2000, the share of Whites in Virginia was 72.3%, followed by Blacks (19.6%), Asians (3.7%), the population of two or more races (2.0%), and the population of other races (2.0%).[27] About 4.7% of the Virginians were Hispanic or Latino.[28] By 2019 (see Figure 2: Racial Composition of the Population in Virginia), about 69.4% of Virginians were White, 19.9% were Black,6.9% were Asian; 3.2% were of

Figure 2. Racial Composition of the Population in Virginia (2019)
Source: U.S. Census. (2019b). Quick facts: Virginia

two or more races, and 0.5% were American Indian and Alaskan Native. In particular, Whites who

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[23] Zong, J., & Batalova, J. (2015, July 8). The Limited English Proficient population in the United States in 2013: data on the LEP population by state from 1990-2013. Migration Policy Institute. Available online at https://www.migrationpolicy.org/article/limited-english-proficient-population-united-states-2013

[24] ibid.

[25] U.S. Census. (2019a). 2019 ACS 1-year estimates data profiles. Available online at https://data.census.gov/cedsci/all?q=2019%20American%20Community%20Survey%201-Year%20Estimates

[26] U.S. Census. (1961, September 7). 1960 census of population: Supplementary reports. Available online at https://www2.census.gov/library/publications/decennial/1960/pc-s1-supplementary-reports/pc-s1-10.pdf

[27] U.S. Census. (2002). Virginia: 2000_Census 2000 Profile. Available online at https://www.census.gov/prod/2002pubs/c2kprof00-va.pdf

[28] ibid.

are not Hispanic or Latino accounted for about 61.2% of the total population, and Hispanics or Latinos made up about 9.8% of Virginia's total population.[29]

Language and Nativity Status in Virginia

In Virginia, most Limited English Proficient (LEP) persons are born outside the United States. Notably, the most significant changes in the LEP population have occurred in the past decade. Among this population, about 42.5% were born in Asia; 36.1% were born in Latin America, including South America, Central America, Mexico, and the Caribbean; 10.7% were born in Africa; 9.1% were born in Europe; 1.3% were born in Northern America including Canada, Bermuda, Greenland, and St. Pierre and Miquelon; and 0.4% born in Oceania (Migration Policy Institute, 2019).

LEP POPULATION IN VIRGINIA

In 2019, the LEP population accounted for about 0.9% of U.S. born Virginia residents, but 39.5% of residents born outside the U.S.

According to population estimates reported on the American Community Survey (2019), the percentage of U.S.-born Virginia residents increased by only 28% between 1990 and 2019, whereas residents born outside the U.S. increased by 251% during the same period. Data from 2019 demonstrate striking differences between Virginia's U.S.-born and residents born outside the U.S. For instance, of the 6,962,283 U.S.-born Virginia residents, 93.5% spoke only English; 5.6% spoke English "very well;" and 0.9% spoke English less than "very well" (LEP). However, of the 1,073,330 residents born outside the U.S., 16.3% spoke only English; 44.2% spoke English "very well;" and 39.5% spoke English less than "very well" (LEP). Among those who speak a language other than English and who speak English *less than very well,* most are residents born outside the U.S. (see Table 4: Virginia Language & Nativity Status).

Table 4: Virginia: Language & Nativity Status, 2019 - 1990						
	1990		**2000**		**2019**	
English Proficiency	**Foreign Born**	**U.S. Born**	**Foreign Born**	**U.S. Born**	**Foreign Born**	**U.S. Born**
English Proficiency (age 5 and older)	305,739	5,435,745	562,217	6,057,049	1,073,330	6,962,283
Speak only English	23.2%	96.7%	18.2%	95.5%	16.3%	93.5%
Speak English "very well"	39.0%	2.5%	39.7%	3.4%	44.2%	5.6%
Speak English less than "very well" (LEP)	37.7%	0.8%	42.2%	1.1%	39.5%	0.9%

Source: Migration Policy Institute, State Immigration Data Profiles (Virginia), available online at https://www.migrationpolicy.org/data/state-profiles/state/language/VA#

Language Spoken at Home

In Virginia (2019), 17.1% of youth ages 5-17 speak another language other than English at home, compared to 18.4% of adults ages 18-64 and 10.4% of adults 65 years of age and older. Among the

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[29] U.S. Census. (2019b). Quick facts: Virginia. Available online at https://www.census.gov/quickfacts/fact/table/VA/VET605219

44,009 youth and 444,265 adults who speak a language other than English at home, the following are considered Limited English Proficient: 3.2% of youth ages 5-17; 7.0% of adults ages 18-64; and 5.3% of adults ages 65 and older. For Spanish-speaking residents, the following are considered Limited English Proficient: 2.0% of youth ages 5-17; 4.0% of adults ages 18-64; and 1.4% of adults 65 years of age or older. More Virginians between the ages of 18 and 64 speak English *less than very well c*ompared to all other age groups (see Table 5: Virginia: Language Spoken at Home (by Age and English Proficiency), 2019).

Table 5. Virginia: Language Spoken at Home (by Age and English Proficiency), 2019						
Language Spoken at Home	**Ages 5 - 17**		**Ages 18 - 64**		**65 and Older**	
	Number	Percent	Number	Percent	Number	Percent
Ages 5 and older	1,357.699	100.0%	5,319,578	100.0%	1,358,336	100.0%
Speak Only English	1,126,024	82.9%	4,320,306	81.6%	1,216,697	89.6%
Speak language other than English	231,675	17.1%	979,272	18.4%	141,639	10.4%
Speak English "very well"	187,666	13.8%	607,260	11.4%	69,386	5.1%
***Speak English less than "very well" (LEP)**	44,009	3.2%	372,012	7.0%	72,253	5.3%
SPEAK SPANISH	139,312	10.3%	438,306	8.2%	38,608	2.8%
Speak English "very well"	111,809	8.2%	227,561	4.3%	19,075	1.4%
***Speak English less than "very well" (LEP)**	27,503	2.0%	210,745	4.0%	19,533	1.4%

Source: Migration Policy Institute, Virginia 2019 Data Profile

Among the total household population age five (5) and older, numerous languages are spoken at home (see Table 6: Top 10 Virginia Languages Spoken at Home). This table provides an overview of who is likely to fall into the LEP category and require language access services. Among Virginians who speak one of the top 10 languages spoken at home, 59.7% Speak English Very Well, and 40.3% Speak English Less than Very Well. Several languages are among the top 10 non-English languages spoken at home, including Spanish; Chinese (including both Mandarin and Cantonese); Vietnamese; Arabic; Korean; Tagalog (include Filipino); Urdu; Amharic, Somali, or Other Afro-Asiatic Languages; French (including Cajun); and Persian (including Farsi, Dari). Across the top 10 languages, 40.3% speak English *less than very well*.

Table 6. Top 10 Virginia Languages Spoken at Home (detailed, by English Proficiency)						
Total Household Population, Age 5 and Older	**Language Spoken at Home**		**Speak English "Very Well"**		**Speak English less than "Very Well" (LEP)**	
	Number	Percent	Number	Percent	Number	Percent
Spanish	616,226	100.0%	358,445	58.2%	257,781	41.8%
Chinese (including Mandarin, Cantonese)	66,186	100.0%	36,448	55.1%	29,738	44.9%
Vietnamese	57,496	100.0%	26,974	46.9%	30,522	53.1%
Arabic	56,632	100.0%	40,524	71.6%	16,108	28.4%
Korean	48,255	100.0%	23,344	48.4%	24,911	51.6%
Tagalog (including Filipino)	44,005	100.0%	30,327	68.9%	13,678	31.1%

Urdu	38,489	100.0%	26,906	69.9%	11,583	30.1%
Amharic, Somali, or Other Afro-Asiatic Languages	35,162	100.0%	21,810	62.0%	13,352	38.0%
French (including Cajun)	33,050	100.0%	27,790	84.1%	5,260	15.9%
Persian (including Farsi, Dari)	32,472	100.0%	20,901	64.4%	11,571	35.6%
Top 10 Languages	**1,027,973**	**100.0%**	**613,469**	**59.7%**	**414,504**	**40.3%**

Source: Migration Policy Institute, Virginia 2019 Data Profile

Access, Inclusion, and People with Disabilities

The term disability is applied to various circumstances when an individual encounters a barrier to access. The World Health Organization defines barriers as:

Factors in a person's environment that, through their absence or presence, limit functioning and create disability. These include aspects such as a physical environment that is not accessible; lack of relevant assistive technology (assistive, adaptive, and rehabilitative devices); negative attitudes of people towards disability; or services, systems, and policies that are either nonexistent or that hinder the involvement of all people with a health condition in all areas of life. [31]

DEFINITION OF PEOPLE WITH DISABILITIES

Constructing a definition for people with disabilities is challenging and, to date, there is no one definition agreed upon by community members, medical community, public health data experts, and the legal community. The ADA defines a person with a disability as "an individual with (A) a physical or mental impairment that substantially limits one or more major life activities of such individual; (B) a record of such an impairment; or (C) being regarded as having such an impairment". This language perhaps is the most relevant for discussions about language access because providing communication access has traditionally been viewed as a legal requirement under the ADA.[30]

The U.S. Centers for Disease Control (CDC) outlines seven barriers people with disabilities face (Appendix C).[32] They include attitudinal, communication, physical, policy, programmatic, social, and transportation barriers. Some people with disabilities face one of the barriers, and some face all of them. Barriers often overlap and influence one another, making the many requests for accommodations more urgent and complex. For example, during a natural disaster, the Deaf community may not have access to evacuation announcements due to communication, policy,

TYPES OF BARRIERS TO INCLUSION FOR PEOPLE WITH DISABILITIES

- Attitudinal Barriers
- Communication Barriers
- Physical Barriers
- Policy Barriers
- Programmatic Barriers
- Social Barriers
- Transportation Barriers

and programmatic barriers. While the request for an American Sign Language (ASL) Interpreter can

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[30] https://adata.org/faq/what-definition-disability-under-ada
[31] World Health Organization. (2001). International classification of functioning, disability and health, p. 214.
[32] Centers for Disease Control and Prevention. (2021). Disability Barriers to Inclusion. Retrieved from https://www.cdc.gov/ncbddd/disabilityandhealth/disability-barriers.html

resolve the communication barrier, additional work is needed to fix the policy and program barriers that resulted in the communication barrier.

For people with disabilities, language access involves communication barriers and attitudinal, policy, social, and program barriers. It is important to emphasize that communication access needs for people with disabilities can be diverse. For example, the needs of someone who is Blind will be different from someone with cognitive disabilities. Communication needs can include but are not limited to plain language, braille, enhanced volume, captions, communication assistants, qualified interpreters, CART, assistive listening devices, or other auxiliary aids or services. An important consideration in supporting language and communication access is making sure the accommodation reflects meaningful, inclusive access that honors the individual's self-determination to determine the most effective accommodation needed. For example, suppose a Deaf individual wants to complete a Driver's License Test in ASL. In that case, meaningful access involves the government agency hiring a qualified interpreter to support this individual. It is possible that the individual could communicate with paper and pencil instead of through an interpreter, but that would not be inclusive, and the communication exchange would be oversimplified. Meaningful and inclusive accommodations allow people with disabilities to participate in everyday activities the same way as people without disabilities.[33]

People with Disabilities in Virginia

Determining the number of people with disabilities, like defining the population itself, is complicated. Data from the Behavioral Risk Factors Surveillance Survey (BRFSS) of the Centers for Disease Control and Prevention (CDC) show roughly one in four individuals has a disability in the United States.[34,35] Other data, like the American Community Survey (ACS) through the U.S. Census Bureau, show that 12% of the population in the United States has a disability.[36] The differences in the figures are due to methodological differences, such as which state agencies collect the data, how the data are collected (i.e., by phone, in person), or how responses are generalized to the population as a whole.

> **PEOPLE WITH DISABILITIES IN VIRGINIA**
> People with disabilities accounted for about 12.1% of the total populations. Mobility disability, independent living disability and hearing disability are the three most prevalent types of disability. Racially and ethnically minority populations are more likely to report having a disability than white population.

Another challenge is that data collection for people with disabilities uses federal guidelines, which do not include institutionalized individuals (i.e., skilled nursing facilities or adult correctional facilities).

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[33] Centers for Disease Control and Prevention. (2021). What is Disability Inclusion? https://www.cdc.gov/ncbddd/disabilityandhealth/disability-inclusion.html
[34] Disability and Health Data System. (2020). All States: Disability Estimates. Centers for Disease Control and Prevention.
[35] Okoro, C. A., Hollis, N., Cyrus, A., & Griffin-Blake, S. (2018). Prevalence of disabilities and health care access by disability status and type among adults—United States, 2016. Morbidity and Mortality Weekly Report, 67. https://doi.org/10.15585/mmwr.mm6732a3
[36] Institute on Disabilities. (2021). Annual Disability Statistics Compendium. Retrieved from https://disabilitycompendium.org/

The Center for Studying Disability Policy finds that the ACS is a more reliable dataset, and those data are used in this report.[37]

The ACS reports that in 2019, 13.2% of the U.S.'s overall population had a disability. In Virginia, 12.1% of the population has a disability. For both the U.S. and Virginia, these percentages increased from 2008 when the data were first available (see Table 7: Data on People with Disabilities). For people with disabilities, 34% of those in the U.S. have high school degrees, whereas 32.3% of people with disabilities have high school degrees in Virginia. These data show little change between 2008 and 2019. The percentage of people with disabilities in full-time employment in 2019 was 38.8% in the United States and 43.3% in Virginia, which are increases since 2008. Median earnings for people with disabilities have also increased since 2008. While these data show improvements in wages and earnings, for these metrics, people with disabilities do not exceed the outcomes of their peers.

Table 7. Data on People with Disabilities			
Overall Population of People with Disabilities			
	2008	**2019**	**Change**
United States	12.5%	13.2%	+0.7
Virginia	8.9%	12.1%	+3.2
High School Degree Completed for People with Disabilities			
	2008	**2019**	**Change**
United States	34.0%	34.0%	-
Virginia	32.2%	32.3%	+0.1
Full-Time Employment for People with Disabilities			
	2008	**2019**	**Change**
United States	25.4%	38.8%	+13.4
Virginia	37.5%	43.3%	+5.8

Source: Institute on Disabilities. (2021). Annual Disability Statistics Compendium.

Virginia has also taken actions to ensure that people with LEP and people with disabilities have meaningful access to the services and programs across the state. As early as 1996, § 1-511 of the Code of Virginia states in part that "no state agency or local government shall be prohibited from providing any documents, information, literature or other written materials in any language other than English." In 2019, Governor Northam issued the Executive Directive Five, "Access to Affordable, Quality Health Care Coverage," which mandates state agencies to develop a language access plan to ensure the accessibility and usability of public services and resources for all Virginians, including people with LEP and people with disabilities.[38] In 2020, Governor Northam issued Executive Order 47, "Expanding Opportunities for Virginians with Disabilities," which supports the community

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[37] Center for Studying Disability Policy. (2015). Using American Community Survey Disability Data to Improve the Behavioral Risk Factor Surveillance System Accuracy. Retrieved from https://www.mathematica.org/publications/using-american-community-survey-disability-data-to-improve-the-behavioral-risk-factor-surveillance

[38] Northam, R. S. (2019, October 15). Executive Directive Five (2019): Access to affordable, quality health care coverage. Commonwealth of Virginia Executive Department. Available online at https://www.governor.virginia.gov/executive-actions/executive-ordersdirectives/executive-action-title-848140-en.html

integration, inclusion, employment, and independence of Virginians with disabilities.[39] Following the Governor's directives and order, in 2021, the Virginia Department of Medical Assistance Services (DMAS) developed its language and disability access plan. This plan is meant to ensure all Virginians, including people with LEP and people with disabilities, have meaningful access to high-quality health care coverage. In particular, DMAS's plan highlighted the availability of accessible and timely language and disability assistance services during the entire Medicaid process.[40]

Communication Access and the Deaf Community in Virginia

People with disabilities are a broad group. As an illustrative example of language access needs for people with disabilities, the Deaf community is highlighted here to explore the diversity of needs and challenges faced in developing large-scale solutions for language access. While this section focuses on the Deaf community, other important communities, including community leaders, should be consulted to understand language access needs and community-driven solutions.

As with the term "people with disabilities," the conceptualization of "Deaf" is diverse and broad. The National Association of the Deaf explains:

> **THE MORAL IMPERATIVE OF LANGUAGE ACCESS**
>
> Ensuring language access for people who are D/deaf or HoH is about more than upholding the civil rights of these individuals under the ADA. Having endured generations of oppression and erasure, ensuring access is a moral imperative for the Deaf community.

The deaf and hard of hearing community is diverse. There are variations in how a person becomes deaf or hard of hearing, level of hearing, age of onset, educational background, communication methods, and cultural identity. How people "label" or identify themselves is personal and may reflect identification with the deaf and hard of hearing community, the degree to which they can hear, or the relative age of onset. For example, some people identify themselves as "late-deafened," indicating that they became deaf later in life. Other people identify themselves as "deaf-blind," which usually indicates that they are deaf or hard of hearing and also have some degree of vision loss. Some people believe that the term "people with hearing loss" is inclusive and efficient. However, some people who were born deaf or hard of hearing do not think of themselves as having lost their hearing. Over the years, the most commonly accepted terms have come to be "deaf," "Deaf," and "hard of hearing."[41]

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[39] Northam, R. S. (2020, January 2). Executive Order Number Forty-Seven (2020): Expanding opportunities for Virginians with disabilities. Commonwealth of Virginia Office of the Governor. Available online at https://www.governor.virginia.gov/media/governorvirginiagov/executive-actions/EO-47-Expanding-Opportunities-for-Virginians-with-Disabilities.pdf

[40] VA Department of Medical Assistance Services. (2021). 2021 language & disability access plan. Available online at https://www.dmas.virginia.gov/about-us/2021-language-and-disability-access-plan/

[41] National Association of the Deaf. (n.d.). Community and culture- Frequently Asked Questions. https://www.nad.org/resources/american-sign-language/community-and-culture-frequently-asked-questions/

The term 'deaf' generally refers to the condition of not hearing. In contrast, 'Deaf' refers to the cultural association of being part of a minority language group, using American Sign Language (ASL), and possessing the knowledge, beliefs, and practices of culturally Deaf people.[42] People who identify as Deaf generally inherit ASL as their primary language, although this is not always the case. People who identify as deaf may or may not use ASL, hearing aids, hearing implants, cued speech, or other tools for communication access. People who have mild-to-moderate hearing loss can identify as Hard of Hearing (HoH) and can also use ASL, hearing aids, hearing implants, cued language, and other auxiliary communication tools.

It is important for policymakers to understand, people who are D/deaf use a variety of languages and accommodations to communicate. American Sign Language is one of many signed languages used in the United States and around the world. Reasonable accommodations for Deaf people should always be mindful of their preferred language choice. For instance, a person who is Deaf and learned to sign in Mexico may prefer to use Lengua de Señas Mexicana (LSM, Mexican Sign Language). Two additional examples: (1) a person who is Deaf and a member of the Cheyenne Tribe may prefer to use Plain Indian Sign Language (PISL); or (2) an individual who is Black and Deaf may identify their preferred language as Black American Sign Language (BASL) or Black Sign Variation (BSV). In addition, some people who are D/deaf prefer to use Cued American English (other cued speech techniques), Communication Access Realtime Translation (CART), or Signed Exact English. Accommodations, and the systems that support accommodations in government agencies, should always strive to meet the individual's communication needs.

Historically, the United States has not had a positive reputation for recognizing ASL and supporting ASL's value in the D/deaf community.[43,44] As a result, while there are data on the number of individuals who identify as having hearing loss, the United States does not have established data protocols to track the use of ASL. The languages captured by the U.S. Census in the ACS focus only on spoken languages.[45] Forty-five states, including Virginia, recognize ASL as a "foreign language."[46] The inability to document ASL language use is important because unlike hearing peers who learn languages from their direct communication with family, 90% of the Deaf community who are born into hearing families learn ASL from integration in the Deaf community through Schools for the Deaf or Deaf social clubs or summer camps.[47]

To add to the complexity for the language access and language equity in the Deaf community, ASL is one of the only languages that still is mainly interpreted by individuals who are not Deaf (a fact also shared through the data collection associated with creating this report). For spoken language, the industry standard is to have a native speaker interpret into their native language. This is rarely

[42] Padden, C. A., & Humphries, T. (1990). Deaf in America: Voices from a Culture. Harvard University Press.

[43] Glickman, N. S., & Hall, W. C. (2018). Language Deprivation and Deaf Mental Health. Taylor & Francis Group

[44] Hall, W. C. (2017). What you don't know can hurt you: The risk of language deprivation by impairing sign language development in deaf children. Maternal and Child Health Journal, 21(5), 961–965. https://doi.org/10.1007/s10995-017-2287-y

[45] US Census Bureau. (n.d.). Why We Ask About...Language Spoken at Home. https://www.census.gov/acs/www/about/why-we-ask-each-question/language/

[46] National Association of the Deaf. (2016). States that Recognize American Sign Language. https://www.nad.org/wp-content/uploads/2018/06/List_States_Recognizing_ASL.pdf

[47] Hill, J. C. (2012). Language Attitudes in the American Deaf Community: Gallaudet University Press. https://muse.jhu.edu/book/21236

the case for ASL because of the communication barrier between a hearing person and a Deaf person who signs. Most interpreters are hearing, although Certified Deaf Interpreters (CDIs) are growing in the interpreter field. The use of CDIs in Virginia was called out in the needs assessment of Virginians who are Deaf, Hard of Hearing, Late Deafened, and DeafBlind.[48]

Summary of Relevant Federal and Virginia State Legislation

Efforts have been made at both the federal and state level to meet the growing needs of language services and prohibit discrimination in public programs based on language ability across the country. This section first reviews federal legislation followed by Virginia state legislation.

Federal Legislation

Title VI of the Civil Rights Act of 1964 prohibits any discrimination against people because of their race, color, or national origin in any program or activities that receive Federal financial assistance.[49] In *Lau v Nichols (1974)*, the U.S. Supreme Court extended Title VI to the prohibition against language ability discrimination.[50] In 2000, President Bill Clinton signed Executive Order 13166, which required Federal agencies and Federal funding recipients to develop and implement LEP plans to provide language and interpreter services to the LEP population.[51]

In 2002, the Civil Rights Division within the U.S. Department of Justice created an Interagency Working Group on Limited English Proficiency (LEP), which consists of representatives from various federal agencies to ensure that people with LEP have meaningful access to critical federal and federally assisted programs and services and that the language access requirements are implemented consistently and effectively across agencies.[52] This Working Group created and maintains a website (www.LEP.gov) that offers resources and information to help expand and improve language assistance services for populations with limited English proficiency. These federal actions have been the impetus behind the language access plans in use today. Below is a summary of federal policies and guidelines that federal agencies and fund recipients follow (see Table 8: Federal Laws about Language Access for LEP Individuals and People with Disabilities).

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[48] Lanier, R. L., Nunnally, M., Talley, G. W., Baker., K., Reid, C., & Speirs, E. (2012). Assessment of the Needs of Virginians who are Deaf, Hard of Hearing, Late Deafened, and DeafBlind. Statewide Interagency Team Serving Virginians who are Deaf, Hard of Hearing, Late Deafened and DeafBlind.
[49] Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.
[50] Lau v. Nichols, 414 U.S. 563 (1974).
[51] U.S. Department of Justice. (2021, August 31). Executive Order 13166: Improving access to services for persons with limited English proficiency. Available online at https://www.justice.gov/crt/executive-order-13166
[52] U.S. Government Accountability Office. (2010, April 26). Language access: Selected agencies can improve services to limited English proficient persons. Available online at https://www.gao.gov/products/gao-10-91

Table 8. Federal Laws about Language Access for LEP Individuals and People with Disabilities

Policy	Description
Title VI of the Civil Rights Act of 1964	Provides that "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" (Pub. L. 88–352, title VI, §601, July 2, 1964, 78 Stat. 252). This legislation is to ensure people's fairness in participating and accessing federal assisted benefits and programs.
Enforcement of Title VI of the Civil Rights Act of 1964 - National Origin Discrimination Against Persons with Limited English Proficiency	DOJ issues clear standards for federal funding recipients to ensure that their English based programs and activities are accessible to LEP population
Section 504 of the Rehabilitation Act of 1973	Bans exclusion of, or discrimination against, people with disabilities in any program or activity receiving federal financial assistance or conducted by any Executive agency or by the U.S. Postal Service solely by reason of the individual's disability
Equal Educational Opportunities Act (EEOA) of 1974	Prohibits discrimination against faculty, staff, and students, including racial segregation of students, and requires school districts to take action to overcome barriers to students' equal participation. In particular, EEOA mandated that schools accommodate students regardless of nationality and that they provide adequate resources for students who did not speak English.
Americans with Disability Act of 1990 (ADA)	Prohibits any public entity from excluding qualified persons with disabilities from the benefits of their services, programs, or activities, or discriminating against persons with disabilities. The public entity includes state or local government; departments, agencies, special purpose districts or other instrumentality of a State or States; and the National Railroad Passenger Corporation and any commuter authority
Individuals with Disabilities Education Act of 1990	Ensures a free appropriate public education, including special education and related services to eligible children with disabilities throughout the country
Title II of ADA of 1990	Ensures effective communications with people with disabilities such as auxiliary assistance and services to people with impaired sensory or speaking skills and the accessible information technology to people with disabilities
Executive Order 13166: Improving Access to Services by Persons with Limited English Proficiency	Mandates federal agencies prepare and implement a system to ensure LEP population's meaningful access to, and participation in, federally conducted and assisted programs and activities within the agency, and that federal agencies provide guidance and regulations to recipients of federal financial assistance to ensure meaningful access of their LEP applicants and beneficiaries
Title I of the ACA of 2010	Requires covered healthcare providers to provide language assistance services for the LEP population in a timely manner, and to ensure effective communications with people with disabilities such as auxiliary assistance and services to people with impaired sensory or speaking skills and the accessible information technology to people with disabilities

Table 8. Federal Laws about Language Access for LEP Individuals and People with Disabilities	
Section 1557 of the Patient Protection and Affordable Care Act of 2010 (ACA)	Prohibits healthcare providers who receive federal financial assistance from the Department of Health and Human Services from discriminating based on race, color, national origin, sex, age, or disability; extended the prohibition against discrimination based on sex to include sexual orientation and gender identity in 2021

Summary of Virginia Legislation

Virginia has recently legislated new policies that require language access for LEP populations and people with disabilities. Below are the key Virginia codes related to language access for LEP population and people with disabilities (see Table 9: Virginia Codes about Language Access for LEP Individuals and People with Disabilities). As noted on page 22, Governor Northam issued the Executive Directive Five (2019), "Access to Affordable, Quality Health Care Coverage," to ensure all Virginians' meaningful access to high-quality health care coverage regardless of their race, color, national origin, religion, ability status, sexual orientation, gender identity, age, or political affiliation.[53] This Directive requires state agencies to develop "a publicly-available Language Access Plan to regularly assess compliance with accessibility and usability of services, regardless of reading level, limited English proficiency, or disability" and to take action to ensure effective communications with consumers.[54]

In 2020, Governor Northam issued Executive Order 47, "Expanding Opportunities for Virginians with Disabilities," to support the community integration, inclusion, employment, and independence of all Virginians with disabilities across the state, including in-state departments and agencies, institutions of higher education, community colleges, vocational training programs, and private companies.[55] This order also requires the Director of Diversity, Equity, and Inclusion to solicit comments and suggestions from stakeholders to improve the state's efforts to support people with disabilities. Executive Order 47 is premised on § 51.5-1 of the 2014 Virginia Code, a state policy "to encourage and enable persons with disabilities to participate fully and equally in the social and economic life of the Commonwealth and to engage in remunerative employment."[56]

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[53] Northam, R. S. (2019, October 15). Executive Directive Five (2019): Access to affordable, quality health care coverage. Commonwealth of Virginia Executive Department. Available online at
https://www.governor.virginia.gov/media/governorvirginiagov/executive-actions/ED-5-Access-to-Affordable-Quality-Health-Care-Coverage.pdf
[54] ibid.
[55] Northam, R. S. (2020, January 2). Executive Order Number Forty-Seven (2020): Expanding opportunities for Virginians with disabilities. Commonwealth of Virginia Office of the Governor. Available online at
https://www.governor.virginia.gov/media/governorvirginiagov/executive-actions/EO-47-Expanding-Opportunities-for-Virginians-with-Disabilities.pdf
[56] VA Code § 51.5-1 (2014), available online at https://law.justia.com/codes/virginia/2014/title-51.5/

Table 9. Virginia Codes about Language Access for LEP Individuals and People with Disabilities	
Code	**Description**
12 Va. Admin. Code §§ 5-20- 80(A)(6)-(7), 40-890-70(B)(6)	No human research shall be conducted or authorized by the institution or agency unless a research review committee has reviewed and approved the proposed human research project giving consideration to whether the voluntary informed consent is to be obtained by methods that are adequate and appropriate to the individual's language of greatest fluency and whether the written consent form is adequate and appropriate in both content and wording for the particular research and for the particular participants of the research relative to their language of greatest fluency.
AGY 22 Va. Code Ann. § 45-51-20(A)(4)	An explanation of Department for the Blind and Visually Impaired policies and procedures affecting personal information shall be provided to each individual in that individual's native language or through the appropriate mode of communication.
CRD 18 Va. Admin. Code § 85-20- 280(A)(9)	Profile of information for doctor of medicine, osteopathic medicine, or podiatry shall include whether there is access to translating services for non-English speaking patients at the primary and secondary practice settings and which, if any, foreign languages are spoken in the practice.
DIS 22 Va. Code Ann. § 45-80-110 (C)	An explanation of policies and procedures affecting personal information will be made by appropriate media by Department for the Visually Handicapped's independent living rehabilitation services to individuals who do not communicate in English or who rely on special modes of communication
HOS, LTC Va. Code Ann. § 32.1-137.03(D)	Hospital or nursing patients admitted for inpatient care shall be allowed the opportunity to designate an individual who will care for or assist the patient in his residence following discharge and to whom the hospital shall provide information regarding the patient's discharge plan. Patients shall be provided the opportunity for a demonstration of specific follow-up care tasks that the designated individual will provide to the patient in accordance with the patient's discharge plan prior to the patient's discharge, and such opportunity shall be provided in a culturally competent manner and in the designated individual's native language.
INS 12 Va. Admin. Code § 5-408- 260(C)	The Managed Care Health Insurance Plan licensee shall incorporate strategies into its access procedures to facilitate utilization of health care services by covered persons with language or cultural barriers.
INS 14 Va. Code Ann. § 5-216-70(C)	Health carriers must provide notice of benefit determinations in a culturally and linguistically appropriate manner. The health carrier must provide oral language services, in any applicable non-English language, provide, upon request, any notice in any applicable non-English language, and include in the English versions of all notices, a statement prominently displayed in any applicable non-English language clearly indicating how to access the language services provided by the health carrier. A non-English language is an applicable non-English language if 10% or more of the population residing in the city or county is literate only in the same non-English language, as determined by the American Community Survey data published by the United States Census Bureau.
MED, TRA 12 Va. Admin. Code § 30-50- 210(A)(7)(c)(2)	The preferred drug list through the Medicaid fee-for service program shall include computer and website access to multilingual material.

Table 9. Virginia Codes about Language Access for LEP Individuals and People with Disabilities

MED, LTC 12 Va. Admin. Code § 30-130- 200(B)	Evaluations performed under Preadmission Screening and Annual Resident Review (PASARR) and PASARR notices must be adapted to the cultural background, language, ethnic origin, and means of communication used by the individual being evaluated.
MEN 12 Va. Admin. Code § 35-105- 665(4)	Individualized services plan (ISP) for mental health services shall include a communication plan for individuals with communication barriers, including language barriers.
MEN Va. Code Ann. § 37.2-815(B)	Translation or interpreter services shall be provided for mental health commitment hearing for involuntary admission, where necessary.
MFA Va. Code Ann. §§ 37.2-802(B), 804(B), 64.2- 2002(B)(9)[57]	In any proceeding pursuant to § 37.2-806 or §§ 37.2-809 through 37.2-820 in which a non-English-speaking person is alleged to have intellectual disability or mental illness or is a witness in such proceeding, an interpreter for the person shall be appointed by the district court judge or special justice, or in the case of §§ 37.2-809 through 37.2-813 a magistrate, before whom the proceeding is pending. Failure to appoint an interpreter when an interpreter is not reasonably available or when the person's level of English fluency cannot be determined shall not be a basis to dismiss the petition or void the order entered at the proceeding. The compensation for the interpreter shall be fixed by the court in accordance with the guidelines set by the Judicial Council of Virginia and shall be paid out of the state treasury.
PUB, CHI 12 Va. Admin. Code § 30-10-50(A)(3)	With respect to any population of vaccine eligible children a substantial portion of whose parents are LEP, the state will identify program registered providers who are able to communicate with vaccine eligible population in the appropriate language and cultural context.
PWD 22 Va. Admin. Code § 30-30- 80(B)(5)	Independent Living Services Program funds may be used to provide interpreter services.
PWD 22 Va. Admin. Code § 30-30-120(A)(4)	Independent Living Services Programs must ensure that persons who are unable to communicate in English or who rely on alternative modes of communication must be provided an explanation of service provider policies and procedures affecting personal information through methods that can be adequately understood by them.
PWD 22 Va. Admin. Code § 30-30- 160(D)	Centers for independent living (CIL), to the maximum extent feasible, must make available personnel able to communicate in the native languages of individuals with significant disabilities whose English proficiency is limited.
RGT, CON Va. Code Ann. § 32.1-162.19(B)	No human research shall be conducted or authorized by an institution or agency unless the committee has reviewed and approved the proposed human research project giving consideration to whether the informed consent is to be obtained by methods that are adequate and appropriate and whether the written consent form is adequate and appropriate in both content and language for the particular research.

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[57] In 2012, terminology related to "mental retardation" was changed throughout Code of Virginia to "intellectual disability" when referring to the diagnosis, and to "developmental" services when referring to services for individuals with intellectual disabilities according to House Bill 552, introduced by Delegate T. Scott Garrett and Senate Bill 387, introduced by Senator Stephen Martin. More detailed information is available at Developments in Mental Health Law: The Institute of Law, Psychiatry & Public Policy—The University of Virginia, 31(3), 2012. https://www.ilppp.virginia.edu/PublicationsAndPolicy/DownloadPDF/47

2 **Findings from Stakeholders**

> **KEY INFORMATION:**
> - Four themes evolved from reviewing data gathered by the Virginia Office of Diversity, Equity, and Inclusion (ODEI), VCU's Research Institute for Social Equity (RISE), and interviews with four workgroups in summer and fall 2021:
>   1. Translation services, translated documents, and language accessibility of state websites lack quality and are inconsistent.
>   2. Limited employee training on state requirements, persons with LEP/PWD's rights, and cultural awareness along with limited engagement of the PWD and LEP communities contribute to language accessibility barriers.
>   3. A list of suggestions was developed by workgroup participants to assist state agencies in their efforts to provide culturally-competent language access services.
>   4. Workgroups identified four essential resources and supports: certified interpreters and translators along with bilingual staff; community outreach; easily and readily available content; and consistent funding.
> - Workgroups helped identify key state agencies to prioritize language accessibility efforts including the Department of Medical Assistance Services; Virginia Employment Commission; and the Department of Education. A list of 18 "top priority" agencies is found in Appendix E.
> - RISE conducted a survey of state agency senior leadership and found:
>   1. Most agencies acknowledge they are more reactive than proactive in language accessibility efforts.
>   2. Agency efforts and resources vary greatly.
>   3. Most agencies acknowledge that a language needs assessment, quality check on current translation, and staff training on policies and processes are needed.
>   4. Agencies desire assistance with "best practices" and additional direction and guidelines from the Governor's Office.
>   5. Agencies recommend a centralized clearinghouse website to house agency resources and centralized statewide language access resources in one department.
>   6. Additional and consistent funding is needed to improve and expand language accessibility efforts.

RISE assessed the current state of language access across state agencies in Virginia. A mixed-method approach was used to capture information to better understand the language equity status related to Limited English Proficiency (LEP) and Persons with Disabilities (PWD) communities receiving services from state agencies.

1. The Virginia Office of Diversity, Equity, and Inclusion (the ODEI) collected LEP-related data from direct-service state agencies (including educational institutions) and LEP-serving organizations in August 2021.

2. Adding to the ODEI's efforts, RISE collected additional LEP and PWD-related data from direct-service state agencies (including educational institutions) and LEP/PWD-serving organizations in October 2021.

3. RISE conducted a systematic review of state agencies with existing language access plans.

Data from the ODEI and RISE evaluation efforts were merged. The following results include responses from 34 LEP/PWD-serving organizations and 18 state agencies. A full description of the methods used in this report and the data analysis process can be found in Appendix D. Appendix E provides a list of interview and workgroup participants, state agencies, and LEP/PWD-serving organizations who participated.

Workgroups with LEP/PWD-serving organizations

Four workgroups with LEP/PWD-serving organizations were held to increase understanding of people with LEP' and PWD's language access needs. Further, workgroups provided suggestions to aid state agencies in a *model of inclusive excellence*. **Four overarching themes emerged, and the findings are organized by those themes.**

> **INCLUSIVE EXCELLENCE**
> is establishing a welcoming and productive community that engages all of its diversity in the service to an organization, for both internal and external stakeholders.

Theme 1. Dissatisfaction with State Agency Current Efforts

Workgroup participants were not satisfied with current state agencies' few, to no, translation and interpreting of written materials. The state agencies' materials that are translated or interpreted lacks quality and is considered "not acceptable." Workgroup participants suggested state agencies perform quality assurance on documents/websites translated and interpreted by qualified vendors and/or individuals. **Workgroup attendees were not satisfied with state agencies' efforts to increase language access on their respective websites**, specifically agency websites that use Google Translate, given the system's noted issues with accuracy and consistency.

Theme 2. Barriers to Equitable Language Access

Barriers to effective language access that were mentioned mainly were related to things that decreased the ability of a state agency staffer to provide adequate service to individuals requiring language access supports.

- **Limited Training and Education of State Employees** on the state's requirements, departmental processes (e.g., services available), and general awareness of LEP/PWD's rights related to providing language access services to people with LEP and PWD.

- **No Established Decision-Making Tools** for employees that clearly outline language access processes within the agency to provide effective service to LEP/PWD Virginians.

- **Limited Engagement with PWD and LEP Communities** in the LAP development process and promotion/awareness of available language services. This type of reciprocal relationship – *state agency learns from the community* (language access needs), and the *community learns from state agency* (educated on their rights to language services and what they can request) – may reduce the circle of mistrust.

> *"[Providers] Need to keep in mind that PWD and people with LEP need language access improvements, but to understand access barriers and needs may differ"*
> – Workgroup Participant

- **Lack of Awareness about Cultural Differences** that exist within communities needing language access. There are cultural variations within the LEP and PWD communities. For example, the PWD communities have cultural constructs of their own, which can influence interactions with others; also, for some PWD, English is not the first language spoken.

Theme 3. State Agency Deliverables

Workgroup participants also shared suggestions to aid state agencies in their efforts to provide culturally-competent language access services. Their hope is for the suggestions below to create a process for Virginia to obtain language inclusion:

- A centralized resource for both language access users and departments/agencies (e.g., a website)
- Internal department/agency staff solely dedicated to ensuring language equity throughout the department/agency and in the services delivered
- Evaluation of language access quality
- Regulatory Commission/Board on language access equity
- Establish Cultural Hubs/Brokers
- State employee training
- Community outreach efforts

Theme 4. Essential Resources and Supports

Workgroup discussions provided ways in which state agencies can be supported to create effective language access. Four essential resources and ways of support were mentioned:

Table 10. Essential Resources and Ways of Support Effective Language Access	
Qualified Interpreters, Qualified Translators, Specialized Interpreters, and Bi-lingual Staff	• Use of qualified interpreters/translators and bi-lingual staff available at each agency. • Provide more in-depth trainings for employees, as it relates to identifying the language access services of great need • Use of specialized interpreters and translators for specific areas (*i.e., medical, mental health, legal, ASL, or another type of sign language*).
Community Outreach	• Increase awareness within the community of available services and services as this is key to language equity. • Improve communication with LEP and PWD communities.
Easily and Readily Available Content	• Another form of communication needed is for websites and documents to be written in ***plain language***, increasing the clarity and the ease of understanding.[58] It needs to be understood that English is the second language for both people with LEP and PWD. • Training with key individuals involved in outward-facing materials, such as the communications and IT departments.
Funding	• Need for language access funding to be more than a "one-time offering," but funding should be consistent and a line item in both the state's and agency's budgets.

Taken together, workgroup participants felt that this would be a step in the right direction to integrate language access services which could ultimately normalize the need for these services within departments, which would have a positive outcome on the communities using these services.

> **PLAIN LANGUAGE**
>
> (also called plain writing or plain English) is communication your audience can understand the first time they read or hear it**.**[58]

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[58] https://www.plainlanguage.gov/about/definitions/

Direct Quotes from LEP/PWD-serving Organizations

LEP/PWD-serving organizations were vocal about how efforts to improve language access could be directed. Figure 3 details two stand-alone aspects important to the workgroup participants: (1) prioritizing certain agencies; and (2) re-establishing trust.

Agencies to Prioritize	Stakeholders highlighted several agencies to prioritize in any effort to strengthen language access, including **Legislative offices, Juvenile Justice/Adult Courts, Housing access, and those who provide eviction assistance:**	*"How can individuals advocate for themselves when they can't engage with government officials or participate in official happenings?"*
"Individuals with disabilities needing language access really struggle when it comes to getting health services"	Departments that provide health services, with two groups specifically mentioning the **Department of Medical Assistance Services** (both LEP and disability workgroups, and really any department involved in health services). Groups said there is a need to increase both employees and users' awareness of the resources available and what rights users have to resources.	
	Virginia Employment Commission, especially related to unemployment and obtaining documents to work (LEP). Participants shared that lack of translated documents, as well as clear and concise instructions being an obstruction with this office. Though in-person translation and employee understanding of service available was also mentioned.	*How can individuals participate in the process of government if they can't talk to those in government representing them or participate in government discussions?"*
"Parents across the state struggle to get their children assistance if they need language access services"	The LEP and disability workgroups, which had representatives from parent groups, mentioned the **Department of Education** specifically and shared that parents across the state are constantly struggling to get their children the assistance they need. Understanding the assistance that could be provided, what to ask for, student rights, and having access to services to ensure educational success was mentioned.	
Reestablish Trust	Workgroup members talked about previous promises made by government entities that never were fulfilled. They questioned how this time would be different in that they saw no action from previous times. They shared that they feared a lack of investment from state government and questioned if this activity was just being done to check a box, not to create action.	*"State departments do things to check a box, not to create action"*

Figure 3: Agencies to Prioritize and Reestablish Trust

Interviews with State Agencies

Interviews were conducted with agency heads, directors, and coordinators. The purpose of these interviews was to take a deeper look into understanding the status of language access in agencies' direct services to the public. **The following four themes summarize key findings:**

1. Agency Efforts to Date
2. Agency Identified Next Steps
3. Internal Opportunities for Growth
4. Service Provision

Theme 1: Agency Efforts to Date

Many agencies, but not all, expressed that their actions have been reactive rather than proactive in developing equitable language access services. Further**, all agencies indicated they *use translation/interpreter services upon request* and *translation of some outward-facing documents in Spanish*.**

18 PRIORITY AGENCIES INTERVIEWED

Department of Corrections
Department of Education
Department of Elections
Department of General Services
Department of Health Professions
Department of Housing & Community Development
Department of Human Resources Management
Department of Labor and Industry
Department of Medical Assistance Services
Department of Mental Health & Behavioral Services
Department of Motor Vehicles
Department of Social Services
Office of Civil Rights, Attorney General's Office
Virginia Department of Agriculture & Consumer Services
Virginia Department of Emergency Management
Virginia Department of Health
Virginia Employment Commission
Virginia Information Technologies Agency

Some Agencies	• Encourage bi-lingual applicants for positions (VDHDS, DHCD, DOC, DOLI, VDH [certified], DBHDS, AG Office, DMAS)
	• Use internal staffers/volunteers for translating and interpretation (VDHDS, DHCD, DOC, DOLI, VDH [certified], DBHDS, DMAS, DSS, VDACS, AG Office)
	• Created diversity/equity positions that focus on language access (VDOE, DOC, DHRM, VEC, DMAS)
	• Held staff trainings (DHCD, VDEM)
	• Held conversations with community stakeholders (DBHDS, DHCD)
	• Review census data for language access needs in localities (Elections, DHRM, DMAS)
	• Conducted language needs assessment (DHCD, DMAS)
One Agency	• Created training protocols for Proprio (DHCD)
	• Performed external evaluation of their language access plan (VDH)
	• Held Community townhalls regarding LEP and PWD's language access (VDOE)
	• Employs a diverse, community representative staff, with the necessary proficiency in other languages (DBHDS)
	• Established language access policy based on ACLU guidelines (DOC)

- Held communication practices and transcreation trainings with state partners (VDEM)
- Provide access via (1) Website includes Spanish, Korean, and Vietnamese; and (2) Electronic ballots for Blind/Low vision Virginians (ELECTIONS)
- Diverse, bilingual community of outreach workers (DMAS)

*Some agencies: more than one (but not all) state agency mentioned having the noted effort.
**One agency: only one agency mentioned having the noted effort.

Theme 2. Agency Identified Next Steps

All agencies shared their future language access next steps, though several indicated they wanted to receive guidelines from the governor's office before moving forward immediately. Currently, state agencies are reviewing other agencies' websites for examples of successful language accessible website content. Along these lines, **all agencies indicated the following next steps: *updating the website* to comply with *Section 508*[59] and *creating and implementing a LAP,* except DMAS and VEC, who already have a plan in place.**

Some Agencies	• Hire additional internal translators/interpreters to document and in-person translations/interpreting (VDH, DSS, DMAS)
	• Increase hiring efforts for people with LEP and PWD (VDH, DOLI, DHP)
	• Hire an Internal Accessibility coordinator and LEP monitors (VDH, VEC, DOC)
	• Conduct internal needs assessment and language access evaluation (VDOE, VEC)
	• Develop Staff Trainings to ensure awareness and understanding of language access policies and procedures (DOC, DHRM)
One Agency	• Establish a centralized location for translated forms and documents used across school divisions
	• Increase support for teachers (VDOE)
	• Increase language access for community events (VDEM)
	• Translate more public documents (VDOE)
	• Update Standardize Operating Procedure for language access (i.e., website, forms, press releases; ELECTIONS)

*Some agencies: more than one (but not all) state agency mentioned having the listed next step.
**One agency: only one agency mentioned having the listed next step.

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[59] Under Section 508, agencies must give disabled employees and members of the public access to information comparable to the access available to others. See Section 508 of the Rehabilitation Act of 1973 https://www.section508.gov/manage/laws-and-policies/

Theme 3. Internal Opportunities for Growth

We received varying responses to areas of growth within state agencies. This reveals the unique needs and perspectives of language access within each state agency. **Most of the agencies acknowledged the following opportunities that still need to be addressed:** *perform a language needs assessment* as well as *assessment of requested languages, a quality check of current language translation and interpreting, and staff training on language access policies, processes, and benefits (to both clients and staff).*

Some Agencies	• Create and provide language access resources to smaller entities within agencies (VDOE, DBHDS)
	   − Small providers (DBHDS)
	   − School divisions (VDOE)
	• Identify regional language needs (VDEM, VDOE)
	• Documents and website translation (DOC, DHP)

One Agency	• Finalize a platform that provides information in multiple languages simultaneously (VDEM) • Evaluate Language Access System (DHRM) • Hire a more diverse and representative workforce (AG Office) • Find a professional to translate documents (VITA) • Track language access requests (DHCD)

*Some agencies: more than one (but not all) state agency mentioned having the listed opportunity.
**One agency: only one agency mentioned having the listed opportunity.

Theme 4. Service Provision

Agencies need resources (i.e., staffing, financial) so they can appropriately address language access needs. **Each agency has different resources available to them and different demands to create and maintain equitable language access.** Table 11 provides common solutions highlighted by most agencies interviewed in their efforts to create equitable language access.

Table 11. State Agency Service Provision
Establish concise and clear language access guidelines to assure compliance within each state agency. These guidelines should be encompassing and adaptive to each agency's work, as well as capacity and existing resources. The guidelines should provide a framework for agencies to assess and prioritize support, create a strategic implementation plan, and provide a plan on how to conduct continuous quality control concerning services.
Internal positions focusing solely on language access were noted as a solution. These individuals would be responsible for coordinating agency language access policies and procedures and keeping them updated with both ADA and Civil Rights requirements. They could conduct quality assurance efforts, as well as act as the department's liaison with a department in the governor's office.
Develop a centralized clearinghouse website. This site would house resources for agencies. Examples of resources would be, but not limited to, policies and procedures, quality assurance on services provided (e.g., standardized process manual), a pool of state-approved certified translators, literacy information and tools, and storing of translating documents.

Centralized statewide efforts related to language access in one place, or department. Creating a central entity for departments to connect with on this topic would provide consistency and ensure greater success creating equitable language access across Virginia.

Consistent financial support. Agencies do not want an "unfunded mandate" but would like adequate funding provided.

State Agency Perspectives: Highlights and Challenges

State agency representatives provided further understanding of language access needs within their agency. Their feedback provided insight into the needs of agencies to increase service access. In addition, the representatives spoke about existing language access efforts and some of the barriers that have interfered with their success.

Virginia Department of Agriculture and Consumer Services (VDACS)	VDACS acknowledged the issue of having many instructions available in English only, aside from the guidance materials that were translated into Spanish by bi-lingual employees. For example, **the pesticide-training manual is not available in Spanish; and the pesticide applicator test and EPA-approved labels are only available in English.** VDACS would like for services, tests, manuals, and labels to be translated into Spanish, Mandarin, Vietnamese, and Korean.
Virginia Department of Behavioral Health and Developmental Services (DBHDS)	DBHDS indicated the need for additional technological devices (portable monitors). Similar to other agencies, **DBHDS wants direction and guidance from the state on how to create a language access plan and allowable expenditures.**
Virginia Department of Corrections (DOC)	Due to a recent lawsuit, DOC has focused on equitable language access. A focused-LEP policy (not plan) was developed with ACLU guidance. Of note**, DOC has LEP policies in place, but they were embedded in other policies (i.e., mental health and physical health) rather than one place (which will increase awareness).** In addition, DOC has created a Language Access position that works closely with the Corrections Operation Manager (monitoring ADA compliance). Lastly, the DOC receives input from offenders with ADA disabilities to improve the services provided.
Virginia Department of Education (VDOE)	The Virginia Department of Education shared that their compliance to language access is reactive, meaning they address concerns and requests at that moment and keep the process in place for the future. VDOE feels their agency is **better equipped in understanding the rights and responsibilities related to disability rather than multilingual language services.** However, they are committed to being as "equitable as possible." Recently, they created an internal language access position.
Virginia Department of Elections	The Virginia Department of Elections assures compliance with federal voter laws. However, they would like a contractor to identify and prioritize assuring information aspects of the agency (i.e., website, SOPs, forms, press releases, etc.) are accessible and assessment of needs within the PWD community who require language access services. Lastly, they would like to receive support from the state in converting documents into braille.

Virginia Department of Emergency Management (VDEM)	FEMA is funding VDEM's ability to make content accessible. However, **VDEM wants to effectively meet all needs of the people with LEP and PWD, which would require additional resources.** VDEM has also conducted a report on language access with Del. Marcia Price (D-95th). Recently, VDEM hired a diversity, equity, and inclusion staff member who is, among other duties, responsible for reviewing language access within the department.
Department of General Services (DGS)	DGS currently does not have written policies on language access services. However, at the general public level, DGS has translated signs to include languages other than English around Capital Square. **The Division of Purchases and Supply has statewide language translation services and optional use contracts by state agencies.** And while the COVID-19 pandemic has identified gaps in the contracted services, DGS plans to address through contract modifications or conducting a new procurement. Lastly, DGS does suggest a customer call center that has language services - phone and document translation.
Virginia Department of Health (VDH)	The Virginia Department of Health noted that language access mandates should be funded. Cost is a huge factor, as quality translations and frequent website updates (per CDC/federal guidelines) are expensive. With funding, VDH would prefer to discontinue the use of machine translations and have more human translations (transcreation). Given all states have a similar list of certified translators/ transcreators, **VDH fears certified translators/transcreators may be limited or unavailable.** They believe this may hinder their ability to meet the needs of Virginians.
Department of Health Professions (DHP)	DHP uses language identification posters/cards ("I speak") so the agency can connect them with the proper translator. DHP also mentioned the **use of symbols on websites to make it easier for individuals to navigate the website's content.** Lastly, DHP suggested, when creating language access guidelines, agencies should be evaluated individually for their specific language access needs and progress.
Virginia Department of Housing and Community Development (DHCD)	DHCD would like language access plan guidance and consistent training across state agencies to incorporate language access activities (to ensure consistency across agencies). Lastly, DHCD would also like to have additional funding for translation services, "**A current software of interest can translate text and all PDFs (cost: $154,000 for initial website translation including PDFs, forms, etc., and maintenance fee of $2,200/month).**"
Virginia Department of Human Resources Management (DHRM)	DHRM noted the **need for language access plans across the state** because without the content being translated and accessible, there is high risk and liability for the Commonwealth.
Virginia Information Technologies Agency (VITA)	VITA has worked to ensure ASL or LEP compliance. VITA **suggests a central authority for translations as not all agencies want to use Google Translate or employees as translators.** The goal of VITA is to maximize inclusion – they are responsible for websites, setting the standards, enforcing the standards (quality check), and content is provided solely by each agency.

Virginia Department of Labor and Industry	DOLI reported that limited language translations exist (for policies and procedures), and when a translation is provided, **it is often challenging for the translator and LEP individual, given the complex policy language used. In fact, English speaking individuals may not easily understand the English version.** This limitation affects DOLI's ability to meet their deadlines or receive approval, as people with LEP might not understand their required tasks (e.g., approval requirement). Additionally, because the majority of DOLI forms are available online only, some people with LEP may not have access to certain forms due to no computer access and/or limited understanding of computer technology. Lastly, DOLI is developing a language access plan, but they are facing challenges given the nature of the development process and no clear guidelines.
Virginia Department of Social Services (DSS)	DSS noted the need for consistent interpreting and translation of policy to ensure accuracy, consistency, and quality. They have a desire to operate as an agency that has a language access plan and public-facing portal, but there are challenges with language access: (1) use of minors as interpreters and (2) use of inaccurate and poor-quality language translation apps. **The agency should be equipped to translate 17 languages spoken by 99% of the population; however, current agency efforts rely on volunteer translators to improve access.** DSS suggested that each agency conduct its own language needs assessment.
Virginia Department of Medical Assistance Services (DMAS)	DMAS shared that they have given input to the state about which services available to state agencies are of quality. Currently, **DMAS translates written materials internally, which was noted to be easier and of better quality than other contract services.** There were some noted concerns: issues with mail services, telephone, web-portal, and call center services not having effective language access. DMAS recommends the creation of state language access guidelines (e.g., toolkits, policy/procedure) that is flexible to the resources, capacity, and language access progress of different agencies. An idea shared was to create a toolkit and a framework on what an agency needs to deliver.
Virginia Employment Commission (VEC)	VEC currently **has a LAP plan written and in place** that was developed based on other states' Limited English Proficiency (LEP) plans. Their plan is a combination of Local Workforce Development Areas (LWDA) and Virginia Community College System (VCCS) inputs.

Additional self-reported efforts from the "top priority" state agencies that participated in the October 2021 interviews and surveys is located in Appendix F.

Online Survey of Virginia State Agencies

Out of the 44 agencies that responded to a question regarding their agency's ability to meet the language access needs of LEP Virginians, **most indicated that their agency was able to meet the needs of LEP Virginians "sometimes" (39%),** and 27% indicated an ability to meet need *most of the time.*

AGENCY SATISFACTION WITH LANGAUGE EQUITY AND ACCESS POLICIES

27% ARE SATISFIED MOST OF THE TIME

39% ARE SATISFIED SOMETIMES

14% ARE SATISFIED A LITTLE OF THE TIME

20% ARE UNSURE

Virginia State agency leaders were surveyed about language access plans and services within their agency. The findings include responses from 82 state agencies.[60] A majority of state agencies indicated they were **"somewhat" satisfied with their agency's existing language equity and access policies and practices**.

State agencies responded to two questions regarding **factors contributing to their agency's success and limitations in providing equitable language access.**

SUCCESSES AND LIMITATIONS IN ENSURING EQUITABLE LANGAUGE ACCESS

SUCCESSES ✔
- HAVING DEDICATED PERSONNEL (38% OF AGENCIES)
- HAVING FISCAL RESOURCES (33% OF AGENCIES)
- PRIORITIZING LANGUAGE ACCESS (30% OF AGENCIES)

LIMITATIONS 🚫
- LIMITED STAFFING AND TIME (25% OF AGENCIES)
- LIMITED FINANCIAL RESOURCES (23% OF AGENCIES)
- LOW DEMAND FOR LANGUAGE ACCESS (20% OF AGENCIES)

State agency representatives were asked if their departments/agencies had a language access plan (LAP). **Of the 45 departments that responded, *one* indicated that they had a plan in place.** *Nine* said they were currently working on a plan, *four* weren't sure, and *31* replied that they did not have a language access plan.[61]

DO AGENCIES HAVE LANGUAGE ACCESS PLANS?

- 1 AGENCY HAS A PLAN
- 31 AGENCIES DO NOT HAVE A PLAN
- 9 AGENCIES ARE WORKING ON A PLAN
- 4 AGENCIES AREN'T SURE IF THEY HAVE A PLAN

Another question asked if there was a language access quality plan. **The Virginia Department of Health and the Virginia Department of Transportation indicated having a quality control plan or conducting quality control on their language access services.** Quality control activities mentioned by participants included "random surveys and internal follow-up on the services provided" or "relying on translators and vendors."

ENSURING LANGUAGE ACCESS QUALITY

2 DEPARTMENTS (VDH & VDOT) PLAN FOR OR CONDUCT LANGUAGE ACCESS QUALITY CONTROL

QUALITY CONTROL MEASURES

RANDOM SURVEYS	INTERNAL FOLLOW-UP	TRANSLATORS AND VENDORS

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[60] Of note, not every state agency who participated in the survey completed every question, therefore, there will be some questions with fewer than 82 responses. Additionally, data were collected at two different points in time, once in August 2021 and another time in October 2021. As such, the October survey had additional questions added to it not previously asked. Those questions added during the October survey are denoted with an asterisk.

[61] Further analysis of all state agency websites found the additional presence of Language Access and Disability Plans. A total of eight agencies were found to have an existing language access plan in place. Three agencies were found to have a plan in progress, and an additional six agencies had elements of a plan. A similar review of ADA plans revealed Twenty-six agencies with plans in place; five agencies with a plan in progress; and twenty-two agencies with some elements of a plan (Appendix G).

Finally, participants shared several important considerations in their closing comments:

- Agencies need to increase understanding of services available and correct services to use.
- Increase in understanding related to language access for persons with disabilities.
- Challenges in finding ASL interpreters who were qualified in rural communities.
- Agencies are working to create partnerships within the community to understand how to better serve populations who need language access.
- Important to stop "working in silos" and learn how others are providing language access services.

3 Best Practices at the Federal, State, and Local Levels

> **KEY INFORMATION:**
> - Federal guidelines for best practices in assessing needs and creating programs and plans for people with LEP are available and should be used to improve Virginia's practices and programs.
> - The Federal Emergency Management Agency (FEMA) Agency Language Access Plan can serve as an example of model practices on a national level.
> - Seven states, including neighboring Maryland, have best practices in the areas of community engagement, financial resourcing, oversight and accountability, and benchmarking that can be emulated.
> - An innovative program a "Deaf Driver Card" (Washington, D.C.) is outlined in this section
> - This section concludes that a statewide effort that follows best practices would provide the Commonwealth with greater capacity for responding to residents' needs which contributes to government legitimacy and democracy by extending government services to people with LEP and increasing trust, public participation and political efficacy as members from non-English speaking groups feel supported and included in public life.

In the past decades, an increasing concern of the U.S. government has been to address the needs of the changing demographics of the LEP population to ensure that they, along with people with disabilities, have meaningful access to critical public services.[62] In 2000, Executive Order 13166, grounded in the Title VI of the Civil Rights Act of 1964, required federal agencies and their funding recipients to develop and implement a plan to ensure LEP population's meaningful access to their programs and services.[63] In the same year, the U.S. Department of Justice (DOJ) issued policy guidance, entitled "Enforcement of Title VI of the Civil Rights Act of 1964 - National Origin Discrimination Against Persons with Limited English Proficiency," providing clear standards for federal funding recipients to ensure that their English based programs and activities are accessible to LEP population.[64] In 2002, DOJ published its final recipient LEP guidance, serving as a model for

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[62] Hofstertter, J. McHugh, M., O'Toole, A. (2021). A framework for language access: Key features of U.S. state and local language access laws and policies. Migration Policy Institute. Available online at https://www.migrationpolicy.org/research/state-local-language-access-policies

[63] U.S. Department of Justice. (2021, August 31). Executive Order 13166: Improving access to services for persons with limited English proficiency. Available online at https://www.justice.gov/crt/executive-order-13166

[64] U.S. Department of Justice. (2000, August 16). Enforcement of Title VI of the Civil Rights Act of 1964-National Origin Discrimination Against Persons With Limited English Proficiency; Policy Guidance. Retrieved from https://www.federalregister.gov/documents/2000/08/16/00-20867/enforcement-of-title-vi-of-the-civil-rights-act-of-1964-national-origin-discrimination-against

other federal agencies to develop similar guidance documents.[65] At the same time, DOJ created an Interagency Working Group on Limited English Proficiency to ensure the language access requirements were being met across agencies as well as federally assisted programs and services.[66] Since then, a number of states and localities in and outside of Virginia have established their own laws and/or policies to reinforce the right to language access and ensure that people with LEP have meaningful access to public services. This section highlights how particular federal agencies, states, and local governments have used their resources to develop and invest in language access services to LEP communities and people with disabilities.

In addition, there is a growing awareness to address the needs of adults with low English literacy skills in the United States, especially in healthcare and emergency communications.[67,68] While no established best practices currently exist, the use of pictographs, pictograms, or widely recognized symbols plays an important role in communicating important information for low-literate to functionally illiterate populations in other parts of the world.[69] Although this population is not specifically addressed in any current language access plan, government agencies should continue to follow new developments in the use of pictographs to communicate critical public information and services.

We also note that guidance on language access at any level of government does not typically include tactile or technology-assisted services that are often covered under the American with Disabilities Act (ADA). This review of best practices makes an effort to combine both in an attempt to be inclusive; however, it is apparent that more equity and inclusion efforts are needed when it comes to improving accessibility for people with disabilities beyond ASL interpretation. Therefore, the analysis is limited to what is currently in place and required by law and public policy.

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[65] U.S. Department of Justice. (2002, June 18). Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (revised version). Retrieved from https://www.federalregister.gov/documents/2002/06/18/02-15207/guidance-to-federal-financial-assistance-recipients-regarding-title-vi-prohibition-against-national

[66] U.S. Government Accountability Office. (2010, April 26). Language access: Selected agencies can improve services to limited English proficient persons. Available online at https://www.gao.gov/products/gao-10-91

[67] Barros, I. M., Alcântara, T. S., Mesquita, A. R., Santos, A. C. O., Paixão, F. P., & Lyra Jr, D. P. (2014). The use of pictograms in the health care: a literature review. *Research in Social and Administrative Pharmacy*, *10*(5), 704-719.

[68] Frommberger, L., & Waidyanatha, N. (2017). Pictographs in disaster communication for linguistically challenged and illiterate populations: A survey on background and existing practices. *International Journal of Information Systems for Crisis Response and Management (IJISCRAM)*, *9*(2), 37-57.
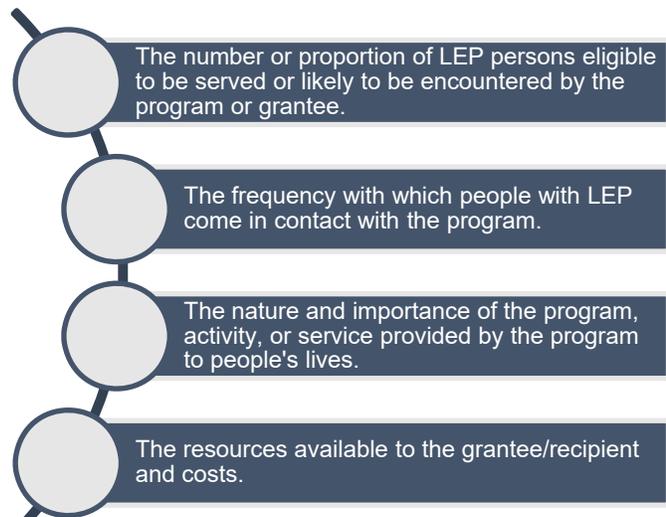
[69] Waidyanatha, N. (2018). Mobile Pictographs for Disaster Communication: Inclusive Public Service. *Available at SSRN 3275140*.

Federal Guidance on How to Develop Plans

In 2008, the Federal Interagency Working Group on Limited English Proficiency published the results of the "Top Tips" on language access strategies used by federal agencies. In the report, the first recommendation was to establish strong language access coordination and the second recommendation was to conduct an effective needs assessment. Other areas of this report offer recommendations to establish an effective language access policy within the State of Virginia. This section of the report provides two examples of resources to conduct needs assessments to ensure language access equity for people with LEP and persons with disabilities.

Assessing Community Needs

Before establishing a language access plan, organizations should assess community needs for language access and services. This assessment should include community members or staff who will interface with the community, whether in person or online. The Centers for Medicare and Medicaid Services (CMS) has compiled a guidance document on conducting a needs assessment for language access.[70] The CMS needs assessment is designed around the four-factor analysis established by the Department of Justice in 2002 (see Figure 4).

The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee.

The frequency with which people with LEP come in contact with the program.

The nature and importance of the program, activity, or service provided by the program to people's lives.

The resources available to the grantee/recipient and costs.

Figure 4: Four-factor Analysis

Source: Department of Justice, 2002

To understand the needs of current and prospective individuals who interact with a government agency, the needs assessment should identify language barriers faced by current individuals served by the organization by documenting where points of contact occur (i.e., online, on the phone, in the office, etc.) and the level of interaction (i.e., short phone calls, extended visits with a doctor, etc.). The needs assessment and subsequent language access plan will be most effective if there is time spent on stakeholder engagement. CMS explains this can include but is not limited to, building relationships prior to starting any assessment, soliciting feedback on language assessment tools or policy development, and conducting satisfaction surveys throughout to monitor intermittent progress and outcomes.

Assessing Organizational Readiness

The U.S. Department of Justice offers guidance on conducting an organizational assessment of language access needs.[71] The DOJ guidance notes that when conducting a needs assessment, **it is important to (1) understand how people with LEP interact with the agency and (2) identify**

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[70] Centers for Medicaid and Medicare. (2008). Guide to Developing a Language Access Plan. https://www.cms.gov/About-CMS/Agency-Information/OMH/Downloads/Language-Access-Plan-508.pdf
[71] https://www.lep.gov/sites/lep/files/resources/2011_Language_Access_Assessment_and_Planning_Tool.pdf

and assess the LEP communities that are eligible or could be eligible for services. For these assessment activities, DOJ offered two self-assessment tools to create a record of language assistance services and review the current policies and types of language services provided annually. In addition, the guidance explains that assessments should also include an inventory of current language assistance services, training needs of staff, notice about the availability of language assistance services, and ongoing efforts to monitor language access policy directives, plans, and procedures. An organizational assessment is not a one-time activity but an ongoing process conducted annually or biennially during the development and review of the agency language access plan.

Model Practices at the National Level: Case Study of FEMA

Language access in health and social services in the United States depends largely on individual state policy, Executive Order 13166,[72] and Title VI of the Civil Rights Act of 1964,[73] which "requires recipients of federal financial assistance to take reasonable steps to make their programs, services, and activities accessible by eligible persons with limited English proficiency." The CARES Act,[74] passed in 2020, requires that small businesses offer resources and services "in the top 10 commonly spoken languages, other than English, in the United States, which shall include Mandarin, Cantonese, Japanese and Korean." Most agencies, and federal programs, recipients of these funds, comply with language access guidelines and include both interpreting and translation services for frequently encountered languages, staff training, outreach, and oversight of these services, in their Language Access Plans.

Figure 5: Effective Language Access Policy and Directives and Implementation Plans

Source: Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs (2011)

A review of 22 Federal Agencies Language Access Plans revealed that Federal Emergency Management Agency (FEMA) is a national model of best practice. FEMA uses a demographic

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[72] The United States Department of Justice. Executive Order 13166. Retrieved from https://www.justice.gov/crt/executive-order-13166
[73] The United States Department of Justice. Title VI of the Civil Rights Act of 1964. Retrieved from https://www.justice.gov/crt/fcs/TitleVI
[74] CARES Act. Retrieved from https://www.congress.gov/bill/116th-congress/house-bill/748/text#toc-H91F7F927D42249BBA50C1E57055A62E3

analysis, a frequent-use needs assessment, and "language access as a critical element of its communication strategy." In 2020, FEMA updated their 2016 Language Access Plan, which

> "…sets forth the standards, principles, and guidelines that FEMA will use to provide, and improve, meaningful access for LEP persons in the Agency's operations, services, activities, and programs. The LAP update also implements the Department of Homeland Security (DHS) language access policy and augments an established system within FEMA to implement Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (August 11, 2000), which requires, among other things, that each federal agency "examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services consistent with, and without unduly burdening, the fundamental mission of the agency." [75]

As a national model, FEMA's best practices provide meaningful language access, including language identification, translation and interpreting, public outreach and engagement, and evaluation of language access (See Box 1).

The national model of best practices for timely, effective, and equitable language access include assessment of the service user demographic and development or expansion of a language identification process, such as using the "I Speak" cards or booklets, which is easily accessible and made available to the public. Other best practices include:

- Establishment of a public-facing system or department that is active in their outreach and responds in a timely fashion to inquiries from the multilingual community.
- Utilization of professional, qualified, and/or certified translators and interpreters or bilingual staff members whose skills have been assessed.
- Implementation of an evaluation and assessment process for both language access and agency performance with an established process for public comment that is accessible to PWD and LEPs.
- Continual enhancement of existing technologies and content in different languages, including different modalities to account for language proficiency, literacy, and disability.

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[75] U.S. Department of Homeland Security. Federal Emergency Management Agency. Language Access Plan (Update 2020). Retrieved from chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/viewer.html?pdfurl=https%3A%2F%2Fwww.fema.gov%2Fsites%2Fdefault%2Ffiles%2Fdocuments%2Ffema_language-access-plan_12-2020.pdf&clen=613983&chunk=true

Box 1. FEMA's Model Practices for Language Access

Language Identification - FEMA uses the DHS "I Speak"[76] booklet to assist with language identification when working with people with LEP. This is a common practice among many federal and state agencies as an effective way to identify one's language at the initial point of contact. In addition to the language identification booklet, FEMA staff also:

- Post signs in regularly encountered languages in waiting rooms, reception areas, and other initial points of entry to inform applicants and beneficiaries of their right to free language assistance services and invite them to identify themselves as persons needing such services.
- Translate the Civil Rights Notice and other information in languages other than English according to a demographic assessment of the impacted communities.
- Publicize the availability of the FEMA Helpline in multiple languages, reflecting the needs of the impacted communities.
- Provide a statement about the availability of language services and the right to free language assistance services in letters to applicants containing vital information, brochures, booklets, outreach and recruitment information, and other materials that are routinely disseminated to the public.

Translation and Interpreting - FEMA recognizes the importance of and encourages using professional, qualified, and/or certified interpreters and translators who are trained in the code of ethics and have subject matter expertise. When working with language professionals, the different DHS units are encouraged to "request information about certification, assessments taken, qualifications, experience, and training." If bilingual staff are providing interpreting or translation services, they "should be qualified to do so," and their ability should be assessed.

- Content in other languages is made available on different websites with information tailored to different LEP communities
- A database was created for re-use of "all previously translated materials including flyers, press releases, and guides" with "periodic updates by the Language Access Coordinator and is available to FEMA employees via the internal website"
- American Sign Language (ASL) Video blogs were created, with narration in English, and open captions
- For individuals with literacy barriers, "OEA expanded the development of pictographs"

Public Outreach and Engagement - The following are some examples of FEMA's public engagement with English proficient and LEP members of the community:

- Responding to inquiries from, and/or sharing information with, members of the public through regular mail, by telephone, and by internet (i.e., email and/or social media)
- Seeking advice from, or consulting with, external community organizations, advocacy groups, experts, academic communities, etc.
- Operating information booths, engaging in public speaking, or engaging in similar activities at public events on behalf of FEMA; and
- Hosting events to which one or more members of the public are invited.

Other ways in which FEMA engages with the public include:

- A helpline for LEP disaster survivors
- A website with "fire and life safety materials" (in the form of flyers, door hangers, infographics, social media cards, etc.) – in Spanish, which can be customized and downloaded through "FEMA Publication Warehouse" or requested through FEMAPubs@gpo.gov
- Through different media outlets

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[76] U.S. Department of Homeland Security. Language Identification Guide (2011). Retrieved from chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/viewer.html?pdfurl=https%3A%2F%2Fwww.dhs.gov%2Fxlibrary%2Fassets%2Fcrcl%2Fcrcl-i-speak-booklet.pdf&clen=5160298&chunk=true

> **Evaluation of Language Access** - FEMA's language access services are evaluated through:
> - After-Action Reports
> - Initial Language Assessments and historical data
> - Community Questionnaires
> - Training provided to FEMA staff, twice a year, on language access and strategic communications
> - Proofreading of translations for QA, accuracy, and effectiveness
> - LEP user feedback which is solicited on language services (translation and interpreting) and used "to address the deficiencies"
> - Customer service surveys
>
> *Source:* U.S. Department of Homeland Security. Federal Emergency Management Agency. Language Access Plan (Update 2020).

Best Practices at the State Level: Seven States as Examples

Six states and the District of Columbia have already advanced their work in language access and were reviewed for best practices at the state level.[77] Specifically, states that have a statewide language access laws include California, Hawaii, Maryland, Massachusetts, Minnesota, and New York, as well as the District of Columbia. We analyzed these states based on the framework for language access developed by the Migration Policy Institute in 2021, which identified two broad categories and 14 major elements of 45 language access laws and policies across 40 states and localities.[78] These major elements involve agency responsibilities (e.g., identifying affected agencies, document translation, interpretation services, etc.), and policy administration that include agency oversight, creation of advisory councils and technical assistance bodies, accountability mechanisms, data systems and population tracking, involvement of community members and groups, and agency or jurisdiction financial resources, which help decision-makers to craft comprehensive language access policies.[79] We embedded these elements in our analysis and summarized several key features of the language access plan and implementation shared by these states to suggest the best practices for language access initiatives for other state and local agencies.

As shown in Table 12, in general, these states 1) have issued statewide existing legislation or an executive order to guide their language access plan and practices; 2) assigned a state department, agency, or office to monitor their language access initiatives; 3) set up LEP threshold metrics for state departments/agencies that are affected by the law or executive order; and 4) implemented certain procedures to facilitate their language access practices.

- Two states, Massachusetts and New York, have done so through Executive Order. However, Massachusetts has recently introduced legislation, H3199/S2040 – An Act Relative to Language Access and Inclusion, which is more comprehensive as it includes protocols for

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[77] Washington, DC is treated as a state for the purpose of this report.

[78] Hofstetter, J., McHugh, M., and O'Toole, A. (2021, October). A Framework for Language Access: Key Features of U.S. State and Local Language Access Laws and Policies. Migration Policy Institute. Washington, D.C. Retrieved from https://www.migrationpolicy.org/sites/default/files/publications/language-access-2021_final.pdf

[79] ibid.

American Sign Language interpreters and metrics for building in-house language capacity by hiring bilingual staff, as well as other enforcement and oversight measures.

- All states, except for Maryland, have charged a department, agency, or office to oversee, support, and enforce their statewide language access laws or policies. For example, New York charges the Division of Human Rights to monitor the statewide language access plans under the Executive Order 26.1.[80] Hawaii established the Office of Language Access in 2006 under the Act 290, Session Laws of Hawaii 2006- Relating to Language Access, to oversee the implementation of language access services across the state.[81]

- All states set up clear guidelines such as an LEP threshold metric for agencies or programs that are impacted by the law or policy. For example, the DC Language Access Act of 2004 required that the signs or posters that communicate the availability of language accessible services "shall be in the language(s) that constitutes 3% or 500 individuals, whichever is less, of the population served or encountered by the covered entity" and that "the covered entity shall provide written translation of vital documents into any non-English language spoken by a LEP/NEP population that constitutes 3% or 500 individuals, whichever is less, of the population served or encountered by the cover entity."[82] In New York, all covered state agencies are required to offer translation services for the top 10 languages, including Spanish, Chinese, Russian, Yiddish, Bengali, Korean, Haitian Creole, Italian, Arabic and Polish, with flexibility to choose additional languages based on the needs of their clients and other federal requirements.[83]

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[80] Division of Human Rights. (n.d.). Language access for individuals with limited English proficiency. Available online at https://dhr.ny.gov/language-access

[81] Office of Language Access. (n.d.). About us. Available online at https://labor.hawaii.gov/ola/about-us/

[82] Office of Human Rights. (2008, June 6). Notice of final rulemaking. District of Columbia Register, 55(23), 006348-006378 (section 1205.12 and 1205.16, p.006352). Available online at https://ohr.dc.gov/sites/default/files/dc/sites/ohr/publication/attachments/LanguageAccessActRegulations-English.pdf

[83] Hofstetter, J., McHugh, M., and O'Toole, A. (2021, October). A Framework for Language Access: Key Features of U.S. State and Local Language Access Laws and Policies. Migration Policy Institute. Washington, D.C. Retrieved from https://www.migrationpolicy.org/sites/default/files/publications/language-access-2021_final.pdf

Table 12. Highlights from States with Language Access Plans or Policies				
State	**Enactment**	**Oversight Agency**	**LEP Threshold Metrics**	**Highlights**
CA	Law	State Personnel Board	5% of population or 5% of people served by local office of state agency	• Financial resources • Oversight and accountability
DC	Law	Office of Human Rights	3% of population	• Community engagement • Financial resources • Oversight and accountability • Responsive language benchmarking
HI	Law	Office of Language Access	5% of population	• Community engagement • Oversight and accountability
MA	Executive Order*	Executive Office of Administration and Finance	5% of population or 5% of population served by agency geographic area	• Community engagement • Financial resources • Oversight and accountability
MD	Law		3% of population	• Community engagement
MN	Law	Commissioner of Administration	Based on the number of people with LEP served by each agency in consultation with groups representing non-English speakers	• Community engagement • Financial resources
NY	Executive Order	Division of Human Rights	Top 10 languages	• Financial resources • Oversight and accountability • Responsive language benchmarking
* MA recently introduced more comprehensive legislation				

Table 12 also highlights common practices shared by these states in the implementation of their language access plans. These practices include:

Community engagement. **(DC, HI, MA, MD, MN)** Community members, organizations, and advocates are included in policy design and implementation processes and are frequently engaged and consulted to provide guidance and advice on how to best support the needs of LEP communities (e.g., standing committees or advisory boards)

Financial resources. **(CA, DC, MA, MN, NY)** Allocating appropriate level of resources and funding to effectively implement LAP, continuous improvement and oversight, and training for both state employees and interpretation/translation providers

Oversight and accountability. **(CA, DC, HI, MA, NY)** Employing a language access coordinator (LAC) in each state agency to oversee the implementation of LAP and ensure compliance with laws and policies which can also coordinate and mobilize resources across state agencies; establish protocols and standards for quality assurance within the

agency and statewide; responds to complaints in a timely manner and works with community partners and advocates to improve access

Responsive language benchmarking. **(DC, NY)** Incorporate a system for tracking changes in populations to be able to anticipate emerging LEP needs and adjust in language access services; data collection should include sources from community organizations and requests for different services (interpretation, translation, sign language, braille, etc.) in addition to more commonly used Census Bureau data; detailed tracking of language access uses can also inform agency needs.

Generally, under these statewide plans, each state agency is responsible for developing a language access plan (LAP) and having a point of contact to oversee these initiatives. While these states share some common features, there are variations in the implementation of their language access policies. For example, some states provide more guidance on implementation and oversight than others.[84] For a detailed summary of practices present in California, Hawaii, Maryland, Massachusetts, Minnesota, New York, and Washington, DC that are consistent with best practices for serving people with LEP as well as people with disabilities, please see the Appendix H.

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[84] Hofstetter, J., McHugh, M., and O'Toole, A. (2021, October). A Framework for Language Access: Key Features of U.S. State and Local Language Access Laws and Policies. Migration Policy Institute. Washington, D.C. Retrieved from https://www.migrationpolicy.org/sites/default/files/publications/language-access-2021_final.pdf

State Example: Language Access for People with Disabilities in the Metropolitan Police Department of Washington D.C.

The Americans with Disabilities Act of 1990 and as amended in 2008 (U.S.C. 42.126) stipulates that "people who are deaf or hard of hearing are entitled to a level of service equivalent to that provided to other persons".[85] This legislation includes interactions between the police and community members who are Deaf. One illustrative example of language access during police encounters is in Washington D.C., where the Metropolitan Police (MPD) has established the Deaf and Hard of Hearing Liaison Unit (DHHU). This unit has "a team of dedicated officers that focuses on the public safety needs of the deaf and hard of hearing community."[86] They support interactions between police officers and the Deaf community as well as ensure certified sign language interpreters are available to assist officers in other units, such as detectives or patrol units.

Especially helpful, this unit has established three resources for the community. The first is an information

Figure 6: Example Deaf Driver Card

Source: Deaf and Hard of Hearing Liaison Unit. Deaf Driver Card (n.d.)

brochure about DHHU and the right to communication access in interactions with the police.[87] Second, DHHU also maintains a list on the website of the "Communication Rights for the Deaf and Hard of Hearing," affording the community and other officers the ability to know more about communication rights.[88] Finally, DHHU has also partnered with the Hearing Loss Association of American to create a "Deaf Driver Card" that can be kept in the glove box of a car and used during a traffic stop to support communication.[89] A sample portion of this card is reproduced in Figure 6.

The DHHU was established in 2002 and is served by only two officers out of 3,500 officers in the entire MPD. The population of individuals who are Deaf in Washington D.C. is estimated at 4% in 2019.[90] In addition to the population, Gallaudet University, the only Deaf liberal arts university founded in 1864, is in Washington, D.C.[91] The Deaf community serves on advisory boards, and Gallaudet University supports an internship program with MPD for the DHHU.

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[85] U.S. Department of Justice. (2006). Model Policy for Law Enforcement on Communicating with People Who Are Deaf Or Hard Of Hearing. Retrieved from https://www.ada.gov/lawenfmodpolicy.htm, para 2

[86] Metropolitan Police of D.C. (n.d.) Deaf and hard of hearing liaison unit. Retrieved from https://mpdc.dc.gov/page/deaf-and-hard-hearing-liaison-unit. Para 1.

[87] Deaf and Hard of Hearing Liaison Unit. (2014). About the Deaf and Hard of Hearing Liaison Unit. Retrieved from https://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/publication/attachments/DHHU%20Brochure%202014.pdf

[88] Metropolitan Police of D.C. (n.d.) Communication Rights for the Deaf or Hard of Hearing. Retrieved from https://mpdc.dc.gov/page/communication-rights-deaf-or-hard-hearing

[89] Deaf and Hard of Hearing Liaison Unit. (n.d.). Deaf Driver Card. Retrieved from https://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/publication/attachments/VIsor Communications Card_HLAADC.pdf

[90] Disability and Health Data System. (2020). All States: Disability Estimates. Centers for Disease Control and Prevention. https://dhds.cdc.gov/LP?CategoryId=DISEST&IndicatorId=STATTYPE&ShowFootnotes=true&View=Chart&yearId=YR4&stratCatId1=CAT1&stratId1=BO1&stratCatId2=&stratId2=&responseId=Q6HEAR&dataValueTypeId=AGEADJPREV&MapClassifierId=quantile&MapClassifierCount=5

[91] Gallaudet University. (2021). Fast facts. Retrieved from https://www.gallaudet.edu/about/news-and-media/fast-facts/#:~:text=Founded,law%20by%20President%20Abraham%20Lincoln.

Local Governments Establish Language Access Plans

Language access plans from across the nation were examined to identify four key practices implemented in local governments: (1) community engagement, (2) financial resources, (3) oversight and accountability, and (4) responsive language benchmarking. A summary of these practices for the 19 localities outside of Virginia is shared in Table 13. Among these localities:

- All localities except for Franklin, TN, adopted oversight and accountability, assigning a department, board, office and/or a language access coordinator to oversee and monitor their language access policies and respond to the language access needs of their communities.

- Ten of the localities ensure financial resources to support the language access plans and implementation.

- Eight of the localities involve community stakeholders in the design and implementation of language access policies.

- Four localities provided responsive language benchmarking that monitors the changes of the needs of their population and/or prepares to adjust their policies to meet the additional needs of their population.

Table 13. Best Practices in Localities, Nationwide				
Locality	Community Engagement	Financial Resources	Oversight & Accountability	Responsive Language Benchmarking
Anchorage, AK	✓		✓	✓
Oakland, CA	✓	✓	✓	
San Francisco, CA		✓	✓	
Jacksonville, FL	✓		✓	
Boston, MA		✓	✓	✓
Montgomery County, MD	✓	✓	✓	
Minneapolis, MN	✓		✓	✓
Durham, NC			✓	
New York, NY	✓		✓	
Cleveland, OH	✓		✓	
Eugene, OR	✓	✓	✓	
Philadelphia, PA			✓	
Knoxville, TN			✓	
Franklin, TN		✓		
Austin, TX		✓	✓	
Houston, TX		✓	✓	
Seattle, WA		✓	✓	
King County, WA			✓	✓
Madison, WI		✓	✓	

Virginia Localities

A few Virginia localities, receiving federal funds to provide a range of services, already have LAPs to comply with Title VI of the Civil Rights Act of 1968. However, some of these plans are specifically aimed at promoting a more culturally competent and equitable response to the community-at-large, regardless of LEP status. For example, Arlington County's Department of Public Safety Communications and Emergency Management are launching their first-ever Spanish language Community Emergency Response Team (CERT) volunteer training program. Classes are held entirely in Spanish and are open to anyone 14 years of age or older in an effort to better equip the community with resources before, during, and after emergencies. In addition to Arlington County, Charlottesville, Falls Church, Harrisonburg, Loudon County, and Richmond City have developed Language Access Plans.[92,93,94,95,96]

> **Virginia Localities Reporting Language Access Plans**
> Charlottesville
> Falls Church
> Harrisonburg
> Loudon County
> Richmond City

Statewide government language access laws can also provide guidance to local governments interested in advancing their own practices to better serve LEP populations and people with disabilities. While statewide laws are directives for state agencies, localities in states such as California, Massachusetts, Maryland, and New York often reference the state law to reinforce acting on LAPs at the local level. Since there are Virginia local governments with existing LAPs, might be a positive sign that some localities would be interested in aligning their efforts with the state.

At the epicenter of cultural excellence, Virginia is primed as an excellent destination for business, education, and tourism. Developing state policy and adopting best practices to embed language equity and expand access for immigrant populations, people with LEP, and people with disabilities seeking benefits and services from state agencies and local governments is an important improvement to trigger a breakthrough approach. A statewide effort that follows the best practices discussed above would provide the Commonwealth with greater capacity to respond to residents' needs, contributing to government legitimacy and democracy.[97] When government services are extended to people with LEP, it increases trust, public participation, and political efficacy as members from non-English speaking groups feel supported and included in public life.[98]

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[92] See more about Charlottesville's plan (pg. 62) https://www.charlottesville.gov/DocumentCenter/View/1516/03-04-2019-Impediments-to-Fair-Housing-PDF

[93] Falls Church Language Access Policy. See Appendix D in https://www.fallschurchva.gov/DocumentCenter/View/865/Title-VI-Program?bidId=

[94] Harrionburg, VA (Feb, 2020). Council Vision and Priorities.
https://www.harrisonburgva.gov/sites/default/files/CMO/Harrisonburg%20Priorities%20Guide%20February%202020_0.pdf

[95] Loudoun County Limited English Proficiency Plan: https://www.loudoun.gov/DocumentCenter/View/122720/LEP-PLAN-CULTURAL-DEMOGRAPHICS---Updated-May-2021?bidId=

[96] Richmond City Language Access Plan. https://www.rva.gov/immigrant-engagement/language-access

[97] Benavides, A. D., Nukpezah, J., Keyes, L. M., & Soujaa, I. (2020). Adoption of multilingual state emergency management websites: Responsiveness to the risk communication needs of a multilingual society. *International Journal of Public Administration*, *44*(5), 409-419.

[98] Benavides, A. D., Nukpezah, J., Keyes, L. M., & Soujaa, I. (2020). Adoption of multilingual state emergency management websites: Responsiveness to the risk communication needs of a multilingual society. *International Journal of Public Administration*, *44*(5), 409-419.; Christensen, J. (2020). Representative bureaucracy, international organizations and public service bargains. *Public Administration*, *98*(2), 408-423.

4 **A Closer Look at Language Access Vendors**

> **KEY INFORMATION:**
> - Initial feedback at the outset of this project implied dissatisfaction with the Commonwealth's contracted vendors. However, after further discussion with the Department of General Services (DGS) and its Division of Purchases and Supplies (DPS), it was found that the dissatisfaction may have been caused by gaps in services, which is a contractual issue rather than a vendor performance issue.
> - The scope of the Commonwealth's contracts was developed in 2017. The pandemic has not only highlighted service gaps, it has also changed the way services are provided, significantly increasing the need for all Language Access Services (LAS).
> - A comprehensive survey of vendors currently being used by the Commonwealth and in states with robust Language Access Services (LAS) resulted in the compilation of a primary vendor list of 45 top providers, which can be found in Appendix I.

Understanding Language Access Services (LAS) vendors

The Commonwealth of Virginia is able to satisfy some of its Language Access Services (LAS) needs through internal measures. However, it is not practical to expect exceptional language access without supplementing these internal measures with services provided by LAS vendors.

Language Access Services (LAS) vendors vary in size from a single individual performing services to massive nationwide businesses with staff available to serve in hundreds of languages. Vendor capabilities range from providing a single service in a single language to a multi-service business that has the capability to provide a large portfolio of services, including Over-the-Phone Interpreting (OPI), Video Remote Interpreting (VRI), Document Translating (DT), and American Sign Language (ASL) and a number of specialties (e.g., medical, court, legal, Braille, pro-tactile signing) within each. Many of the vendors that provide specialty services or have expertise in a single language are small businesses that are eligible to apply for preferential access to contracting opportunities through the Commonwealth's small-, micro-, minority- or veteran-business certification program. However, a common complaint is that the process to become certified is too cumbersome, resulting in many of these needed vendors not being available for use by the Commonwealth.

LAS vendors typically have a pool of interpreters and translators under contract that can be conferenced in or dispatched when a need arises. These interpreters and translators range from those fluent in two or more languages to those who have acquired training and certification in languages and/or specialties. This training does not always ensure cultural competency of the

individual. Consequently, the burden is upon the entity requesting the service to ensure any special requirements are declared before an individual is assigned to provide the required services.

Initial feedback at the outset of this project implied dissatisfaction with the Commonwealth's contracted vendors. However, after communicating further with the Department of General Services (DGS) and its Division of Purchases and Supplies (DPS), it appears dissatisfaction may trace back to gaps in services, which is a contractual issue rather than a vendor performance issue. The scope of the Commonwealth's contracts was developed in 2017. The pandemic has not only highlighted service gaps, but it has also changed the way services are provided, significantly increased the need for all LAS services. This analysis focuses on known concerns and does not negate any end-user concerns that may exist due to either service gaps or actual vendor performance issues. A comprehensive survey of internal and external end-users of the LAS contracts is necessary to identify the actual source of dissatisfaction.

Vendor Lists

As part of this review, a list of potential LAS vendors was compiled. To ensure geographic relevance, the initial vendor data was collected from eVA, the procurement system utilized by the Commonwealth. This system contains a comprehensive list[99] of self-registered businesses that have indicated an interest in providing services to the Commonwealth. Vendors are required to select categories of services they wish to provide, and the resulting vendor database is organized by these categories. The vendors have not been validated to ensure they are currently in business, able to provide the indicated services, and have the capability to serve the Commonwealth.

eVA Registered Vendors by Service

Service	Count
Onsite Interpreting	493
Document Translation	482
ASL	231
Remote Interpreting	190
Transcription Services	4
Captioning Services	1
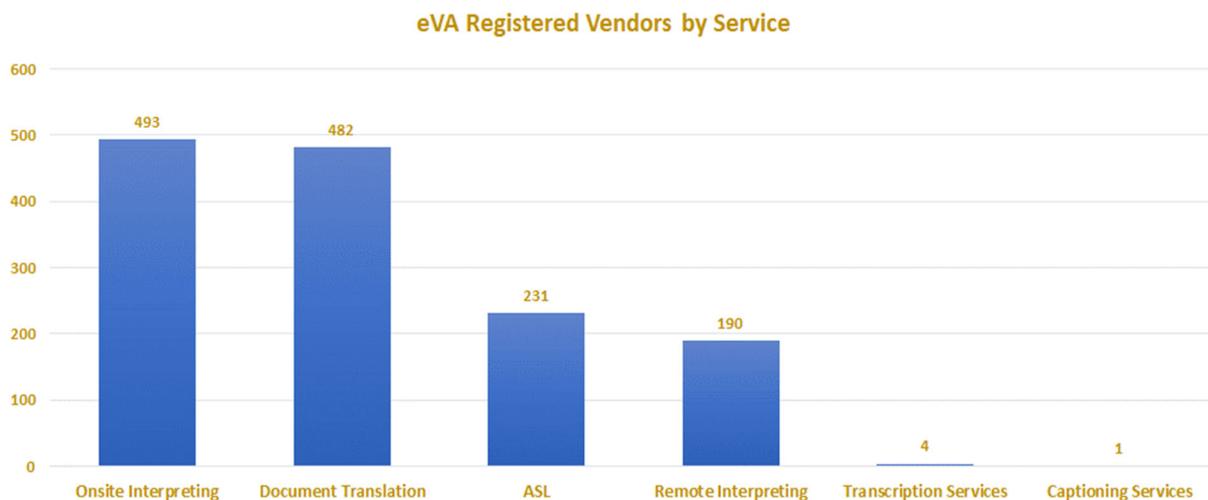
Chart 2. Number of eVA Registered Vendors by Service

When DGS/DPS advertised the LAS solicitation in 2017 to the 1,322 vendors registered at that time under these categories, only 15 responded with a proposal. This is not unique to LAS vendors, as

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[99] The list of vendors registering on eVA for LAS service offerings may be obtained from
https://logi.cgieva.com/External/rdPage.aspx?rdReport=Public.Reports.Report9001_Data. The relevant report codes are: 91-525, 96-117, 96-146, 96-167, 96-172 and 96-175.

this occurs with all goods and services solicited from the self-registered vendors in the eVA database. Further, it is globally true for public entities that allow open, online vendor registration. It is appropriate to conclude that one cannot rely on registered vendors lists to determine whether there is a sufficient supplier pool that is ready, willing, and able to provide any particular service.

LAS vendor information was also collected from public entities, both regionally and nationally, that have large LAS contracts that were awarded in the last four years, as these vendors lists are likely to be most current and relevant. Special attention was paid to LAS vendors under contract to states known to be more progressive in their language access practices, such as Colorado, Hawaii, Maryland, Massachusetts, and New York. Without exception, the entities had a large percentage of very localized service providers on their potential bidder lists. However, several large providers were repeatedly present and identified as major providers nationally or regionally. The major providers were, in most cases, full-service providers, offering OPI, VRI, and DT. In addition, the vast majority offered ASL interpretation, with most offering this in both video and onsite delivery. Consequently, the forty-five (45) top providers were placed on a primary vendor list (see Appendix I) compiled for consideration by the Commonwealth. The Commonwealth currently has three major LAS providers, all of whom appear on the primary vendor list. These companies were contacted to identify specific LAS services and specialties offered. Those that responded have this detail included on the primary vendor list.

5 Strategies to Address Community Needs

> **KEY INFORMATION:**
> - Everyone, regardless of disability status, should have the same experiences when interacting with government services.
> - It is important for staff to be trained on what accommodations currently exist for people with disabilities and how to ensure those accommodations are available for interactions with the community.
> - This section outlines strategies and best practices for:
>   - front-line staff serving both Limited English Proficient and people with disabilities
>   - translation of website and digital content
>   - hiring professional interpreters
>   - continuous improvement and accountability

Culturally Responsive Language Access

In this section, we offer guidance for incorporating and delivering culturally and linguistically appropriate services to speakers with different linguistic and cultural backgrounds, drawing from existing frameworks and best practices, keeping in mind the specific needs of Limited English Proficient (LEP) and multilingual Virginians.

The Centers for Disease Control and Prevention defines cultural and linguistic competence as a "set of congruent behaviors, attitudes, and policies that come together in a system, agency, or among professionals that enables effective work in cross-cultural situations. 'Culture' refers to integrated patterns of human behavior that include the language, thoughts, communications, actions, customs, beliefs, values, and institutions of racial, ethnic, religious, or social groups. 'Competence' implies having the capacity to function effectively as an individual and an organization within the context of the cultural beliefs, behaviors, and needs presented by consumers and their communities."[100]

The National CLAS (Culturally and Linguistically Appropriate Services) Standards framework for culturally responsive language access in health and human services offers a structured and detailed approach for effectively assessing and addressing culturally and linguistically diverse needs through governance, leadership, and workforce, communication, and language assistance, and engagement, continuous improvement, and accountability (Box 2).[101]

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[100] Centers for Disease Control and Prevention. (2021). Cultural Competence in Health and Human Services. Retrieved from https://npin.cdc.gov/pages/cultural-competence#4, para 3
[101] Office of Minority Health, U.S. Department of Health and Human Services. (2021). The National CLAS Standards. Retrieved from https://minorityhealth.hhs.gov/omh/browse.aspx?lvl=2&lvlid=53

Box 2: National CLAS Standards

Culturally Responsive Language Access
- Advance and sustain organizational governance and leadership that promotes CLAS and health equity through policy, practices, and allocated resources.
- Recruit, promote, and support a culturally and linguistically diverse governance, leadership, and workforce responsive to the service area population.
- Educate and train governance, leadership, and workforce in culturally and linguistically appropriate policies and practices on an ongoing basis

Communicating about Language Access Support and Services
- Offer language assistance to individuals who have limited English proficiency and/or other communication needs, at no cost to them, to facilitate timely access to all health care and services.
- Inform all individuals of the availability of language assistance services clearly and in their preferred language, verbally and in writing.
- Ensure the competence of individuals providing language assistance, recognizing that the use of untrained individuals and/or minors as interpreters should be avoided.
- Provide easy-to-understand print and multimedia materials and signage in the languages commonly used by the populations in the service area.

Continuous improvement and Accountability
- Provide easy-to-understand print and multimedia materials and signage in the languages commonly used by the populations in the service area.
- Establish culturally and linguistically appropriate goals, policies, and management accountability, and infuse them throughout the organization's planning and operations.
- Conduct ongoing assessments of the organization's CLAS-related activities and integrate CLAS-related measures into measurement and continuous quality improvement activities.
- Collect and maintain accurate and reliable demographic data to monitor and evaluate the impact of CLAS on health equity and outcomes and to inform service delivery.
- Conduct regular assessments of community health assets and needs and use the results to plan and implement services that respond to the cultural and linguistic diversity of populations in the service area.
- Partner with the community to design, implement, and evaluate policies, practices, and services to ensure cultural and linguistic appropriateness.
- Create conflict and grievance resolution processes that are culturally and linguistically appropriate to identify, prevent, and resolve conflicts or complaints.
- Communicate the organization's progress in implementing and sustaining CLAS to all stakeholders, constituents, and the general public

Source: U.S. Department of Health and Human Services, Office of Minority Health. (2021). The National CLAS Standards. Retrieved from https://minorityhealth.hhs.gov/omh/browse.aspx?lvl=2&lvlid=53

Furthermore, the U.S. Department of Health and Human Services, Office of Minority Health provides a checklist to assist agencies in implementing the National CLAS Standards (Box 2). These standards can guide evaluation, implementation, continual assessment, and improvement of practices. It is important to note that the CLAS framework, in addition to healthcare, is applicable to

other social service settings. Different standards apply to court interpreting where the interpreters "are to limit their activities strictly to the practice of interpreting." [102]

Training of Staff

This section outlines strategies for front-line staff serving both Limited English Proficient and people with disabilities.

Strategies for Front-Line Staff Serving People with Disabilities

One of the most effective strategies for serving people with disabilities is to hire people with disabilities at all levels of the organization, including front-line positions. For agencies that have yet to diversify their front-line staff, several important strategies can be used to promote better interactions between people with disabilities and government service offices. In Box 3, strategies are offered to provide excellent service as well as strategies for communication. All interactions should be inclusive and respectful. Everyone, regardless of disability status, should have the same experiences when interacting with government services. It is also important for staff to be trained on what accommodations currently exist for people with disabilities and how to ensure those accommodations are available for interactions with the community.

Box 3. Strategies for Front-Line Staff Serving People with Disabilities

Providing Excellent Service
- Treat everyone as a valued customer; don't treat people with disabilities with pity or disrespect.
- Learn about accessibility features at your place of business (e.g., is there a ramped or level entrance?) so you can answer questions and provide accurate information.
- Make sure there is a clear path of travel for customers using mobility devices or service animals.
- Service animals are used by people with a variety of types of disabilities. If you can't tell whether an animal is a service animal, you may ask only two questions: (1) is the animal a service animal needed because of a disability, and (2) what work or task has the animal been trained to perform.
- A mobility device is considered part of an individual's personal space; do not lean on it or move it without permission.
- When you offer assistance, wait for the individual to respond; don't make assumptions, listen, ask for instructions, and respect the individual's wishes.

Communicating with Customers with Disabilities
- Speak directly to persons with disabilities; don't avoid eye contact or speak only to their companions.
- Be patient and give your full attention to persons who may have difficulty communicating; some people need more time to express themselves.
- If you don't understand someone, don't pretend you do; ask questions that will help you understand.
- When speaking with a person who is deaf or hard of hearing, speak clearly, face the person, and don't cover your mouth. If speaking through an interpreter, direct your attention to the individual with a disability, not to the interpreter.
- Keep paper and pen handy for exchanging notes with persons who are deaf, hard of hearing, have speech disabilities, or other disabilities that affect communication. Know about any other

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[102] Towards a Redefinition of the Role of the Court Interpreter. Available at https://acebo.myshopify.com/pages/towards-a-redefinition-of-the-role-of-the-court-interpreter

- communication aids your business may have on hand (large print materials, assistive listening devices, etc.).
- When speaking with a customer of short stature or a person using a wheelchair or scooter, it may be helpful to sit down at eye level, if possible, to make the conversation easier.
- When speaking with a person who is blind or has low vision, identify yourself and others who are with you, and let the person know if you are leaving. Use specific words to give information or directions (remember the person may not be able to see you pointing, nodding, etc.) and offer to read printed material out loud if necessary.

Source: ADA National Network (2017). ADA Quick Tips – Customer Service for Front Line Staff. Retrieved from https://adata.org/factsheet/quicktips-customer-service

Strategies for Front-line Staff Serving People with Limited English Proficiency

Ensuring timely and equitable access to different services requires culturally and linguistically appropriate communication. This communication can be oral, through an interpreter or direct engagement of bilingual staff with the service user, or through written, translated content, which can be both print and digital. In Box 4, some effective ways of working with an interpreter are described. These recommendations draw from best practices on effectively working with interpreters set forth by Refugee Health[103] and include input from the different stakeholders and experts on the team. Though the Refugee Health strategies focus primarily on interactions in healthcare settings, they are easily adaptable to other service settings.

Box 4. Strategies for Front-line Staff Serving People with Limited English Proficiency

General Strategies for Effective Interpreter-mediated Communication

- Train staff on how to work with interpreters and how to access/request an interpreter.
- Use professional, trained, qualified, and/or certified interpreters when working with individuals or groups who do not speak the language of service (training is offered for community or public service interpreters (PSI): healthcare, education, legal, immigration, conference, and some specialized areas such as interpreting for survivors of sexual violence, torture, and trauma).[104]
- Ensure that the interpreter has requisite knowledge and subject matter expertise in order to interpret accurately and completely.
- Use interpreters who adhere to a professional standard and a code of ethics and respect role-boundaries and communicative autonomy.
- Identify the mode[105] of interpreting needed – consecutive or dialogue interpreting (interpreting after each complete utterance), simultaneous (interpreting along with the speaker), and sight translation/interpreting (an oral rendition of a written text into the language of the service provider or service seeker).

> *"By hiring a professional interpreter, you are harnessing the power of language to make sure your message gets across. You are also ensuring that investments you've already made are not wasted, and reducing risk for yourself, your partners and your clients."* [103]

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[103] Refugee Health. Best Practices for Communicating Through an Interpreter. Retrieved from https://refugeehealthta.org/access-to-care/language-access/best-practices-communicating-through-an-interpreter/.

[104] Interpreting: Getting it Right. Retrieved from https://www.atanet.org/client-assistance/getting-it-right/

[105] NAJIT (2006). MAJIT Position Paper – Modes of Interpreting: Simultaneous, Consecutive & Sight Translation. Retrieved from https://najit.org/position-papers/

- Recognize that the client may sometimes wish to use their own interpreter for trust and comfort reasons and proceed according to agency guidelines and the client's preferences.
- Do not use children or minors to interpret or broker for adults.
- If a bilingual staff member is providing the service in the target language, ensure that a third party has assessed their language skills.
- Ensure that the interpreter has adequate information about the appointment in order to review agency-specific content, prepare any specialized terminology, and for emotional readiness (trauma-informed interpreting is an up-and-coming area of interpreter training, and some interpreters may have very similar lived experiences as the service users, therefore, interpreted content could potentially be triggering).
- Provide the interpreter with any materials that will need to be sight translated during the appointment (especially if VRI or OPI) or for an educational session with prepared presentation content or a speech. It is best practice to provide the slides, notes, and text in advance. Providing a translation ahead of time can ensure smoother delivery as well.
- Brief (with) or introduce yourself to the interpreter and allow the interpreter to introduce themselves to the client and determine or get accustomed to the client's dialect – this helps build rapport and can help mitigate any potential misunderstandings and help establish one's ability to speak and comprehend a language (especially when working with speakers of indigenous languages yet interpreting is provided in Spanish, their second language).
- Review technical requirements for Remote Interpreting.[106]

Source: Durban, C. (2011). Interpreting Getting it Right: A guide to buying interpreting services. American Translators Association, https://www.atanet.org/wp-content/uploads/2020/12/getting-it-right-interpreting.pdf

Strategies for Ensuring Culturally Appropriate Translations

We use the definition of translation as the process of "changing an original written text (the source text or ST) in the original verbal language (the source language or SL) into a written text (the target text or TT) in a different verbal language (the target language or TL)"[107] with transcreation as an important extension of this process, especially in the delivery of culture-bound content. Not all text types require or lend themselves to creative translation (medical forms, legal documents, user manuals, etc.); therefore, subject matter expertise and in-depth specialized knowledge are essential. However, for culture-bound concepts, visual content, and advertising, transcreation is advised. According to Digital.gov, "A successfully transcreated message (either written or visual) evokes the same emotions and carries the same implications in the target language as it does in the source language, but in a way that resonates with the target audience."[108] The following recommendations in Box 5 are based on best practices outlined in federal agency LAPs, and based on stakeholder recommendations and team expertise.

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[106] Remote Interpreting Guide for Courts, Court Staff, and Justice Partners (2018). Retrieved from chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/viewer.html?pdfurl=https%3A%2F%2Fwww.ncsc.org%2F__data%2Fassets%2Fpdf_file%2F0021%2F18705%2Fremote_interpreting_-guide.pdf

[107] Munday, J. (2001). Introducing Translation Studies: Theories and Applications. Routledge

[108] Transcreation: Why Do We Need It? Available at https://digital.gov/2016/04/08/transcreation-why-do-we-need-it/

Box 5. Model Translation Strategies

Initial In-agency Process: Identifying and Preparing Content for Translation

- Identify vital forms for your agency
- Ensure that the source text is written in plain language
- Provide specific instructions and supply all necessary documentation (e.g., source text, target language, target audience, how the translation will be used, agency-specific glossaries, style guides, or even templates)
- Allow sufficient time for project completion, including editing and proofreading
- Solicit consumer feedback on cultural appropriateness (when indicated or time permitting)

Translating Print, Digital and/or Web-based Content

- Hire professional, trained, qualified or certified translators, localization specialists, and/or transcreators for all vital documents
- Ensure that the translator has the required subject matter expertise to translate highly specialized content
- For culture specific content, employ creative translators or transcreators who are familiar with the nuances of the target language, culture, and its intended audience
- Create and manage agency specific glossaries or terminology banks (of frequently used and relevant terminology), and style guides, and make them available to all translators
- Work with translators who work with Computer-assisted Translation (CAT) tools and are able to integrate agency specific terminology, glossaries, and style guides into their workflow, to produce tailored, accurate, and consistent translations of frequently commissioned content
- Limit the use of Machine Translation (MT), such as Google Translate, for, according to the American Translators Association (ATA), it "can be embarrassing or even disastrous for your business— endangering customers and putting your company at risk for lawsuits;" instead, when human translation is not available, opt for Adaptive MT "a technology that learns and adjusts in real-time from human feedback" especially on text types and content that do not require transcreation.
- Ensure that bilingual staff who translate content into the service user's language have demonstrated translation and/or written ability in the target language.
- Establish a QA process (internal or external soliciting feedback from consumers) after the final edited copy is delivered to you.

For translation of website and digital content, Box 6 offers select examples from Digital.gov, which provides a comprehensive list of model approaches to creating and maintaining multilingual websites.[109] Box 6 includes key considerations for implementation and additional recommendations.

Box 6. Strategies for Developing and Maintaining Digital Content

Language, Culture, Accessibility, and Maintenance

- Strive to offer the same or comparable user experience and access to website and other digital content in their preferred language

- Make it possible for multilingual users to navigate to content in their language from the English site through "global navigation on the top right of every English page" or through a toggle button where the user can easily switch between languages

- Specify which content is available only in English by adding "in English" to the link or tag line written in the user's language as a way of managing their expectations. One such example provided by Digital.gov is the Spanish version of the USAGov en español where (en inglés) is added to links or content only available in English.

- Integrate your digital content with in-house support. Digital.gov offers an example of such integration from USAGov en Español, which "provides phone, chat and email support in Spanish through 1-(844)-USA-GOV1, as well as marketing campaigns and outreach materials in Spanish." If this is not an option for your agency, you may include contact information of staff members who are able to provide the service and access to services in the user's preferred modality and language

- Make the community aware of your multilingual and multimodal services through outreach and targeted marketing

- Conduct periodic surveys of user's experience and update translated content to meet the needs and expectations of the target audience.

- Ensure digital content is formatted and maintains accessibility requirements, including, but not limited to, compliance with screen readers and/or mobile devices. The federal government maintains resources for website compliance. [110]

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[109] Top 10 Best Practices for Multilingual Websites. Complete list available at https://digital.gov/resources/top-10-best-practices-for-multilingual-websites/
[110] U.S. General Services Administration. (2021). Guides and resources. Retrieved from https://digital.gov/resources/

6 Recommendations for Effective Statewide Language Accessibility

> **KEY INFORMATION:**
>
> Seven recommendations are outlined in this section:
>
> 1. Oversight and Staffing Solutions – including eight new positions in the Governor's Office of Diversity, Equity, and Inclusion to expand its operation to provide additional guidance and assistance to address the needs of non-English speaking persons and those with language accessibility needs; and two additional positions dedicated to language access in 18 state agencies, identified as the most critical service providers. This section also recommends the creation of a Language Access Advisory Council.
> 2. Multilingual Translation and Interpreter Services – including a central website and hotline services
> 3. Procurement Services – creating statewide contracts for Over-the-Phone Interpretation (OPI), Video Remote Interpreting, onsite and videoconference American Sign Language Interpretation, and Document Transliteration (Braille)
> 4. Language Access Training and Professional Development Programs – creating Subject Matter Expert (SME) certification program for training and education of interpreters and translators
> 5. Assessment, Monitoring, and Evaluation – establishing a regular assessment, monitoring, and evaluation statewide program with a quarterly and annual assessment of overall LAP processes, impacts, outcomes, and client satisfaction
> 6. Limited English proficiency (LEP) Compliance – establishing a compliance program that incorporates standards of practice, audit of functions, and vendor performance oversight
> 7. Legislative Action – repeal the sentence in the Code of Virginia § 1-511 that states, in part, "[e]xcept as otherwise provided by law, no state agency or local government shall be required to provide…"

This report has numerous implications for statewide improvements and adaptation for agencies serving people with LEP and/or PWD.

Virginia must invest significant resources to fully implement a comprehensive strategy that develops high-quality language accessibility and accommodation services, emphasizing cultural competence, equitable language access and accommodation, and widespread support for government services.

To develop culturally and linguistically appropriate services, we recommend that Virginia state lawmakers adopt a statewide cultural competency strategy that prioritizes individual services, supports language access and accommodation mandates, procures professional training and development, and secures services for translation and interpreting to support multilingual speakers. Our recommendations seek to dismantle barriers to equitable language access and are organized in seven core areas at the state and agency levels:

1. **Oversight and Staffing Solutions**
2. **Multilingual Translation and Interpreting Services**
3. **Procurement Services**
4. **Language Access Training and Professional Development Programs**
5. **Assessment, Monitoring, and Evaluation**
6. **LEP Compliance**
7. **Legislative Action**

The recommendations in this report are consistent with those advanced by the ODEI (Interim Policy Report to the Governor, 2021), the Governor's Executive Leadership Team Immigrant Integration Team (Appendix J), the Office of New Americans need assessment (anticipated 2022), and a host of state agencies and community stakeholders who support increasing cultural competency throughout the state to improve access and quality in service delivery systems. The report also recommends themes commensurate with the annual reports of the Office of New American Advisory Board and other constituency advisory boards, such as the Virginia Asian Advisory Board,[111] Virginia Latino Advisory Board,[112] and the Virginia African American Advisory Board,[113] that call for an investment in improving statewide inclusive infrastructure. Based on the recommendations and actions, it is recommended that the ODEI be granted the policy authority for implementing the language access plan.

The Commonwealth of Virginia is committed to supporting a statewide initiative that creates and maintains culturally competent agencies to advance public service and adopt best practices in actions, programs, and services for diverse cultures, social groups, and individuals.

DEFINING CULTURAL COMPETENCE

Cultural competence has been broadly defined as a set of congruent behaviors, attitudes, and policies that come together in a system, agency, or among professionals and enables that system, agency, or those professionals to work effectively in cross-cultural situations [114]

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[111] Virginia Asian Advisory Board Annual Report (2021). https://www.vaab.virginia.gov/media/governorvirginiagov/vaab/September-2021-Annual-Report-Final.pdf
[112] Virginia Latino Advisory Board 2020-2021 Annual Report. (2021)
https://www.vlab.virginia.gov/media/governorvirginiagov/vlab/documents/reports/2021-VLAB-Annual-Report.pdf
[113] African American Advisory Board Annual report (2021). https://www.vaaab.virginia.gov/media/governorvirginiagov/vaaab/pdf/2020-2021-Final-Report.pdf
[114] Cross, T., Bazron, B., Dennis, K., & Isaacs, M. (1989). Cultural competence in serving children and adolescents with mental health problems. Substance Abuse Mental Health Services Administration. Washington, DC. www.eric.ed.gov/PDFS/ED461221.pdf.

Collectively, the recommendations in this report support a comprehensive approach to embrace statewide equity and access strategy. Particularly, the Cultural Competence Comprehensive Model (CCC Model) asserts that building culturally competent public agencies requires an action-oriented plan. The "implementation

> "The pursuit of cultural competence represents a window of opportunity to expand traditional knowledge, skills and abilities (KSAs) into more effective KSAs that develop a public sector workforce who possess the knowledge, skills, abilities, awareness, and attitudes (KSA3) to eliminate the existing gap or divide that exists between cultural and social groups." [115]

of cultural competency can range from simple translation of documents or the provision of a translator in government offices to more complex matters such as adaptations for disabled individuals or incorporation" of various cultural norms into public health services" (p. 349).[115] As a core characteristic of good government and to improve service access for cultural and social groups, the CCC Model relies on key performance indicators (KPIs) that help provide an equity assessment and subgroup analysis that transforms cultural knowledge to meet the needs of consumers of public goods and services.[116] The following recommendations establish standards of best practice that strengthen the DEI infrastructure, ultimately contributing to Virginia's national recognition as a "Best in Class" state.

Recommendation 1

OVERSIGHT AND STAFFING SOLUTIONS. *It is recommended the state establish oversight and staffing solutions to promote effective and efficient service, adherence to state standards, guidelines, contractual requirements, and federal and state laws, regulations, and administrative directives.*

Executive Order. It is recommended that an Executive Order be issued to ensure that state government services are provided in languages other than English to reflect the increasing diversity of languages spoken throughout the Commonwealth and are implemented in a consistent, effective, and cost-efficient manner. Gubernatorial executive orders are an important policy tool for expediency when legislation is not immediately available.[117] The Constitution of Virginia provides the governor with authority to issue executive orders to comply with federal law as well as address management and administrative issues to prevent discrimination.[118],[119] Such an executive order would ensure that all state agencies receiving federal funds adequately comply with Title VI of the Civil Rights Act of 1964 and Federal Executive Order 13166. Governors of New York[120] and Massachusetts[121] have issued

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[115] Norman-Major, K. & Gooden, S. T. (2012). An Assessment of the State of Cultural Competency in Public Administration. In K. Norman-Major & S. T. Gooden (Eds.), Cultural Competency for Public Administrators (pp. 348-354). M. E. Sharpe.

[116] Berry-James, R. M. (2012). Cultural Competency in Health Care: Standards, Practices and Measures. In K. Norman-Major & S. T. Gooden (Eds.), Cultural Competency for Public Administrators (pp. 181-196). M. E. Sharpe.

[117] Gakh, M., Vernick, J. S., & Rutkow, L. (2013). Using gubernatorial executive orders to advance public health. *Public Health Reports*, *128*(2), 127-130.

[118] National Governors Association (n.d.) Governor's Powers & Authority retrieved from https://www.nga.org/governors/powers-and-authority/#orders

[119] Perkins, H. (2019). *The Book of States*. The Council of State Governments: Lexington, KY retrieved from http://knowledgecenter.csg.org/kc/system/files/4.5.2019.pdf

[120] New York Executive Order 26.1 retrieved from https://www.governor.ny.gov/sites/default/files/atoms/files/EO_26.1.pdf

[121] Massachusetts Executive Orders 526 and 527 retrieved from https://www.mass.gov/administrative-bulletin/language-access-policy-and-guidelines-af-16

executive orders to support state agencies developing Language Access Plans by providing specific guidelines to improve agency effectiveness and performance and reduce disparities for people with LEP and people with disabilities.

Elevating the Office of Diversity, Equity, and Inclusion. We recommend elevating the Office of Diversity, Equity, and Inclusion to a cabinet-level and transitioning the Chief Diversity, Equity, and Inclusion Officer to a Secretariat level position. In 2019, Virginia has made significant progress in advancing access and opportunity by creating its Office of Diversity, Equity, and Inclusion and establishing its first Chief Diversity, Equity, and Inclusion Officer (CDEIO). Since then, Virginia has become a national leader for access and opportunity to government services by establishing the ONE Virginia Plan,[122] formulating data-driven equity dashboards, establishing the first equity leadership task force,[123] galvanizing a health equity agenda,[124] and coordinating equity legislation across Virginia's executive, legislative and administrative branches. Taken together, these accomplishments signal Virginia's progress in advancing its competitive advantage among its peers.[125] Clear shifts in environmental factors at the local, state, and national levels further substantiate the need for a coordinated focus on inclusive excellence at secretary level. Elevating the CDEIO would demonstrate Virginia's intent to respond to a rapidly changing society. Virginia's recent elevation of its chief workforce advisor to a cabinet secretariat level establishes precedence for this request.[126]

Centralization of Resources for Language Access. It is recommended that the Governor's Office of Diversity, Equity, and Inclusion broaden its operations to serve as the policy authority for implementing a statewide policy on language access, advise state agencies on their language access plans, provide additional guidance, exchange information, and offer financial assistance to address the unique needs of non-English speaking persons, those who have limited English proficiency, and those with language accessibility needs. A centralized statewide framework would increase collaboration, coordination, oversight, and success for language access and other equity and accessibility issues, continuing Virginia on its path to ONE Virginia. In addition to its existing infrastructure, we recommend the addition of the following eight new staff within the existing ODEI infrastructure to support this effort:

- One Deputy Diversity Officer and Senior Policy Advisor for Language Access
- One Deputy Diversity Officer and Senior Policy Advisor for People with Disabilities; This would operationalize EO47 and provide 508 compliance
- One Deputy Diversity Officer and Senior Policy Advisor for Immigrant Integration
- Three ASL interpreters: (One Certified Deaf Interpreter (CDI); Two Certified Hearing Interpreters (CHI)) in the Office of the Governor

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[122] https://www.insightintodiversity.com/virginia-launches-countrys-first-ever-statewide-diversity-equity-and-inclusion-plan/

[123] https://www.nga.org/center/publications/a-case-study-of-the-virginia-covid-19-equity-leadership-task-force-and-health-equity-working-group/

[124] https://www.nga.org/center/publications/championing-health-equity/

[125] https://www.cnbc.com/2021/07/13/americas-top-states-for-business.html

[126] https://vpm.org/news/articles/21920/new-law-will-create-virginias-first-secretary-of-labor

- One Policy and Planning Specialist II at the median of Virginia pay band 5
- One Administrative and Office Specialist II at the median of Virginia pay band 3

A centralized management structure eliminates inequity and inconsistencies that can be characteristic of a decentralized model. This structure would provide support and oversight of the operations, policies, and procedures throughout the state

Designate A Language Access Coordinator. In each agency, we recommend two personnel dedicated to Language Access responsible for implementing the Language Access Plans and working with at least two dedicated employees to offer client-facing services (e.g., specialization in limited English Proficiency and ADA language access equity). This language access coordinator for each agency will serve to ensure that each agency's documents, including applications for services, notices, etc. are accessible in languages other than English, as a basic agency service offered to every customer. In addition, these dedicated professionals should liaise with the Governor's office to fully implement and monitor language access plans. Designating full-time roles can increase coordination and centralization of Language access plans.

> **KEY CONSIDERATION**
> One of these positions can also be an on-staff translator. Consider one bilingual staff member who speaks the language most commonly serviced by the agency to ensure greater effectiveness and garner trust among citizens.

Language Access Advisory Council. Create a language access advisory council composed of community stakeholders to advise the governor's office, the ODEI, and state agencies regarding implementation efforts. The council would help ensure the accessibility, responsiveness, and accountability of language services for LEP and ASL persons.[127] This recommendation is commensurate with the annual advisory reports mentioned previously, which call for the expansion of Equity in Action and Equity at a Glance Advisory boards to include metrics of language access.

Cultural Brokering. An immediate solution is developing Cultural Brokers (referred to as cultural navigators in the upcoming report from the Office of New Americans) to bridge the connections between government agencies and the PWD and LEP communities. Cultural Brokers help to advance a culturally appropriate experience.[128,129] Our recommendations align with the best practice of cultural brokering used by local, state, and federal governments to bridge the cultural divide for vulnerable and underserved communities.

> **DEFINING CULTURAL BROKERING**
> Cultural brokering is defined as "...bridging, linking or mediating between groups or persons of different cultural backgrounds to effect change."[127] In practice, cultural brokering is a key approach "to increase access to, and to enhance the delivery of, culturally competent care," according to the National Center for Cultural Competence (NCCC). Similarly, cultural brokering offers an essential platform to "provide specific information on cultural perspectives of foreign-born persons in the U.S., especially recent immigrants" [128]

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[127] https://health.hawaii.gov/ola/meet-the-council/

[128] Jezewski, M. A. (1990). Culture Brokering in Migrant Farmworker Health Care. Western Journal of Nursing Research, 12(4), 497–513. https://doi.org/10.1177/019394599001200406

[129] Center for International Rehabilitation Research Information and Exchange (CIRRIE) http://cirrie-sphhp.webapps.buffalo.edu/

Cultural Competency Plans. Commensurate with the Office of New Americans Needs Assessment findings, it is recommended that a statewide cultural competency plan to include language access mandates be developed that emphasizes plain language and other universal designs that improve access for limited English proficient persons.

Fair Incentives and Compensation. While many bilingual and multilingual persons willingly volunteer their services to translate for their employer, we recommend the state establish a fair compensation strategy that recognizes the value of these duties and responsibilities when they fall outside of one's assigned job scope. An incentive and compensation strategy should be deployed to acknowledge the "tax burden of culture" that additional labor creates and compensate employees fairly.[130,131]

Recommendation 2

MULTILINGUAL TRANSLATION AND INTERPRETING WEBSITE and HOTLINE SERVICES. *It is recommended that the state create centralized points of entry to maximize language access for multilingual, LEP, and persons with disabilities. In centralizing language access, the state will increase language access services by developing or enhancing existing modalities, including documents, websites, and hotlines for Virginians who need language assistance for multilingual speakers.*

Statewide Glossary of Terms/Words: Create a statewide language-specific glossary of terms/words for the top 5 – 10 languages spoken to centralize translated and transcreated materials across agencies. Language access translated and transcreated materials should be supervised by the ODEI, during the formation of the statewide language access policy in the coming months.

Virginia Language Access Website. The Commonwealth should establish a Virginia Language Access Website for state departments, employees, service providers, and Virginians who need language assistance and accommodations for multilingual speakers. The web hub will centralize language access resources, helping residents know their rights and employers navigate commonwealth language access. *Documents and resources.* A web hub can support linkages to other valuable resources across agencies or other sites with translated materials.[132] The best site will adhere to principles of universal simplifying the site for maximum usability by as many people as possible.[133] The team cautions against the continued use of Google Translate to translate website content as it has been deemed an inadequate tool in many situations.[134]

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[130] It is considered best practice to compensate bilingual staff whose primary work responsibilities do not include interpretation.
[131] Laura E. Hirshfield & Tiffany D. Joseph (2012) 'We need a woman, we need a black woman': gender, race, and identity taxation in the academy, Gender and Education, 24:2, 213-227, DOI: 10.1080/09540253.2011.606208
[132] Multilingual Health Education Net (MLHEN) has seen success with regional standardization of translated resources: http://www.multilingual-health-education.net/#top
[133] Michael Burks, "Emerging Technologies," in Constructing Accessible Web Sites (Glasshaus: Birmingham, UK, 2002): 324. Burks cites North Carolina State University's Center for Universal Design. http://www.design.ncsu.edu:8120/cud/univ_design/ud.htm>. Accessed: May 30, 2004.
[134] Graves, J.M., Moore, M., Gonzalez, C. et al. Too Little Information: Accessibility of Information About Language Services on Hospital Websites. J Immigrant Minority Health 22, 433–438 (2020). https://doi.org/10.1007/s10903-020-00978-8

Statewide Hotline. The creation of a statewide hotline is recommended to provide free information and referrals. The state of New York recently published a request for proposals to establish a similar hotline service, with the hotline expected to field 25,000 calls annually.

Talking Code. We recommend investing in innovative technology that allows residents to scan a QR code or dial a number found on a document to hear a translation of the document they are viewing.[135]

Recommendation 3

PROCUREMENT SERVICES. *It is recommended that the state establish and procure contractual services through vendors to meet the articulated language accessibility and accommodation needs and to improve the level of interaction with all state agencies.*

Contracted Services Need. The Commonwealth of Virginia will need to contract the following services to meet language accessibility and to ensure that each agency can access important language resources:

Interpreting (onsite, spoken, and American Sign Language). On-site interpreting with the interpreter, the service provider, and the service user physically present in the room. The interpreter converts a spoken or signed message from one language into another while preserving the integrity of the original message without adding or omitting any information or introducing personal bias.

Interpreting (Over-the-phone interpretation (OPI). Three-way conference call that presents a viable, usually available 24/7 solution with the interpreter, the service user, and the party to whom the call is being placed or received. It offers an efficient means of interpreting services.

Interpreting (videoconference, spoken and American Sign Language) Provides face-to-face interpretation through the use of videoconference. It offers similar communication benefits as onsite interpreting as it provides the opportunity to consider body language, facial expressions, and context. It provides the opportunity for flexible face-to-face interpretation.

Document translation. The process of transferring a word from the alphabet of one language to another, such as Braille or the Greek alphabet. All vital documents distributed to the public should be translated into the state's top 10 languages. To minimize excess printing costs, all translated forms and documents should be requested in electronic format. This will allow the agencies to print on demand those forms and documents that have infrequent usage. All forms should be stored in a specially designated central location to accommodate access by all agency staff and any language access advocates.

Document transliteration (Braille). Braille is a reading and writing system for the blind and visually impaired. The introduction of a braille communications system is useful

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[135] http://www.nyc.gov/html/ops/downloads/pdf/lap/la_symposium_report_part_ii.pdf

for translating almost every language. Often entities are tempted to offer audio potions. While this option may work for certain instances, braille transliteration affords greater autonomy and accessibility.[136]

Recommendation 4

LANGUAGE ACCESS TRAINING AND PROFESSIONAL DEVELOPMENT PROGRAMS. *It is recommended that the state establish a comprehensive training strategy including a Subject Matter Expert (SME) certification program, specific training and education solutions for interpreters and translators, and customized training in specialty areas (e.g., law enforcement, the DeafBlind community, students who need communication access and assistance, behavioral health, interpreting and translation in education, simultaneous interpreting, conference interpreting) to advance the professionalization of interpreting and translation services for language access and accommodations.[137]*

Onboarding. A process for evaluating the basic skills of employees (new hires, job changes) is recommended. Orient all/new staff and trainees on the services available under the agency's LDAP. Include reminders in general employee communication.

Subject Matter Expert Certification (In-person and Online). Establish a Subject Matter Expert (SME) certification program to provide adequate funding for interpreter and translator training, customized training in specialty areas (e.g., law enforcement, the DeafBlind community, students who need communication access and assistance, behavioral health, interpreting and translation in education, simultaneous interpreting, conference interpreting, etc.), and the professionalization of interpreting and translation services for language access.

Mandated Cultural Training. The existing state mandatory training has been found to be inadequate in addressing language access issues, their importance, and ways of working with diverse language needs or how to help them assess state resources. This training would be for all state government employees providing real-time service. The content would advance a code of ethics training and provide a general understanding of services available for language and disability access

Annual Training & Professional Conference. An annual training and professional conference are recommended to make Agency staff aware of their language access responsibilities. Annual training will also provide exposure to policies and procedures that influence service delivery. Inter-agency meetings with other state agencies, community health centers, community organizations, and referring organizations provide opportunities to increase awareness about need, access, and opportunities.[138]

Interpretation/ Translation Training CEU. Continue to encourage the professionalization of language services by requiring that all interpreters and translators, especially those who do

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[136] See Washington DC documentation request form:
https://odr.dc.gov/sites/default/files/dc/sites/odr/publication/attachments/braille_request_form_fill-in_version.pdf
[137] Moreland, C. J., Ritley, D., & Romano, P. S. (2011). Interpreting for California's insured deaf or hard of hearing population: HMOs' language access services, 2003-2008. Journal of Disability Policy Studies, 22(3), 170.
[138] https://health.hawaii.gov/ola/training-and-conferences/

not hold state, national, or federal certification, or work in languages or specialties for which certification is not available, obtain, with a recommended minimum of 10, continuing education units per year by attending local, and/or national workshops and/or professional conferences. This helps them maintain familiarity with core skills and knowledge of professional standards and code of ethics, and provides them with an opportunity to improve their interpreting and translation skills and gain additional knowledge.

Recommendation 5

ASSESSMENT, MONITORING, AND EVALUATION. *It is recommended that the state expand the Virginia Equity-in-Action and Equity-at-a-Glance Dashboards to include Top 10 languages spoken and city/county language access maps used to improve usability and accessibility resources as well as to establish regular assessment, monitoring, and evaluation solutions state-wide to increase data-driven approaches to plan, design, and implement Limited English Proficiency and ADA Accommodation services, including quarterly and annual evaluation of overall LAP processes, impact, outcome, and client satisfaction.*

Needs Assessment. The report findings demonstrated the need for agencies to assess Virginians' needs as it relates to accessibility and equity. Through the needs assessment, agencies will be able to gather information regarding top languages requested at both the state and local levels and accessibility barriers experienced by consumers.[139]

Data Systems & Tracking. Develop and maintain a data system that assists the ODEI, state agencies, and service providers with identifying current and emerging LEP populations and the size of LEP communities, and the utilization of agency services. Create a Virginia city/county map that shows where languages other than English are spoken as well as depicts the language needs (including ASL) and population size. Capture language in addition to other demographic details during service provision.

Performance Metrics. Three categories of performance metrics should be established and reported on the dashboards: (1) *Inputs* (finances, staff, technology, contractors, and volunteers); (2) *Outputs* (e.g., number of Virginians served, number of hours interpreted, translated documents, interpreted conversations, interpreted workshops); and (3) *Outcomes* (e.g., persons people with LEP, persons with disabilities; complaints).

Community Member Feedback. Establish a survey mechanism for receiving feedback from community members who have lived experiences with various state agencies regarding their LEP and/or disability using innovative data collection techniques. In our discussions with disability serving organizations, the stakeholders emphasized the importance of participatory community research and gathering information regarding state and government agencies' services directly from the consumer. This type of data is valuable as it provides agencies with information to improve their services and inform their language access plans.

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[139] https://www.mass.gov/doc/best-practicesdoc/download

Evaluation. Conduct quarterly and annual evaluations to monitor and assess multilingual service processes, impact, outcome, and client satisfaction using innovative data collection techniques.

Recommendation 6

LIMITED ENGLISH PROFICIENT (LEP) AND ADA COMPLIANCE. *We recommend the state establish an effective compliance program incorporating policies, procedures, standards of practice, audit of functions, and vendor performance to ensure the quality of implementation and oversight, accountability, transparency, and adherence to compliance requirements.*

Expand ADA rights within LEP services. It is recommended that the state expand and enforce the Americans with Disabilities Act (ADA) by investing in the protection of civil rights of everyone, regardless of disability status, and by strengthening ADA enforcement in employment, transportation, public accommodations, communications, and government activities.

Fully Integrated Approach to Language Access. Work is needed to address communication effectiveness relative to diverse populations.[140] Individuals with language accessibility needs, those with limited English proficiency, individuals with limited literacy, other language barriers, and language use (i.e., language spoken at home) account for lower levels of access, utilization, and quality of service among many groups, including foreign-born individuals, racial/ethnic minorities, vulnerable populations, new immigrant groups, and persons with disabilities. Therefore, it is recommended that the state accept the responsibility for developing an inclusive language access strategy.[141]

Executive Language Access Coordinator/Compliance Officer. It is recommended that the state create a Central Office of Resources for Language Access to provide support, guidance, and quality checks on translated materials and evaluate Language Access Plans (LAPs) across multiple departments and agencies. It is recommended that the central language access office, or officer, report to the ODEI so that the ODEI can annually monitor and evaluate language access policies, plans, and complaints to improve performance and achieve results.

Language and Disability Access Plan. State agencies without language and disability access plans should provide a draft of a plan to the ODEI within a reasonable timeframe of this report (see Appendix K). Agencies with existing plans should review and modify to ensure adherence to the state plan framework and to include disability access if absent. Once language access plans are drafted and reviewed with input from internal and external stakeholders, it is recommended that the ODEI coordinate the timelines and priorities.

Accountability Mechanisms. Establish accountability mechanisms, e.g., agency accountability plans, processes for filing and responding to complaints, reports to

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[140] Andrulis, D. P., & Brach, C. (2007). Integrating literacy, culture, and language to improve health care quality for diverse populations. American journal of health behavior, 31 Suppl 1(Suppl 1), S122–S133. https://doi.org/10.5555/ajhb.2007.31.supp.S122
[141] Saha, S., Fernandez, A., & Perez-Stable, E. (2007). Reducing Language Barriers and Racial/Ethnic Disparities in Health Care: An Investment in Our Future. J Gen Intern Med 10.1007/s11606-007-0372-4

legislative/oversight authorities, report progress on public dashboards, and establish and implement a quarterly and annual program evaluation to assess processes, impact, outcome, and client satisfaction.

Establish a Complaint Process. It is recommended that the state formulate and publicize grievance procedures. A centralized complaint system is ideal as it would optimize inquiry, response, and resolution. The state should make resources available to catalog all complaints. The state should also allow a third-party audit of complaints to identify trends, areas that need correcting, and system improvements.

Data and Evaluation Oversight Committee. Establish a committee to monitor and assess compliance with Virginia's language access policy. The committee will assist with establishing and refining data policy and procedures for the state. In addition, the committee should be charged with establishing milestones for review to measure statewide progress. The committee should make recommendations on data use improvements to ensure sustained compliance with federal and state regulations.

Accessibility Statements. It is recommended that all state agencies notify residents and residents of their civil rights to request and receive access to government services, programs, activities, and communications. The best statements will be accessible, instructive and informative, targeted to the audience in language and style, focus on aesthetics, and provide ease of access. [142]

Agency protocols. Every employee within the agency should understand the protocols for visitors seeking information on interpreting and translation services. Each agency should have an annual review process that re-evaluates the effectiveness of its plan and its outreach. Additionally, an annual review of translated documents should be standard practice.

Policy prohibiting children from being used as interpreters. It is recommended that the state prohibit children and other family and friends from acting as interpreters across all spoken and unspoken languages as a matter of integrity unless in emergency matters. The Department of Health and Human Services' Office of Civil Rights identifies their engagement as an obstruction to service provision.[143, 144]

Recommendation 7

LEGISLATIVE ACTION. We recommend the state repeal the following sentence in the Code of Virginia § 1-511 that states, in part, "[e]xcept as otherwise provided by law, no state agency or local government shall be required to provide…"

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[142] Parkinson, C. M. (2007). Website accessibility statements: a comparative investigation of local government and high street sectors. Library and Information Research, 31(98), 29-44. https://doi.org/10.29173/lirg40

[143] Moreland, C. J., Ritley, D., & Romano, P. S. (2011). Interpreting for California's insured deaf or hard of hearing population: HMOs' language access services, 2003-2008. Journal of Disability Policy Studies, 22(3), 170.

[144] Office for Civil Rights, HHS Notice of Title VI Prohibition Against National Origin Discrimination As It Affects Persons with Limited English Proficiency, 2000, 65 Fed. Reg. 52762-52774, https://www.federalregister.gov/documents/2000/08/30/00-22140/title-vi-of-the-civil-rights-act-of-1964-policy-guidance-on-the-prohibition-against-national-origin

Legislative Action. Virginia is a linguistically diverse state. Continuing to impose English as the sole official language of the state undermines the process of participatory democracy.[145] Attending to language needs protects the diversity of our Commonwealth and is one of the most significant economic and cultural assets in today's global economy.[146]

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[145] Balosa, D. M. (2020). *The English-only movement and the political legitimacy of linguistic minority rights: The case of Spanish in the united states* (Order No. 27739701). Available from ProQuest Dissertations & Theses Global. (2406943452). Retrieved from http://proxy.library.vcu.edu/login?url=https://www.proquest.com/dissertations-theses/english-only-movement-political-legitimacy/docview/2406943452/se-2?accountid=14780

[146] Saha, S., Fernandez, A. & Perez-Stable, E. Reducing Language Barriers and Racial/Ethnic Disparities in Health Care: An Investment in Our Future. J GEN INTERN MED 22, 371–372 (2007). https://doi.org/10.1007/s11606-007-0372-4

7 Fiscal Impact

> **KEY INFORMATION:**
> Fiscal Impact for recommendations total **$41.7 million** for two years:
>
> **Personnel costs** - $10.1 million
> (27 new FTE in year one; 27 + 18 additional FTE in year two)
>
> **Non-personnel costs** - $31.5 million
> (office space, multilingual translation and interpreting services, procurement of statewide services, language access training and professional development programs, and assessment, monitoring and evaluation work)

Fiscal Requirements

The fiscal requirements for the estimation of this project are $41.7 million for a full biennium.

The RISE team estimates that the fiscal impact of adopting the recommended proposals will stem from four primary sources:

Personnel Costs

I. Personnel costs arising from the elevation of the Chief Diversity Officer to a full secretary position and the Office of Diversity, Equity, and Inclusion to an independent staff of ten funded positions in addition to the appointed positions.
II. Personnel costs related to the creation of two FTE for each of 18 agencies with the greatest public-facing need. The roles would function as language accessibility staff and Language Access Coordinators.

Non-personnel Costs

III. Operations costs stem from the created staff space needs, furniture and equipment, and information publishing and distribution.
IV. Contractual agreements with businesses and agencies that employ, certify, and train interpreters and translators.

Personnel Requirements

1a – Oversight and Staffing Solutions

The new language accessibility staff would be responsible for working with all other state agencies to ensure that their work and work products are accessible to people who have Limited English Proficiency, multilingual people, and people with disabilities.

The language accessibility staff would be directed by the current role of Chief Diversity Officer and staffed by four additional individuals for five FTEs. The CDO's role is already funded, but the other positions are not currently codified. The impact from implementing these proposed recommendations total approximately $11.2 million for the first two years of the program's implementation.

In addition to the three existing positions within the ODEI, we are recommending eight additional positions within the existing ODEI infrastructure. The 11 total positions -- codifying two existing positions, creating eight new positions, and including the CDO in calculations of office space -- would have a total fiscal impact of around $1.5 million per year in the first and second 12 months of operation for a total two-year fiscal impact of $3 million. It is also recommended that a percentage of these positions be classified or civil service for institutional knowledge purposes across gubernatorial administrations. That total includes:

1. One Chief Diversity Officer at $185,567[147] [Existing]

2. One Lead Deputy Diversity Officer at $133,350[148] [Existing]

    a. with oversight of language access compliance

3. One Deputy Diversity Officer and Senior Policy Advisor for the Office of New Americans at $133,350.[149] [Existing but currently only grant funded.]

4. One Deputy Diversity Officer and Senior Policy Advisor for Language Access within the existing ODEI infrastructure $133,350[150]

5. One Deputy Diversity Officer and Senior Policy Advisor for People with Disabilities within the existing ODEI infrastructure $133,350[151]

    a. This would operationalize EO47 and provide 508 compliance

6. One Deputy Diversity Officer and Senior Policy Advisor for Immigrant Integration $133,350

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[147] Hansen, Drew. "Public Paychecks: Who Earns the Most on Virginia's Payroll? Check out Our 2021 Database." Washington Business Journal, 6 Sept. 2021, https://www.bizjournals.com/washington/news/2021/09/06/virginia-state-salaries-2021.html
[148] ibid.
[149] ibid.
[150] ibid.
[151] Based on existing roles and salaries.

7. Three ASL interpreters (One Certified Deaf Interpreter (CDI); Two Certified Hearing Interpreters (CHI)) in the Office of the Governor – $67,700[152,153]

8. One Policy and Planning Specialist II at the median of Virginia pay band 5 $86,412[154]

9. One Administrative and Office Specialist II at the median of Virginia pay band 3 $53,387[155]

Additional information on benefits from the Department of Planning and Budget provides the total personnel cost estimate of $2.98 million[156]

Agency Level Language Access Coordinators

The recommendation examined for fiscal impact is the creation of Language Access Coordinators (one focusing on LEP access and the other focusing on ADA accommodations) in each agency. The core job responsibility of these coordinators would be to ensure their agency's accessibility and accommodation through websites, client-facing interactions, evaluation of the quality of services (including training agency staff regarding processes and procedures, as well as cultural competence when it comes to LEP and PWD individuals), outreach to LEP and PWD communities, and finally, coordination with the new language accessibility staff as these roles are expected to be entirely focused on language access.

Although we recommend creating Language Access Coordinator positions in each agency, we have identified 18 public-facing agencies that are most in need of such roles. Those agencies are:

Box 7. State Agencies that are Public-facing and most in-need	

Department of Corrections
Department of Education
Department of Elections
Department of General Services
Department of Health Professions
Department of Housing and Community
   Development
Department of Human Resources Management
Department of Labor and Industry
Department of Medical Assistance Services
	Department of Mental Health and Behavioral
	   Services
	Department of Motor Vehicles
	Department of Social Services
	Office of Civil Rights (Attorney General's Office)
	Virginia Department of Agriculture and Consumer
	   Services
	Virginia Department of Emergency Management
	Virginia Department of Health
	Virginia Employment Commission
	Virginia Information Technologies Agency

We recommend hiring one Language Access Coordinator in each agency in year one and a second in year two after additional needs and specific skills have been identified.

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[152] Median of Pay Band 4. Department of Human Resource Management. Salary Structure - Pay Bands Effective 6/10/2021. Virginia, 10 June 2021, https://www.dhrm.virginia.gov/docs/default-source/compensationdocuments/salarystructuresjune102021.pdf.
[153] https://www.nationaldeafcenter.org/sites/default/files/Best_Practices_Deaf_Interpreters.pdf
[154] Median of Pay Band 5.
[155] Median of Pay Band 3.
[156] Virginia Department of Planning and Budget. (May 2021). FY 2022 Start-Up Budget Instructions. https://dpb.virginia.gov/forms/20210518-1/2022_NewYearStart_AgencyInstructions.pdf

We estimate the two-year cost to implement the recommendation that 18 agencies create 1 FTE in year one and another in year two – a total of 36 FTE – at $7.2 million at pay band 4.[157]

Non-personnel Requirements

1b – Oversight and Staffing Solutions

The non-personnel costs for oversight and staffing include real estate (office space) and furniture and equipment.

Real Estate – Office Space

The office will also require space for 11 employees and a budget for operations. The 2020 Combined Real Estate Report from the Department of General Services indicates that Richmond city-based offices with a full-service lease from DGS cost agencies an average of $20.98 per square foot.[158] Further, DGS-owned offices in Richmond city typically took up 392 square feet per employee. With those estimates in hand, an office for the 11 new language accessibility staff employees would require around $90,400 per year in rent.

Costs estimate total $90,404 (annually).

Furniture and Equipment

We expect furniture and equipment costs in the first two years of the language accessibility staff's operation will equal $7,500 per employee for an annual total of $82,500, in keeping with recent fiscal analyses completed for other agencies in Virginia.[159] We anticipate that estimates of operating costs such as information technology (IT) at $5,500 per FTE and publishing costs of $1,000 per FTE offer a reasonable estimate of the total fiscal impact of the language accessibility staff's creation.

Costs estimate total $154,000 (annually).[160]

2 – Multilingual Translation and Interpreting Website and Hotline Services

The Commonwealth should establish a Virginia Language Access Website for state departments, employees, service providers, and Virginians who need language assistance and accommodations for multilingual speakers and people with disabilities. We estimate the initial cost for the website to be in the ballpark of $145,000 with yearly maintenance of $44,000 for updates and security requirements. The creation of a statewide hotline is also recommended. The state of New York recently published a request for applications to establish a similar hotline service, with the hotline expected to field 25,000 calls annually at the cost of approximately $631,000. Assuming that the rate of calls per population and the cost per call in Virginia would be comparable, we anticipate an annual

[157] Department of Human Resource Management. Salary Structure - Pay Bands Effective 6/10/2021. Virginia, 10 June 2021, https://www.dhrm.virginia.gov/docs/default-source/compensationdocuments/salarystructuresjune102021.pdf
[158] Department of General Services. Combined Real Estate Report. Virginia, 15 Nov. 2020, https://dgs.virginia.gov/globalassets/business-units/dres/documents/dgs-ga-combined-real-estate-report-2020---as-of-11-10-2020.pdf
[159] Office of the Children's Ombudsman Established Fiscal Impact Statement. 2020, https://lis.virginia.gov/cgi-bin/legp604.exe?201+oth+HB1301F122+PDF
[160] Furniture and equipment costs are likely to be closer to zero following the first two years.

cost of $270,000 (adjusted for population). There should also be dedicated communications and marketing of these resources to alert the public to these assets. This recommendation includes non-personnel costs.

Cost estimates include $419,000 (annually).

3 – Procurement Services, Contractual

The Commonwealth will need to contract for the following services to meet language accessibility and to ensure that each agency can access important language resources:

- Interpreting (Over-the-phone interpretation (OPI))
- Interpreting (videoconference, Video Remote Interpreting)
- Interpreting (onsite, spoken, and American Sign Language)
- Interpreting (videoconference, spoken and American Sign Language)
- Document translation
- Document transliteration (Braille)
- Miscellaneous related printing needs

Each of these services has a different fee structure, and occasionally that fee structure changes by language. However, the Commonwealth has contracted these services to three primary businesses in recent history. The usage of those services varied between 2017 and 2021. In 2017, Virginia public bodies spent $3.16 million through procurement on commodities labeled below. In 2020 and through November 2021, public bodies spent more than $5.3 million each year on these underutilized services.

Cost estimates include $10,000,000 (annually).

4 – Language Access Training and Professional Development Programs

Establish a Subject Matter Expert (SME) certification program to provide adequate funding for interpreter and translator training, customized training in specialty areas (e.g., law enforcement, the DeafBlind community, special education, behavioral health, simultaneous interpreting, conference interpreting, etc.), and the professionalization of interpreting services for language access. Establish mandated culturally responsive language access and accommodation training for all state government employees. Existing state training has been found to be inadequate in addressing issues of language access, its importance, working with diverse language needs, and its ability to help users assess state resources. This recommendation includes non-personnel costs.

Cost estimates include $2,484,000 (annually).

5 – Assessment, Monitoring, and Evaluation

Develop and maintain a cross-site evaluation system that identifies current and emerging Limited English Proficiency (LEP) and people with disability populations as well as approximates the size of these communities and estimates the utilization of agency services. Create a Virginia county map that shows where languages other than English are spoken and depicts other language needs (such

as American Sign Language (ASL)) and population size. Conduct quarterly and annual evaluations to monitor and assess multilingual service processes, impact, outcome, and client satisfaction using innovative data collection techniques. This recommendation includes non-personnel costs.

Costs estimates include $2,625,040 (annually)

6 – Limited English Proficiency and ADA Compliance

Establish a permanent full-time executive-level Language Access Compliance Officer to monitor and implement accountability mechanisms, e.g., agency accountability plans, processes for filing and responding to complaints, and reports to legislative and oversight authorities. This recommendation includes personnel costs previously included.

Fiscal Impact Estimate

Table 14 shows the cost estimates for ensuring language accessibility throughout the Commonwealth of Virginia for two years.

Table 14. Two-year Fiscal Impact Estimate	
Core Areas	**Cost Estimates**
Personnel	
1a – Oversight and Staffing Solutions (Personnel) – ODEI staff	$2,975,710
1a – Oversight and Staffing Solutions (Personnel) – Language Access Coordinators	$7,155,261
Personnel Sub-total	**$10,130,971**
Non-personnel	
1b – Oversight and Staffing Solutions (Non-personnel) – Real estate	$180,807
1b – Oversight and Staffing Solutions (Non-personnel) – Furniture and Equipment	$308,000
2 – Multilingual Translation and Interpreting Website and Hotline Services	$838,000
3 – Procurement Services	$20,000,000
4 – Language Access Training and Professional Development Programs	$4,968,000
5 – Assessment, Monitoring, and Evaluation	$5,250,080
Non-personnel Sub-total	**$31,544,887**
TOTAL	**$41,675,858**

Costs Associated with Language Access Deficits

The cost of implementing language accessibility services is likely lower than costs associated with lack of access to language services. Immigrants' employment prospects appear to be strongly correlated with the ability to communicate in the language of their host country, and accessing work-focused language training programs requires language access accommodations.[161] Just 26 percent of Virginians with a disability are employed, compared to 69 percent of Virginians with no disability; more than 71 percent of Virginians with a disability do not participate in the labor force.[162]

Additionally, language barriers can negatively impact health and healthcare. Residents who cannot access language services when seeking healthcare are not able to effectively communicate their needs. Further, language barriers appear to discourage individuals from seeking preventive care,[163] a demonstrated method of making conditions easier to treat by identifying them earlier. A 2017 study found that LEP patients with access to professional interpreters in hospitals had lower readmission rates than LEP patients who did not.[164]

Further study would be required to understand the costs of maintaining the status quo fully. However, integrating Virginia's LEP and PWD populations into the commonwealth's economy and providing them with the best possible outcomes helps to grow Virginia's workforce, address labor needs, increase the GDP, and limit the need for public services. Addressing language accessibility in departments like the Virginia Employment Commission or the Virginia Department of Health would enable more Virginians to access vital resources to develop economic self-sufficiency and healthy communities.

Implementation of programs to improve access to language resources would meet the needs of growing populations, provide Virginia businesses with more candidates for employment, address federal requirements, and likely improve economic and health outcomes for individuals who do not speak English in ways that would reduce spending on public services over time.

Language access can also improve access and opportunity to new economic opportunities. For example, the effect of English proficiency in emerging industries is largely neglected. Addressing language access in fast-growing sectors of the economy, such as green economies or cannabis industries, opens up entrepreneurial opportunities for a growing segment of the population. Yet, evidence shows there are persistent disparities in access to the marijuana industry and its profits.[165] Early on, limited effort was made to facilitate the advancement of equity provisions in early iterations

[161] McHugh, Margie, and A. E. Challinor. Improving Immigrants' Employment Prospects through Work-Focused Language Instruction. Migration Policy Institute, June 2011, https://www.migrationpolicy.org/pubs/workfocusedlanguageinstruction.pdf.

[162] U.S. Census Bureau. 2015-2019 ACS 5-year estimates. Table S1811. Available online at https://data.census.gov/cedsci/table?q=disability&g=0400000US51&tid=ACSST5Y2019.S1811.

[163] Wu, Shinyi, et al. "Language Access Services for Latinos with Limited English Proficiency: Lessons Learned from Hablamos Juntos." Journal of General Internal Medicine, vol. 22, no. 2, Nov. 2007, pp. 350–55. Springer Link, https://doi.org/10.1007/s11606-007-0323-0.

[164] Karliner, Leah S., et al. "Convenient Access to Professional Interpreters in the Hospital Decreases Readmission Rates and Estimated Hospital Expenditures for Patients with Limited English Proficiency." Medical Care, vol. 55, no. 3, Mar. 2017, pp. 199–206. PubMed Central, https://doi.org/10.1097/MLR.0000000000000643.

[165] Harris, K. N. and Martin, W. (2021). Persistent Inequities in Cannabis Policy, The Judges' Journal, Volume 60, Number 1: https://www.bakerinstitute.org/media/files/files/0d04dbdb/inequities-in-cannabis-policy-2021.pdf

of marijuana reform. In more recent times, reform efforts have expanded the policy conversation to include economic policy. With the community investment opportunities that new revenues will enable, ensuring language access is just the beginning of an opportunity agenda focused on equity.[166]

It is important to note that the Office of Diversity, Equity, and Inclusion identified language access and cultural competency as priorities for funding from the American Rescue Plan Act of 2021 (ARPA), but the request for ARPA funding was denied. The Office instead allocated $500,000 to complete a language access study. As such, should any ARPA funds remain available to begin implementing language access recommendations, it is recommended that those funds supplement the addition of this work to the caboose budget and biannual budget.

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[166]Morris, S., Hudak, J. and Stenglein, C. (April 16, 2021). State cannabis reform is putting social justice front and center. https://www.brookings.edu/blog/fixgov/2021/04/16/state-cannabis-reform-is-putting-social-justice-front-and-center/

8 Strategies to Implement an Effective Statewide Contract and Procurement Policy

> **KEY INFORMATION:**
> - The Department of General Services/Division of Purchases and Supplies (DGS/DPS) currently holds three statewide contracts for various translating and interpreting services. These contracts will expire in 2022.
> - To ensure the current and varied needs of the Commonwealth are met in a comprehensive, timely, and cost-effective manner, a comprehensive Procurement Plan is necessary before moving forward with initiating the process for the replacement contracts.
> - A discussion of procurement strategies is provided in this section, along with critical data, sample solicitations, and a robust list of potential vendors provided in Appendix I.

The Commonwealth of Virginia requires support for a myriad of language access services (LAS) throughout the state and across state and local agencies. The COVID-19 pandemic has not only highlighted language access needs, but the pandemic has also intensified language access issues for limited English proficient (LEP) individuals and those providing important services for multilingual communities.

The Commonwealth can expand language access through internal measures to include increasing bilingual staff, reliable translation of important documents, and signage translated in multiple languages with internationally recognized symbols and icons. To address access concerns and enhance the effectiveness of language access services in the Commonwealth, there is still a need to supplement these internal measures with a multi-faceted approach to include contracted service providers.

The Commonwealth's Department of General Services/Division of Purchases and Supplies (DGS/DPS) currently holds three statewide contracts for various translating and interpreting services. It is important to note that these contracts were in place before the pandemic, and gaps were quickly identified as pandemic-related changes in service delivery occurred. These contracts will expire in 2022, requiring replacement contracts to be initiated soon.

To ensure the current and varied needs of the Commonwealth are met in a comprehensive, timely, and cost-effective manner, a comprehensive Procurement Plan (Plan) is necessary before moving forward with initiating the process for the replacement contracts. The Plan detailed herein is intended to satisfy the vast majority of the needs and provide guidance for satisfying the remaining needs under a simplified process.

The first step in developing the Plan was to collect procurement data from internal and external sources. This data includes the current LAS contracts created by the Commonwealth, as well as a variety of solicitations, contracts, forms, and vendor lists from other large entities. To ensure all recommended solutions are viable, documents containing legislative and administrative requirements were also collected. See Appendix L for data collection and validation methodology.

Procurement data was utilized to identify and analyze the various procurement process and methodology options and each option's viability within the Commonwealth's environment. First, the single versus multiple provider approach was analyzed. Then, the enterprise-level versus agency-level contract approach was analyzed. Finally, the various procurement methods were evaluated, with an emphasis on the advantages and disadvantages of each.

Services that must be outsourced have been divided into two groups, those that are commonly provided by large LAS vendors and can easily be procured under a single procurement process ("Core Services"), and those that are unique enough to warrant a special solicitation ("Unique Services"). Recommendations for procuring these are addressed separately.

Procurement of Core Services

The advantages and disadvantages of the various procurement options were examined and compared to the stated needs of the Commonwealth. A detailed analysis is provided in Appendix M. While there is no global solution, as entities vary in size and need, each choice had one option with the greatest benefit to the Commonwealth. The three choices and the recommended solution are detailed below.

- **Provider Selection – Multiple**
  The provider type that is recommended is to utilize multiple providers for each service type. Key considerations for the selection of this method include the following:

  - The competition provided by having multiple providers will encourage quality performance
  - The availability of multiple providers will increase access to specialty needs for some agencies.

- **Award-Level Selection – Enterprise-level Contracts**
  The award type that is strongly recommended is to implement an enterprise-wide contract(s). The increasingly critical nature of LAS services warrants a comprehensive solicitation process that is not realistic to expect can be done consistently at the level needed if delegated to all agencies to perform on their own. The contact(s) should be established in a manner to allow the initiation of a separate streamlined procurement process, when an agency experiences a unique need, which goes unfulfilled by the enterprise contract. Key considerations for the selection of this method include the following:

  - The savings in staff time allocation is a significant advantage.

- o The cost savings through consolidating needs will continue to increase as usage increases.
- o The leverage of a statewide contract to ensure quality services is a significant advantage.
- o Access to services for those agencies that have minimal need is satisfied by a quality contract at an aggressive price point. This will encourage widespread adoption of the overall language access program.

- **Procurement Process Selection**
  - o **Preferred Solution – Cooperative Contract**

    The procurement process, which is recommended, includes participation in a national cooperative contract closely matching the needs of the Commonwealth. Key considerations for the selection of this method include the following:

    - o The ability to launch this comprehensive contract almost immediately with low effort by DGS/DPS staff will allow the overall language access program to realize results quickly.
    - o Increased savings through utilizing a national contract will make a positive budget impact.
    - o The Commonwealth's participation in other cooperative contracts sets a precedent for this when deemed beneficial.

Unfortunately, following an analysis of LAS contracts available under cooperative programs (see Appendix N), the National Association of State Procurement Official: ValuePoint (NASPO) holds the only contract that is deemed suitable for the Commonwealth's needs, yet it cannot be utilized at this time. Utilization is prohibited due to the Commonwealth's Attorney General's interpretation of the Code of Virginia as explained in the "Procurement Limitations" section of the referenced Appendix. As the Commonwealth was not

Figure 7. NASPO Valuepoint LAS Contract Participants

aware of this solicitation at the time of issuance, they did not state their intent to potentially participate, and as such, are precluded from using the resulting contract. Therefore, this solution cannot be implemented until 2024, when the current contract expires and a replacement contract is solicited, and then only if DGS/DPS performs all required steps to participate. (Note: NAPSO LAS contracts are currently utilized by at least 23 other states, including some that have a robust Language Access Plan in place.)

  - o **Alternative Solution – Request for Proposals**

    The contracts currently held by the Commonwealth expire in 2022, so the remaining options for consideration are to participate in a less ideal cooperative or to initiate an RFP

for replacement statewide contracts in early 2022. It is recommended that a statewide RFP be initiated after gathering the current using agency needs, as the benefits of a narrowly tailored contract outweigh the speed and financial benefits of a less ideal cooperative contract.

It is suggested that the NASPO, State of New York, and State of Maryland RFPs be utilized as resources to obtain supplemental language to enhance the scope, performance metrics, quality assurance, and repercussions for failure to perform. Additionally, the NASPO RFP should be utilized as a model to supplement the proposal evaluation process. Further, this report should be utilized to enhance understanding of language access needs prior to meeting with agency representatives to gather requirements for the solicitation. Finally, the resulting contract should be designed with an initial contract expiration that falls shortly after the NASPO expiration date to allow for a possible transition to the next NASPO LAS contract if it provides sufficient advantages, such as notable cost savings.

Procurement of Unique Services

Regardless of how thorough the procurement process is and how many providers receive contracts, it is not reasonable to expect this to satisfy 100% of the Commonwealth's outsourced LAS requirements. For instance, the need for onsite pro-tactile signing, or judicial translation in Korean, may increase, and supply through existing contracts may be insufficient.

It is likely that unique services to be outsourced will not exceed the Commonwealth's formal competition threshold of $100,000. For procurements below $100,000, agencies may obtain services via a simple and quick, Request for Quotation process. While these informal procurements are delegated to agencies to perform, it does not preclude a request for assistance from DGS/DPS. Should a need be valued at less than $10,000, it may be procured without competition, allowing for the issuance of a purchase order once an available provider is identified. Extensive lists of providers organized by language and specialty are available online on professional association websites such as the American Translators Association and the National Association of Judiciary Interpreters and Translators.

Additional Procurement Recommendations

Once the LAS contracts are in place, agencies will be required to select from amongst the available providers. To guide the agencies in this process, DGS/DPS should publish a Request for Information (RFI) template in which agencies will insert a description of their needs and send it to all contracted providers. This allows the selection of the provider with the best fit (e.g., more certified translators with medical terminology training). A sample RFI is included in Appendix O.

To ensure proper usage of the LAS contracts, it will be important to create "How to Use LAS Contracts" literature. Initial and periodic training for all using agencies should be developed. This training can be incorporated into the comprehensive Language Access training recommended in Section 6 of this document.

To assist with operational efficiencies and cost reduction efforts, responsibility should be assigned to a single agency or division [ODEI] for coordination of repetitive statewide procurement needs that are required at the outset of the program. These needs may include "I Speak" cards & posters, website translating, and LAS contract usage training. By acquiring a single provider for a particular need, cost savings due to duplicative translating can be achieved. In addition, this is expected to result in the standardization of the end product. This office should also have a designated individual to serve as a LAS provider liaison to all agencies that utilize the LAS contracts. While DGS/DPS will have an assigned Contract Manager, there is a great benefit to having a single individual closely tied to the Language Access Plan and who may be contacted by various agencies wishing to utilize the LAS contracts.

To maximize availability of specialty interpretation and translation vendors, the small-, micro-, minority- and veteran-business certification process should be simplified to the extent practical. Additionally, it is recommended that the Virginia Department of Small Business and Supplier Diversity perform targeted outreach to these vendors, to provide assistance in understanding the certification process, as well as to assist with completing the certification paperwork.

DGS/DPS should participate as advisors in the next NASPO ValuePoint LAS solicitation creation and proposal evaluation process. This will increase the likelihood of the Commonwealth's needs being satisfied by the resulting contract(s).

APPENDICES

Appendix A: Definitions

The following section outlines key terms in this report and has two sections: first, key communities for language access and, second, key tools used for language access. Terms are presented in alphabetical order. We have operationally defined these terms to clarify their meaning in our report. In addition, and where possible, we have provided links to additional information should the reader wish to learn more.

Key Language Access Communities

Limited English Proficiency (LEP) individuals – People who do not use English, whether due to access or ability, have limited English proficiency. The United States Department of Justice defines LEP as "individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be limited English proficient, or 'LEP.' These individuals may be entitled language assistance with respect to a particular type or service, benefit, or encounter."

Multilingual Individuals – Individuals who are fluent in three or more languages can be considered multilingual. Compared with individuals who are monolingual (i.e., fluent in one language) or bilingual (i.e., fluent in two languages), multilingual individuals possess skills to express, receive, and comprehend information during communication exchanges across several languages. The Linguistic Society of America explains that there can be strict or lenient definitions for multilingualism, from total fluency in three languages (strict definition) to a combination of fluency or working knowledge in several languages (lenient definition). The American Academy of Arts & Sciences identifies an individual as multilingual if they "1) report speaking a language other than English at home; and (2) characterize themselves as speaking English 'well' or 'very well.'"

People with Disabilities (PWD) – People with disabilities are the collective group of people who identify as having one or more disabilities, for example, those who are deaf and those with cognitive disabilities. There are many different ways to define people with disabilities, including legal, medical, socio-cultural, or critical theory frameworks. For the purposes of this report, we align with the legal definition under the Americans with Disabilities Act (ADA) of 1990, which defines disability as "an individual with (A) a physical or mental impairment that substantially limits one or more major life activities of such individual; (B) a record of such an impairment; or (C) being regarded as having such an impairment."[167] The ADA National Network provides additional clarification on what a disability is as defined in the ADA.[168] In regards to language access, people with disabilities can include, but are not limited to, people who are D/deaf, Hard of Hearing, DeafBlind and Blind communities, and people who have intellectual, cognitive, or developmental disabilities. To ensure this report is accessible to the broadest possible audience, the term "people with disabilities" has been chosen. The term "people with disabilities" is meant to be inclusive and is used with the full

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[167] https://www.ada.gov/pubs/adastatute08.htm#12111
[168] https://adata.org/faq/what-definition-disability-under-ada

understanding that the term "disability" is a social construct and is used with a full understanding of the detrimental impact of ableism – *Nothing about us, without us!*

Key Tools for Language Access

Adaptive Machine Translation (MT) – is defined by the American Translators Association (ATA) as "a technology that learns and adjusts in real-time from human feedback."[169]

Assistive Technology (AT) – Tools used by any person to achieve enhanced participation and functioning, from a can opener to specialized computers for language access. The Assistive Technology Industry Association defines AT as "products, equipment, and systems that enhance learning, working, and daily living" as well as "increase, maintain, or improve the functional capabilities of persons with disabilities". [170]

Automatic Speech Recognition (ASR) Software – The technological tool used to convert spoken language into written text. The National Deaf Center notes that ASR has significant limitations and legal liabilities due to inaccuracy.[171] The Department of Justice has ruled that ASR is not considered functionally equivalent access in public spaces including, but not limited to, websites and videos on websites.[172]

Certified Interpreter – Is a spoken or sign language interpreter who has obtained this credential after successfully passing a (state, national, or federal) certification examination through one of the following certifying bodies: Certification Commission for Healthcare Interpreters (CCHI)[173], National Board of Certification for Medical Interpreter (NBCMI),[174] State Courts,[175] United States Courts,[176] or through the Registry of Interpreters for the Deaf (RID).[177] It is important to note, certification does not ensure the quality, qualification, or competence of an interpreter.

Certified Translator – Is an individual who has obtained this credential after successfully passing a certification examination from English into another language, or vice versa, either through the American Translators Association (ATA) or another comparable credentialing organization in their home country. (Note: European and Latin American countries have sworn translators).[178]

Computer-aided or Computer-assisted Translation (CAT) Tools – According to Bowker and Fisher,[179] is "the use of computer software to assist a human translator in the translation process. The term

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[169] https://www.atanet.org/client-assistance/machine-translation/

[170] https://www.atia.org/home/at-resources/what-is-at/

[171] www.nationaldeafcenter.org/news/auto-captions-and-deaf-students-why-automatic-speech-recognition-technology-not-answer-yet

[172] https://www.nationaldeafcenter.org/news/significance-harvard%E2%80%99s-settlement-video-accessibility

[173] https://cchicertification.org/

[174] https://www.certifiedmedicalinterpreters.org/

[175] https://www.ncsc.org/education-and-careers/state-interpreter-certification

[176] https://www.uscourts.gov/services-forms/federal-court-interpreters

[177] https://rid.org/rid-certification-overview/

[178] https://www.atanet.org/certification/guide-to-ata-certification/

[179] Bowker, L., & Fisher D. (2010). Computer-aided Translation. Handbook of Translation Studies. Volume 1, pp. 60–65. John Benjamins.

applies to a translation that remains primarily the responsibility of a person but involves software that can facilitate certain aspects of it. This contrasts with machine translation (MT)" (p. 60)

Communication Access Realtime Translation (CART) – For some people in the Deaf and Hard of Hearing communities, language access can be provided through captions created using CART. The National Court Reporters Association defines CART as "the instant translation of the spoken word into English text using a stenotype machine, computer, and real-time software".[180]

Communication Assistant (CA) – An individual who supports access on either end of the communication channel. In communication scenarios where an individual needs an accommodation to ensure language access, the CA ensures the communication channel is fluid. For example, if an individual has a differing language ability, a communication assistant can restate comments. If an individual is Hard of Hearing and using a captioned telephone, the CA will transcribe the comments from the caller on the telephone device.

Cultural Competency/Competence – increasing skills in recognizing needs that fit culturally as well as linguistically; for interpreters and state employees

Functionally Equivalent Access – This term refers to an evaluation of the effectiveness of a communication accommodation and the impact on the individual requesting the accommodation. When a communication accommodation is as effective as it would be in a situation without the accommodation (i.e., there is no time delay, no resource burden on the participant, messages are received and exchanged smoothly, etc.), then the access has been functionally equivalent.

Human Translation – This is a translation that is carried out by a human translator with or without Computer-assisted Translation (CAT) tools. It is different from machine translation (MT), in that, unlike MT, human translation is not automatically generated and requires human participation.

In-person or Onsite Interpreting- Interpreting that happens with the interpreter physically present in the room where the communicative event is taking place.

Interpreter – A skilled and educated language professional with an understanding of their professional ethics and extensive subject matter knowledge, which facilitates communication between two or more parties from different linguistic and cultural backgrounds and ensures communicative autonomy of the speakers by respecting individual agency and maintaining their role boundary.

Interpreting – The act of converting a spoken or signed message from one language into another while preserving the integrity of the original message, without adding or omitting any information or introducing personal bias.

Language Access Plan – The written document that describes how services are provided to people with LEP is the Language Access Plan. The Centers for Medicare and Medicaid describe a language

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[180] https://www.ncra.org/captioningmatters

access plan as "a document that spells out how to provide services to individuals who are non-English speaking or have limited English proficiency." The plan may include "a needs assessment, language services offered, notices, training for staff, and evaluation, as described below." [181]

Language Assistant – This individual is a bilingual or a multilingual staff member who is not formally trained in translation or interpreting but is fluent in the languages of the service provider and the service user and able to facilitate communication between the parties.

Language Skilled Interpreters – This term is used to describe interpreters working in the United States Courts who do not "qualify as a professionally qualified interpreter, but who can demonstrate to the satisfaction of the court the ability to interpret court proceedings from English to a designated language and from that language into English."[182]

Localization – This is the act of linguistically and culturally adapting content for the needs of a specific locale, group, or market. According to Schäler,[183] "localization activities include translation (of digital material as diverse as user assistance, websites and videogames) and a wide range of additional activities."

Meaningful Access – The United States Department of Justice defines this as "Language assistance that results in accurate, timely, and effective communication at no cost to the LEP individual. For people with LEP, meaningful access denotes access that is not significantly restricted, delayed or inferior as compared to programs or activities provided to English proficient individuals."[184]

Machine Translation (MT) – The ATA defines machine translation as "the use of automated software that translates text without human involvements." It is "based on probability—not meaning. It doesn't understand the meaning or the context of what it's translating. MT guesses the most likely translation so, if you cannot read both languages, you will never know if it guessed correctly."[185]

Over the Phone Interpreting (OPI)/Telephonic Interpreting – Interpretation provided via telephone to help facilitate communication between two or more parties who do not speak the same language.

Plain Language – Plain language (also called plain writing or plain English) is communication your audience can understand the first time they read or hear it.[58] In 2010, the U.S. passed the Plain Writing Act of 2010 with the goal to simplify government communication to improve interactions between the public and government. The federal government maintains a list of templates[186] and checklists[187] to support Plain Language.

[181] https://www.cms.gov/About-CMS/Agency-Information/OMH/Downloads/Language-Access-Plan-508.pdf
[182] https://www.uscourts.gov/services-forms/federal-court-interpreters/interpreter-categories#a3
[183] Schäler, R. (2010). Localization and Translation. Handbook of Translation Studies. Volume 1, pp. 209–214. John Benjamins.
[184] https://www.justice.gov/sites/default/files/open/legacy/2012/05/07/language-access-plan.pdf
[185] https://www.atanet.org/client-assistance/machine-translation/
[186] https://www.plainlanguage.gov/law/page-template/
[187] https://www.plainlanguage.gov/resources/checklists/

Professionally Qualified Interpreter – This is a specific designation reserved for qualified interpreters with documented and demonstrated interpreting skills, who work in Federal Courts in the United States, and interpret between languages other than Spanish-English - the only language combination for which Federal Certification currently exists. For more, see United States Courts.[188]

Qualified Translator – A highly skilled and trained professional who converts written texts from one language (source) into another (target). According to ATA, a translator is someone who writes "extremely well in the target language" and "must also convey the style, tone, and intent of the text, while taking into account differences of culture and dialect." [189]

Qualified Spoken Language Interpreter – A highly skilled and trained professional who interprets spoken or signed language in order to facilitate communication between two or more persons who do not share a common language. According to ATA, an interpreter is someone who "must also communicate the style and tone of the speaker, while taking into account differences of culture, dialect, and setting."

Qualified Sign Language Interpreter – This individual supports communication between a person(s) who use American Sign Language (ASL) as their primary language and person(s) who do not. The ADA defines a "qualified" interpreter as "someone who is able to interpret effectively, accurately, and impartially, both receptively (i.e., understanding what the person with the disability is saying) and expressively (i.e., having the skill needed to convey information back to that person) using any necessary specialized vocabulary."[190] However, this definition is criticized for not providing quality assurances prior to the communication exchange, and the Registry for the Interpreters of the Deaf notes, "Without the tools or mechanisms to identify who has attained some level of competency, hiring entities are at a loss on how to satisfy the mandates of ADA in locating/providing 'qualified' interpreter services."[191]

Remote Simultaneous Interpreting (RSI) – This is interpreting delivered in real time, through a video conferencing platform. Interpreters of different languages are assigned to different language channels, through which the participants of languages different from that of the speaker are able to partake in the event.

Transcreation – This is a form of creative translation since that takes into account both the target culture and the context, "in particular where translation is inherently creative, such as in literary translation, advertising or localization."[192] According to Digital.gov, transcreation "involves taking a concept in one language and completely recreating it in another language. A successfully transcreated message (either written or visual) evokes the same emotions and carries the same

[188] https://www.uscourts.gov/services-forms/federal-court-interpreters/interpreter-categories#a2
[189] https://www.atanet.org/client-assistance/translator-vs-interpreter/
[190] https://www.ada.gov/effective-comm.htm
[191] https://rid.org/about-rid/about-interpreting/setting-standards/
[192] Katan, D. (2021). Transcreatin. In Handbook of Translation Studies. Yves Gambier and Luc van Doorslaer Eds. Volume 5, pp. 221-225.

implications in the target language as it does in the source language, but in a way that resonates with the target audience."[193]

Translator – An individual who converts written text from one language (source) into another language (target), keeping the target audience and its culture in mind.

Translation – This is the process of "changing an original written text (the source text or ST) in the original verbal language (the source language or SL) into a written text (the target text or TT) in a different verbal language (the target language or SL)" (p.5).[194]

Transliteration – This is the act of changing letters from a source language, into corresponding or comparable letters or characters in the target language.

Video Remote Interpreting (VRI) – If a language access barrier occurs in person and no qualified interpreter is available for in-person support, off-site support through videoconferencing technology can be an appropriate accommodation. The National Association of the Deaf notes that VRI requires "videoconferencing technology, equipment, and a high-speed Internet connection with sufficient bandwidth to provide the services of a qualified interpreter, usually located at a call center, to people at a different location".[195] There are limits to VRI, notably in medical and legal situations where the NAD strongly recommends on-site interpretation, though measures are being taken to ensure privacy and confidentiality in remote interpreting from one's home office, especially for spoken languages.

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[193] https://digital.gov/2016/04/08/transcreation-why-do-we-need-it/
[194] Munday, J. (2001). Introducing Translation Studies: Theories and Applications. Routledge
[195] https://www.nad.org/resources/technology/video-remote-interpreting/

Appendix B: Comments from Community Input

This appendix contains feedback received from agency and community stakeholders during the open comment period. The comments below are unedited input received directly from the community. The valuable insights and knowledge shared during this period have been summarized by theme. Feedback that was within the scope of this report and supported by the research and literature was incorporated into the report. The remainder of the comments should be explored and taken into consideration as the state continues toward a fully implemented plan.

Theme 1: Resources Not Utilized

Services for state agencies (for deaf people only). The problem is that state agencies are NOT using VDDHH Interpreter Services. In addition, VDDHH was not consulted as much as they should have on the creation of this report. VDDHH already has two communication cards-one for diver's visors to communicate with police and another card to communicate with health care staff (i.e., COVID-19)

Best Practices The needs assessments to be used in developing the LAP can be informed in collaboration with the 17 Virginia Centers for Independent Living (CILs). CILs are regional advocacy organizations well-versed in disability rights. CILs are known entities in their communities and to many state agencies. CILs have extensive experience conducting needs assessments for local and state agencies and other entities. The majority of CIL staff and CIL Board members are people with disabilities who use their experience and expertise to assist others in understanding disability rights, including communication access. CIL staff and CIL Board members are diverse and include people who are blind, deaf, hard of hearing, living with traumatic brain injuries, and people with developmental disabilities and other disabilities. This experience and expertise would ensure that a broad range of issues identified and addressed.

The National Cued Speech Association and Northern Virginia Cued Speech Association are the only PWD-serving organization who serve Virginia families and cuers and have unique insights into this population's needs. The NCSA and NVCSA have not been consulted as stakeholders and would appreciate being consulted in the future

Theme 2: Groups That Need to Be Recognized

Over the years, LSNV attorneys have worked with many LEP parents of school-age children who have been frustrated with the inconsistent and ad hoc nature of interpretation services, have been denied the translation of vital documents and have ended up with information that was not culturally appropriate or written in an educational jargon that was not understandable in any language.

As the current President of Virginia Association of the Deaf, I recommend that all future reports and calls for comments are provided in accessible language formats, so as to not preclude LEP persons and PWD from accessing the report and submitting comments. This report and comment process was not accessible for ASL users with LEP.

Languages of Lesser Diffusion. Some persons in the community speak languages of lesser diffusion, and it can be difficult to find an interpreter in these languages. It would be helpful if the state were to maintain a directory of interpreters and translators of these languages. This would save time and effort in trying to locate them.

Disclaimer that this report is not accessible to those of us of LEP especially those of us who uses American Sign Language

Please remember Indigenous people of Virginia. New Kent, VA (Near Richmond) has the largest concentration of Indigenous People and yet DARS/VR rarely see Indigenous people even though Census shows there's a rising number of Indigenous people with disability. So don't forget their languages and outreach too. Thank you

Equity cannot be accomplished without 1) focusing on the needs of LEP populations impacted by trauma and lacking networks of community support and 2) ensuring that the primary languages spoken by persons who are resettled here after experiencing the trauma of displacement, violence, persecution, etc. are prioritized throughout Virginia's language access plan. -The specific language access issues faced by resettled refugee populations in Virginia should be highlighted in particular, including the barrier of having information communicated at a level of formality that is inaccessible to a person with LEP, based on their educational background. I shared the above feedback in an email to ODEI on 09/09/2021 and would welcome the opportunity to discuss these points at a deeper level with one or more of the report contributors. Thank you for your hard work on this important issue.

Please don't forget DeafBlind individuals... they need Tactile/close vision interpreters.

American Sign Language is not the only sign Language used in USA: LSM (Mexican Sign Language), PISL (Plain Indian Sign Language) are just two of others. Please be sure to add that. ALSO, when we talk about Deaf kids in hearing families (90% of Deaf kids born to hearing families)... that THOSE FAMILIES get resources to become fluent in Sign Language so that their child can grow up being able to communicate with their families.

"People with Disabilities", we urge inclusion of cognitive disabilities as an example, as the language access needs of people with cognitive disabilities are often overlooked

It is critically important that the final report and the creation of a Council focus on the needs of all people with disabilities for whom language access is problematic, including people who are blind, have speech disabilities, reading disabilities, developmental disabilities, traumatic brain injury, and people who are hard of hearing.

The fact that this is all in English and there's NO OTHER LANGUAGE translation for Spanish people to give feedback, or in American Sign Language for us Deaf to give feedback is STAGGERINGLY OBVIOUSLY an 'oversight'? Why do we disabled people have to know the' jargon' to be able to understand what you all are saying about us.. Nothing about us without us

Cultural Competency Plans should not only emphasize plain language and other universal designs to "improve access for limited English proficient persons" but also for those with reading difficulties, literacy deficits, and those who are visually impaired.

Additional Legislature/Cases to Consider

Federal Legislation Include a reference to the Settlement Agreement Between the United States of America and Good Neighbor Homes, Inc., U.S. Department of Justice DJ # 202-79-369. This recent case is illustrative of the failure of a Department for Behavioral Health and Developmental Services licensed provider to comply with state and federal requirements for effective communication.

Additional language access legislation applicable to educational agencies should be included in the Report. In 1974 the U.S. Supreme Court ruled in Lau v. Nichols that an educational agency must take appropriate action to help English learners overcome language barriers, and the 1974 Equal Educational Opportunities Act (EEOA) essentially codified the Lau decision. It requires educational agencies to take appropriate action to overcome language barriers that prevent English learners from fully participating in instruction, including action to overcome the language barriers of LEP parents of school children. [20 U.S.C.A. §1703] The Department of Justice (DOJ), which enforces the EEOA, has interpreted the EEOA to require that educational agencies provide interpretation and translation services for LEP parents. Over the years, LSNV attorneys have worked with many LEP parents of school-age children who have been frustrated with the inconsistent and ad hoc nature of interpretation services, have been denied the translation of vital documents, and have ended up with information that was not culturally appropriate or written in an educational jargon that was not understandable in any language. In general, LEP parents seem to be unaware that they have language access rights. Those who are informed of their rights may request written translations of important documents such as an IEP or the record of their child's eligibility for special education, but these requests are almost always denied. Importantly, the discussion of federal legislation in the Report should be expanded to capture current federal policy on such translations. On January 25, 2016, the DOJ filed a Statement of Interest in T.R. v. The School District of Philadelphia, in which it declared that a student's IEP is a "vital" document that must be translated. [Case No. 15-04782 (E.D. Pa) The SOI is available at www.lep.gov/resources/EOS _SOI_Philly_012716.pdf. On 6/14/16, the Office of Special Education Programs of the USDOE issued a "Dear Colleague" in which it advised that, under the EEOA, "A district must...be prepared to provide timely and complete translated IEPs to provide meaningful access to the IEP and the parental rights that attach to it." [https://sites.ed.gov/idea/files/policy_speced_guid_idea_memosdcltrs_iep-translation-06-14-2016.pdf] Additionally, federal legislation on language access includes Title 1 of the 2015 Every Student Succeeds Act (ESSA), which states that school communications shall be "to the extent practicable, provided in a language that parents can understand." Furthermore, the description of the IDEA should be expanded to reflect the language access provisions under the IDEA and its implementing regulations. Under 34 C.F.R. §300.322(e), the education agency must take "whatever action is necessary to ensure that the parent understands the proceedings of the IEP team meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English." Additionally, certain notices to parents must be provided in the parent's native language, unless clearly not feasible to do so. [See 20 U.S.C. 1415(b)(4) (prior written notice); 20 U.S.C. 1415(d)(2) (procedural safeguards notice); see also 34 C.F.R. §300.503(c) (notice in understandable language.)

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34 CFR § 300.29 - Native language. (a) Native language, when used with respect to an individual who is limited English proficient, means the following: (1) The language normally used by that individual, or, in the case of a child, the language normally used by the parents of the child, except as provided in paragraph (a)(2) of this section.(2) In all direct contact with a child (including evaluation of the child), the language is normally used by the child in the home or learning environment.(b) For an individual with deafness or blindness, or for an individual with no written language, the mode of communication is that normally used by the individual (such as sign language, Braille, or oral communication).https://www.law.cornell.edu/cfr/text/34/300.29

Definition of who is covered under the language access plan (https://health.maryland.gov/Documents/01.02.05%20LEP%20Policy%20%20-%203-22-16.pdf):"Covered entities" means, to the extent that they provide services or benefits directly to the

public: all administrations and programs operated or funded by the agency; all grant-in-aid programs of agency; and, all health service providers, contractors, or subcontractors of agency that receive Federal or State funds. "Covered Entity Staff" means any employee who first encounters members of the LEP population. Examples of such employees include but are not limited to receptionists, intake officers, security guards, health care personnel, office secretaries, customer service representatives, greeters, etc.

Theme 3: Comments in Support of Recommendations

VACIL supports the creation of a Language Access Advisory Council

ALL recommendations, #1-6, should apply to all levels of courts and divisions within the judicial branch, including clerks' offices, prosecutors' offices, Guardians ad Litem and other court-certified legal services providers, and public defender offices. -ALL recommendations, #1-6, should apply to courts as well as all state agencies and should incorporate periodic (2-3 years) updates, revisions, and reports to the Virginia General Assembly based on best practices development and innovation.

The draft report proposes a personnel position to address 508 compliance. VACIL supports this recommendation. The draft report recommends several sign language interpreter positions in the Governor's office. It is not clear what their role would be. There needs to be additional personnel in the Governor's office to coordinate and monitor the large number of issues related to disability and communication. These include the needs of people with a variety of disabilities. This additional personnel would also guide the proposed Language Access Coordinators at the 19 identified state agencies (described on page 76).

Theme 4: Questions from Reviewers

How does the English instruction provided by Virginia public schools and community colleges fit into the overall strategy to address community needs? Also, if the Commonwealth offers this wide range of services to Limited English Proficient Virginians, is there any expectation that they will USE the services and become proficient in English? I have relatives who choose not to learn English because they don't have to.

Virginia Department of Social Services received funding in Special Session I for FY22 (https://budget.lis.virginia.gov/amendment/2021/2/HB1800/Introduced/CR/356/1c/) to start funding translation services within their agency. In their interviews, did they provide how that funding has been used and expressed what gaps still exist? Are they still heavily relying on volunteer translators, or has the funding helped improve access? It is obvious a substantial, recurring investment in the budget is necessary for improved access across all state entities. On this note, we recommend that the report better document how Virginia agencies are using American Rescue Plan Act (ARPA) funds and other available resources to offer COVID-19-related translation and interpretation. This would provide additional insight into remaining needs and possible funding sources. For example, are there documented requests of these agencies to request money from ARPA for initial translations of COVID-19 related materials? Would metrics for COVID-19 related language access needs be documented through VDEM, the Governor's office, or a mix of both? This is particularly important to note in the report because, throughout the pandemic, the most important information regarding how Virginia was responding to the pandemic came directly from the Governor during his regular

briefings. Subsequent actions like Executive Orders and guidance were primarily publicized in English and found on his website. Though some written translations for documents were provided, they were often not readily available before or on the dates business closures and workplace safety standards would go into effect. This left many LEP workers without information about how life would change for them. Various stakeholders have brought up questions and concerns with the COVID-19 response and have asked if there have been any considerations for using available federal funds to improve access. Additionally, requests were made throughout the pandemic on whether or not any policies and procedures were put in place to ensure COVID-19 related information would be made accessible in a timely and meaningful manner.

The last paragraph on this page reflects input from agencies that they need financial support and do not want "unfunded mandates". The ADA and 504 requirements for effective communication are civil rights provisions that have been in place for more than 30 years. These are not unfunded mandates, rather legal obligations. This fact should be part of awareness, training, and monitoring. Policy leaders and employees who see ADA and 504 provisions as unfunded mandates need a better understanding of disability rights and how a perception that these may be unfunded mandates can perpetuate the lack of follow through and commitment to these obligations.

A few things to consider: For the Language Access Advisory Council, would this be a codified board or require any legislative action? What is the recommendation? Who would run the language access website? ODEI?

Procurement: In developing guidelines for procurement, the draft report noted the required qualifications of vendors to provide interpretation and translation services, specifically asking, "How were the potential providers evaluated to ensure capability to perform at the levels required and what quality contract measures are included in the contracts?"

Theme 5: Considerations Related to Recommendations

Strategies to Implement an Effective Statewide Contract and Procurement Policy I recommend state agencies have a central designated fund for language access services. For example, the current fiscal practice at the General Assembly is for the cost of language access

Recommendation 4 Mandated Cultural Training This important training could be developed and presented in collaboration with Centers for Independent Living to ensure a cross-disability focus and to take advantage of the diversity and expertise of CIL staff and Board members, the majority of who are people with disabilities.

Recommendation 2: Multilingual Translation and Interpreting Website + Hotline services (p. 68-69) Virginia Language Access Website: (pg. 68)

- Agencies should have this resource visible and prominent linked/promoted on their websites (e.g., a banner on the homepage, a bold or highlighted font in the main ribbon or respective tabs, etc.) and in their respective website translations
- Add in-language context or descriptions of what the web portal is (to outreach, communications, or in agency links) to inform the reader of what the portal is and has to offer

- In addition to discontinuing reliance on Google Translate, please refrain from any machine or engine translations that are not reviewed by a live person (either a professional translator or a person with proficiency in the written language)
- Hotline: (pg. 69) Must have a multilingual phone menu with in-language navigation options. Ideally, the hotline should connect to the specific multilingual phone resources of each state agency, particularly if the agency has a multilingual phone resource that is separate from its main agency phone resource (e.g., the VEC's multilingual line)

Recommendation 5 Needs Assessment and Community Member Feedback The development of a disability needs assessment could be done in collaboration with Centers for Independent Living which have experience developing assessments, extensive contact with people with disabilities, and knowledge of available local resources. These same attributes would be beneficial to the Commonwealth in collecting community feedback.

Recommendation 6 Language and Disability Access Plan Centers for Independent Living have extensive experience guiding agencies, completing access documents, reviewing access plans developed by others, and providing governments with technical assistance about disability access and nondiscrimination. In 1992, local and state government entities were required to develop transition plans in order to reach compliance with the Americans with Disabilities Act. The Commonwealth should review the 1992 transition plans to determine what has been completed and what remains from these 1992 plans to still be completed. This would provide a framework for what was needed in 1992 and still be a need, a new review is needed considering existing technology and other advances that may require compliance action by the Commonwealth

Recommendation 1 VACIL supports the creation of a Language Access Advisory Council. However, as described in the draft, this effort would be focused on "ASL persons". It is critically important that the final report and the creation of a Council focus on the needs of all people with disabilities for whom language access is problematic, including people who are blind, have speech disabilities, reading disabilities, developmental disabilities, traumatic brain injury, and people who are hard of hearing. The final report should include a discussion about the importance of engaging with the individual to determine what will be effective communication for that individual based on their needs and preferences, and unique circumstances. For example, an individual who is deaf who uses sign language may be able to complete a simple transaction at the DMV using note-taking, but when taking a test or completing a complex application this same individual may need a sign language interpreter. The importance of engagement with the individual to determine the specific need must be paramount. Additionally, there are different levels of sign language interpreter qualifications/certifications. The entity responsible for arranging for the interpreting must be aware of these differences and work with the individual to ensure that the selected interpreter will be effective in each situation.

The report indicates there will be a Central Office of Resources for Language, and this office would evaluate language access plans. [Responsibly of office should also include]This office could create detailed notices in every language spoken in Virginia that describe the language access rights of LEP persons and persons with disabilities, and the basic steps they should take to access services, and these notices could be available on the central language access website for the state. The

notices should reflect cultural competency; multiple notices in the same language could relate to different dialects of that language. These detailed notices could then be used by every state agency to provide notice of language access rights to the speakers of every language spoken, and this would be very helpful to many non-profit organizations and others who are involved in helping LEP persons and persons with disabilities.

Complaint Process: Specify time frame to when a complaint is received and resolved. Ensure that no service disruption while a complaint is active (instead, extend service while a complaint is resolving); for example, a consumer's Medicaid benefits should not end while they are attempting to resolve a language access complaint with DMAS

Language Assistance Procedures, How to Determine the need for Language assistance: completely open-ended questions may not be helpful for a non-English or limited-English speaker when being offered assistance (for example, in Filipino culture, it is a very personal insult to question someone's English ability - yet, the person may benefit from assistance in another language). It may be more beneficial to ask a less open-ended question such as "what language would you be most comfortable reading/speaking in for (purpose of interaction)?"

There needs to be a clear distinction between spoken language interpreter services and sign language interpreter services because both industries are like comparing apples to oranges or night to day. A common misconception is one size fit all, but for quality assurance, it is best to keep them separate.

Work with community-based organizations that serve LEPs to provide training to LEPs on how to request and access language access opportunities. E.g., host informational presentations and sessions for LEP service recipients to show them how they can request an interpreter, access their required language through language lines, and access translated information on websites and online platforms.

The Report could describe the role the Virginia Department of Education (VDOE) plays and in ensuring that local school divisions in Virginia comply with federal and state language access laws and policies. The VDOE is the administrative agency for the Commonwealth's public schools. It develops state education regulations, distributes state and federal funds, and provides technical assistance to the school divisions. The VDOE has also issued guidance regarding a school division's obligation to provide information in a language the parents can understand. Under Title I and Title III of ESSA, the VDOE monitors local school divisions for federal and state requirements and ensures the correction of deficiencies in program operations and the use of federal program funds. The Federal Program Monitoring (FRM) documents periodically sent to every school contain indicators that monitor for a school division's obligation to ensure parents are communicated with in a language that they understand.

To create consistency and uniformity in interpretation and translation, agencies should develop glossaries and dictionaries of terms that are used and are essential to their departments. For example, the National Center for State Courts developed guidelines for the development of legal glossaries and dictionaries. https://www.ncsc.org/__data/assets/pdf_file/0023/19490/glossary-development-guidefinal-4318-pm.pdf. The step-by-step guide suggests defining the overall scope of

the agency, determining the organization and structure of the glossary, identifying the best platform for the delivery of the glossary, and developing an ongoing maintenance plan. Using the same terminology and having one understanding and meaning of terminology is vital for both standardizing meaning and usage at an agency and when communicating with people accessing agency services.

The draft report states that the staff will notify individuals about the complaint process, page 128. The following is a recommendation about the process: https://www.mahealthconnector.org/wp-content/uploads/Language-Access-Grievance-PolicyProcedures.pdf

- The Language Access Coordinator (or a designee) shall investigate the complaint.
- This investigation may be informal, but it will be thorough, affording all interested persons an opportunity to submit evidence relevant to the complaint.
- The Language Rights Access will maintain the files and records of the Connector relating to such grievances.
- To the extent possible and in accordance with applicable law, the Language Access Coordinator will take appropriate steps to preserve the confidentiality of files and records relating to grievances and will share them only with those who have a need to know.
- The Language Access Coordinator will issue a written decision on the grievance, based on the preponderance of the evidence, no later than 30 days after its filing, unless, in the reasonable judgment of the Language Rights Coordinator, further time is required to investigate and respond to the grievance, in which case the Language Access Coordinator will notify the person who filed the grievance of the need for more time and the additional time, which shall be no more than 30 days, needed.
- The Language Access Coordinator will provide the written decision to the person who filed the grievance, along with notice to that person of the right to pursue further administrative or legal remedies.

Assistance for persons filing grievances: https://www.mahealthconnector.org/wp-content/uploads/Language-Access-Grievance-PolicyProcedures.pdf

- The agency will make appropriate arrangements to ensure that persons with disabilities and individuals with limited English proficiency are provided auxiliary aids and services or language assistance services, respectively, if needed to participate in this grievance process.
- Such arrangements may include but are not limited to, providing qualified interpreters, providing taped cassettes of materials for individuals with low vision, or assuring a barrier-free location for the proceedings. The Language Rights Coordinator will be responsible for such arrangements.

Reporting:

- The Language Access Coordinator should provide an annual report about grievances filed, outcomes, and steps taken to improve the language access plan based on grievances filed and/or resolutions.

Theme 6: Government Recommended Actions

The Department of Deaf and Hard of Hearing already have the expertise to procure and administer contracts. VDDHH would rely on DARS and DGS support for the procurement process and contract management; however, VDDHH is the Subject Matter Expert. VDDHH needs to be delegated authority to administer statewide procurement and contract that need to be clear in the existing code of Virginia where VDDHH is already delegated authority to coordinate a statewide interpreter services program

Virginia needs to issue a desk statement and guidance to schools and hospitals/medical

Page 92, Barriers to Inclusion APPENDIX C The chart in the draft report is from a federal source and is generally recognized to be accurate. However, there is one very significant omission from the barriers listed in the chart: failure of the government to comply with accessibility requirements. This failure has resulted in many of the listed barriers and is a continual drain on people with disabilities' time and ability to pursue education, employment, health care, and services. The Commonwealth, from the Governor's Office to operations of state agencies, has a significant role in ensuring compliance.

To provide LEP communities with comprehensive access to government services, the Commonwealth's language access policy could apply to all executive, legislative, and judicial agencies, and additional consideration could be given to those agencies that have a high level of interaction with the public to determine if they need more detailed rules than the agencies that have relatively little contact with the public. Additionally, all school divisions in Virginia should be identified as agencies indirectly affected by the state language access policy through the supervisory role of the VDOE and prioritized due to their extensive contact with LEP persons.

The Report needs to clearly state that any entity within Virginia government that receives federal funds MUST comply with Title VI of the Civil Rights Act, which has been interpreted to cover language access. Lau v. Nichols, 414 U.S. 563, 94 S. Ct. 786, 39 L. Ed. 2d 1 (1974). Moreover, Title VI requires recipients to conduct all their activities in a non-discriminatory manner, not just those activities funded by the federal government. See 42 U.S.C. § 2000d-4a (defining "program or activity" to "mean all of the operations of . . ." a recipient of federal funds. Also, there is no mention of Section 504 (Rehabilitation Act, 29 USC § 794), which requires that recipients of federal funds, including any entity within Virginia government that receives federal funds, MUST comply with the Rehabilitation Act's prohibitions against discrimination on the basis of disability; and it covers all the recipient's programs not just the federally funded ones (just like Title VI). This discussion could appear on pages 23-24, where federal laws regarding language access are discussed. This recommendation should also state that agencies should be familiar with LEP guidance issued by the federal agenc(ies) that provide them with funding. Those guidance documents are available at: https://www.lep.gov/title-vi-guidance-for-recipients

Importance of engaging with the individual to determine what will be effective communication for that individual based on their needs and preferences and unique circumstances. For example, an individual who is deaf who uses sign language may be able to complete a simple transaction at the DMV using note-taking, but when taking a test or completing a complex application, this same individual may need a sign language interpreter. The importance of engagement with the individual to determine the specific need must be paramount. Additionally, there are different levels of sign language interpreter qualifications/certifications. The entity responsible for arranging for the interpreting must be aware of these differences and work with the individual to ensure that the selected interpreter will be effective in each situation.

Virginia needs to issue a desk statement and guidance to schools and hospitals/medical providers stating that Cued American English and cued languages are a language access service that MUST be provided for in contracts. NCSA and NVCSA have represented numerous cuers who face discrimination in healthcare settings and are denied access to emergency healthcare because clinics and hospitals do not ensure their language access vendors are able to provide cued language services, or they do not ensure their staff is trained adequately to call for cued language services that fall outside the scope of their normal language access services. Schools frequently push back on cued language services because it is costlier to provide another service.

Reporting: The Language Access Coordinator should provide an annual report about grievances filed, outcomes, and steps taken to improve the language access plan based on grievances filed and/or resolutions

It is essential to include robust guidelines in the evaluation of vendors to ensure they are qualified to provide interpretation and translation services ranging from evaluating interpreter qualifications (interpreting competence, linguistic competence - accuracy and speed), setting preferences for qualified vendors with native proficiency in speaking and listening to developing standards for video remote interpretation services. Appendix L, pages 124-126. These standards should be incorporated into factors evaluating vendors. The agencies should work with vendors who are qualified and equipped so an agency can comply with its language access plan.

Barriers to Inclusion: The chart in the draft report is from a federal source and generally recognized to be accurate. However, there is one very significant omission from the barriers listed in the chart: failure of government to comply with accessibility requirements. This failure has resulted in many of the listed barriers and is a continual drain on people with disabilities' time and ability to pursue education, employment, health care, and services. The Commonwealth, from the Governor's Office to operations of state agencies, has a significant role in ensuring compliance.

Elements of Language Access Plan should align with the seven elements contained on pages 121-129. Also, there are some elements missing. Propose the elements be listed as follows: (1) Needs Assessment; (2) Language Access Procedures; Qualified Interpreters and Translators/Code of Ethics; (4) Staff Recruitment and Compliance; (5) Monitoring and Assessment; (6) Complaint Process and (7) Language Access Contacts.

Under the discussion of the Complaint Process, make clear that the relief available to the complainant should include reversal of any agency decisions made affecting the complainant due to the unavailability of translation services or due to poor quality of those services.

To provide LEP communities with comprehensive access to government services, the Commonwealth's language access policy could apply to all executive, legislative, and judicial agencies, and additional consideration could be given to those agencies that have a high level of interaction with the public to determine if they need more detailed rules than the agencies that have relatively little contact with the public. Additionally, all school divisions in Virginia should be identified as agencies indirectly affected by the state language access policy through the supervisory role of the VDOE and prioritized due to their extensive contact with LEP persons.

Agency Language Access Plan - Steps to Develop a High-Quality Language Services Program: Due to the legal implications associated with a language access plan, the agency at a minimum consult with the development and after annually with the Attorney General's Office regarding planning and implementation of the language access plan.

Theme 7: Language Access Issues That Need to Be Addressed

NCSA and NVCSA have represented numerous cuers who face discrimination in healthcare settings and are denied access to emergency healthcare because clinics and hospitals do not ensure their language access vendors are able to provide cued language services, or they do not ensure their staff is trained adequately to call for cued language services that fall outside the scope of their normal language access services. Schools frequently push back on cued language services because it is costlier to provide another service.

Please provide in-language notes for context for non-translated or English mixed words so they may maintain their meaning after translation. For example: "Kapwa" in Tagalog has no direct English word. Contextually, it means "the personhood shared between two individuals as part of a collective experience, community, or human understanding" English to Tagalog: there is no such word for "brother" in Tagalog as it is a mostly gender-neutral language, so the word ("kapitid") would just be "sibling" in English. Consequently, "brother from another mother" would be "brother sa ina iba mo" but would need an in-language note to describe that the context is describing a friend who is so close to you. They are like your brother.

Notice of Language Services - Please clarify how the following are made available online: "right to language" materials will be made clear online which localities offer which "most frequently encountered languages" in their in-person locations

Translation of Vital Documents: please clarify how non-top 10 languages will receive document translations or know about the option to receive translated documents. In addition, we would suggest specifying the vital documents to be translated such as the applications, notifications of status or changes, frequently asked questions documents, etc. For example, DMAS provided extensive outreach materials in Vietnamese, but the Virginia Medicaid application was only available in English. Additionally: for interpretation, real-time support must be available for any language requested

Identify Language: although there is mention that not deaf/hard of hearing Virginians may sign in other languages (i.e., not ASL), it is unclear how language/signing needs will be identified for deaf non-English signers

"Top Ten Languages" The Report says that the material that state agencies distribute to the public should be translated into the "top ten languages" spoken in Virginia. Consideration could be given

to allowing individual agencies to add to the 10 languages based on data that shows that a significant number of persons who use the agency's services speak a language that is not in the top ten list.

"Multilingual" Category of Persons Who Need Language Access Services? The report suggests that "multilingual" persons comprise a category of persons who need language access services separate from the category of "limited English proficient" persons. It is not clear why persons who are multilingual would need language access services unless they are also limited English proficient. The term seems relevant to the other side of the equation: identifying persons who can provide interpretation or translation. In this regard, state agencies could be asked to maintain a directory of employees that includes the languages in which they are proficient

Currently ASL interpreters are not qualified for interpreting for Deaf students, and VDOE has a minimum of VQAS (VDDHH) screening 3 but with a waiver for the interpreter who fails to reach level 3 fluency can still continue to blunder/interpret ASL to young developing language deaf students Each agency like General Assembly need to have a one stop approach so when I meet with my legislators, I can control the appointment/interpreter access to fit my legislator and my schedule instead of having additional steps to walk through to get access.

Language Vendors like Video Remote Interpreting (VRI) are often not fluent in American Sign Language and cannot accurately be determined if their employee/contractor is fluent. The burden of fixing this issue lies on the Deaf individual, and often OCR/DOJ takes a year before a solution is enforced. Even in-person Interpreters are hired by nonfluent ASL Agencies. Many of us Deaf had near medical mishaps due to unqualified interpreter and there's NAUGHT we can do. No recourse!

There is a severe shortage of agencies and vendors who offer cued language transliteration services, especially in Virginia. Virginia has the largest population of cuers, and the largest population of deaf/hard of hearing children enrolled in public schools with cueing programs. Cued Language Transliterating has been omitted from page 55 as one of the services LAVs offer.

Theme 8: Other Comments

There is a stigma associated with someone trying to get an advanced degree who has a disability. There is an assumption that people with disabilities will go straight into the workforce, so there aren't enough state policies and supports for students with disabilities to attend college. Students with disabilities want to be part of the university community, but lack of services needed excludes this from happening. State policies and support need to be expanded in this area, services from DSS and DARS. DARS provides some services and supports but not beyond getting a bachelor's degree. In the school system, IEPs need to be designed with a career focus for persons with disabilities which is not happening. Also, there needs to be a clear definition of medical necessity criteria for users and services providers. Service providers, consumers, and family members don't know how this works, and the language needs to be fully explained.

Comment on 4 Factor Analysis: Hamkae Center fully supports analysis of language access needs outside of Four Factor Assessment (as described on pg 118). We highlight this because the Four Factor Analysis alone conditions civil rights protections on numerical conditions, despite the fact that protections are designed for each individual, and that this would not be done in other contexts (such as accommodations for those with disabilities). We also recognize that it can assist with developing

frameworks and endorse using the Four Factor Analysis supplementary to your outlined recommendations, but not necessarily as the sole or primary analysis tool

"Multilingual" Category of Persons Who Need Language Access Services? The report suggests that "multilingual" persons comprise a category of persons who need language access services separate from the category of "limited English proficient" persons. It is not clear why persons who are multilingual would need language access services unless they are also limited English proficient. The term seems relevant to the other side of the equation: identifying persons who can provide interpretation or translation. In this regard, state agencies could be asked to maintain a directory of employees that includes the languages in which they are proficient.

Credentialing and specialization. The report recommends SME certification in specialty content areas but does not recommend specific certification requirements for all interpreters and translators of spoken languages. Credentialing standards already apply to interpreters working in state hospitals and courts, and it would be helpful to describe these in the Report and comment on whether the same or different standards should exist in other state agency settings. The Report could also suggest ways in which interpreters and translators could get the necessary training and credentials. Credentials for all spoken language interpreters would raise the level of professionalism of the work and would also contribute to ensuring that every interpreter's training includes a code of ethics, confidentiality rules, cultural competency, awareness of glossaries and dialects, and the SME training they need to work in specific contexts. Of course, credentialing would also lead to greater recognition of and higher compensation for the contributions that spoken language interpreters make.

The Judicial branch, particularly at the District Court level, is particularly rife with language access problems: court clerks' offices routinely reject petitioners who have not brought their own interpreters; refuse petitions filled in by someone assisting an LEP petitioner; and rely upon children or other family members for translation. Courts allow attorneys or non-certified personnel to interpret for clients; some attorneys simultaneously represent and interpret for their clients. Many courts rely on telephonic interpretation, even for trials, rather than a Virginia Court-certified interpreter

Oversight and Staffing Solutions 7. Three ASL interpreters (One CDI; Two CHI in the Office of the Governor - $67,700) I recommend that a market rate survey be conducted on the standard fees charged by Certified Interpreters. The rates established by the VDDHH Interpreter Services Program Agreement for Certified Interpreters are $50/hr. And the private industry rate for CDIs is typically upwards of $75/hr. If these are full-time positions, the Office of the Governor would likely be unable to recruit highly skilled and appropriately qualified interpreters at that pay band.

Central Repository of Notices of Language Access Rights. The report indicates there will be a "Central Office of Resources for Language Access," and this office would evaluate language access plans. This office could create detailed notices in every language spoken in Virginia that describe the language access rights of LEP persons and persons with disabilities and the basic steps they should take to access services, and these notices could be available on the central language access website for the state. The notices should reflect cultural competency; multiple notices in the same language could relate to different dialects of that language. These detailed notices could then be used by every state agency to provide notice of language access rights to the speakers of every

Credentialing and specialization. The report recommends SME certification in specialty content areas but does not recommend specific certification requirements for all interpreters and translators of spoken languages. Credentialing standards already apply to interpreters working in state hospitals and courts, and it would be helpful to describe these in the Report and comment on whether the same or different standards should exist in other state agency settings. The Report could also suggest ways in which interpreters and translators could get the necessary training and credentials. Credentials for all spoken language interpreters would raise the level of professionalism of the work and would also contribute to ensuring that every interpreter's training includes a code of ethics, confidentiality rules, cultural competency, awareness of glossaries and dialects, and the SME training they need to work in specific contexts. Of course, credentialing would also lead to greater recognition of and higher compensation for the contributions that spoken language interpreters make.

Plain Language. The report suggests that state agencies should use plain language in translated documents. One definition of plain language is "communication that can be understood by an individual the first time they read it or hear it." [See Plainlanguage.gov] The report could also provide guidance on plain language from a central state office. A rule that requires translations in plain language will help many residents, including many persons who are eligible to be clients of LSNV, who may not have a college degree or a high school diploma or may have a reading or language disability and therefore may have considerable difficulty understanding complex terminology in any language. Also, plain language would save time for agency staff who would not have to spend as much time explaining jargon or helping users of agency services to parse complicated sentences. Additionally, the caution about the use of Google Translate is very important. Some jurisdictions have prohibited it. The Report might mention that better translators exist and explore whether the Commonwealth should license a better electronic translator for use across all agencies.

Agency Language Access Plan Needs Assessment – Additional Sources:

- Health and Human Services: https://www.hhs.gov/civil-rights/for-individuals/special-topics/limited-english-proficiency/index.html.
- Internal Revenue Service: https://www.irs.gov/irm/part22/irm_22-031-001.
- Department of Labor: https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/external/limited-english-proficient/toolkit.
- U.S. Department of Justice: https://www.justice.gov/civil/language-access-plan.

Appendix C: Barriers to Inclusion

Table 15. Type of Barriers to Inclusion for People with Disabilities[196]	
Type of Barrier & Definition	**Example**
Attitudinal barriers are the most basic and contribute to other barriers. Some people may not be aware that difficulties in getting to or into a place can limit a person with a disability from participating in everyday life and common daily activities.	People sometimes stereotype those with disabilities, assuming their quality of life is poor or that they are unhealthy because of their impairments.
Communication barriers are experienced by people who have disabilities that affect hearing, speaking, reading, writing, and or understanding, and who use different ways to communicate than people who do not have these disabilities.	Written health promotion messages with barriers that prevent people with vision impairments from receiving the message.
Physical barriers are structural obstacles in natural or manmade environments that prevent or block mobility (moving around in the environment) or access.	Government office building reception area has high walls in front of the reception desk, limiting visual access for people in wheelchairs.
Policy barriers are frequently related to a lack of awareness or enforcement of existing laws and regulations external icon that require programs and activities be accessible to people with disabilities.	Denying reasonable accommodations to qualified persons with disabilities, so they can perform the essential functions of the job for which they have applied or have been hired to perform
Programmatic barriers limit the effective delivery of a public health or healthcare program for people with different types of impairments.	A local government office has a Spanish interpreter available at inconvenient times for most of the people who request language access.
Social barriers are related to the conditions in which people are born, grow, live, learn, work, and age – or social determinants of health – that can contribute to decreased functioning among people with disabilities.	Adults age 18 years and older with disabilities are less likely to have completed high school compared to their peers without disabilities (22.3% compared to 10.1%). The lack of education subsequently impacts people with disabilities by limiting jobs opportunities, access to income and health benefits, etc.
Transportation barriers are due to a lack of adequate transportation that interferes with a person's ability to be independent and to function in society.	Public transportation may be unavailable, inaccessible, or at inconvenient distances or locations.

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[196] Centers for Disease Control and Prevention. (2021). Disability Barriers to Inclusion. Retrieved from
https://www.cdc.gov/ncbddd/disabilityandhealth/disability-barriers.html

Appendix D: Methods and Data Analysis for Stakeholder Findings

RISE assessed the current state of language access across state agencies in Virginia. Key research activities performed by RISE for this study included:

1. interviews with state agency staff and LEP/PWD-serving organizations;
2. surveys (conducted by ODEI and RISE) on language access efforts and needs from state agencies and LEP/PWD-serving organizations; and
3. systematic review of the 50-states' current language access initiatives and plans.

Timeline of Study Events	
July 2021 to August 2021	ODEI conducted interviews and workgroup sessions
September 2021	ODEI partnered with RISE for evaluation
October 14-22, 2021	A total of four workgroup and interview invitations were sent out to state agencies and LEP/PWD-serving organizations.
October 18	RISE received workgroup and interview documents from ODEI for analysis
October 18- November 5, 2021	RISE conducted agency interviews and workgroups sessions
October 19-October 25, 2021	State agencies completed a web-based survey.

RISE conducted several types of data analyses from two primary sources: data collected in August 2021, which assessed language access for people with LEP, and data collected in October 2021, which assessed language access for both PWD and people with LEP. RISE researchers used these data to:

- identify the most common themes concerning state agency's views on their current and future abilities to provide language access for PWD and people with LEP;
- identify the most common themes surrounding LEP/PWD-serving organizations' perceptions on state services for PWD and people with LEP;
- explore agencies' and organizations' perception of current language access efforts and needs; and
- determine whether any federal agencies, states, and local US governments have developed and/or invested in language access services to LEP communities.

Appendix E: Interviews, Workgroups, Survey, and Systematic Review

Individual (i.e., Virginia state agency staff) and group interviews (e.g., workgroups with LEP/PWD-serving organizations) were key research methods for this report. RISE conducted 11 agency interviews and three workgroups with 10 LEP/PWD-serving organizations represented during October 2021. Additionally, ODEI conducted **seven** agency interviews and **one** workgroup with 24 LEP-serving organizations during August 2021. Key interviewees included the following:

Table 16. Evaluation Efforts	
RISE EVALUATION EFFORTS	**ODEI EVALUATION EFFORTS**
Virginia State Agency Interviews (N=11)	**Virginia State Agency Interviews** (N=7)
1. Department of Corrections 2. Department of Education 3. Department of Elections 4. Department of Health Professions 5. Department of Housing & Community Development 6. Department of Human Resources Management 7. Department of Labor and Industry 8. Department of Mental Health & Behavioral Services 9. Office of Civil Rights, Attorney General's Office 10. Virginia Department of Emergency Management 11. Virginia Department of Health	12. Department of General Services 13. Department of Medical Assistance Services 14. Department of Motor Vehicles 15. Department of Social Services 16. Virginia Department of Agriculture & Consumer Services 17. Virginia Employment Commission 18. Virginia Information Technologies Agency
LEP/PDW-serving Organizations Workgroups (N=10)	**LEP/PDW-serving Organizations Workgroups** (N=24)

Central Virginia Legal Aid Society
Department for Aging and Rehabilitative Services
    Deaf Advocacy Group
    Brain Injury Services Coordination Unit
Department of Deaf and Hard of Hearing
NOVA Resource Center for Deaf & Hard of Hearing
Parent Educational Advocacy Training Center
Partnership for People with Disabilities, VCU
Rappahannock Community Services Board
VA Hands and Voice
Virginia Association of the Deaf
Virginia Board for People with Disabilities
	African American Advisory Board
	AYUDA
	Commonwealth Catholic Charities
	Council on Women
	Edu-Futuro
	George Mason University, Collaborator with VDH & VDEM
	James Madison University, CHITTS
	Latinos in Virginia Empowerment Center
	Legal Aid Justice Center
	Legal Services of Northern Virginia
	National Korean American Service and Education Consortium
	Office of New Americans Advisory Board

	Re-Establish Richmond Roanoke Spanish Sin Barreras Without Borders The Commonwealth Institute Virginia Asian American Advisory Board Virginia Center for Inclusive Communities Virginia Coalition for Immigrant Rights Virginia Coalition for Latino Organizations Virginia Commonwealth University, Wilder School Virginia Latino Advisory Board Virginia League of Social Service Executives Virginia Poverty Law Center

State agency interviews. **The purpose of the interviews was to learn the status of language access and equity within their state agency.** ODEI provided a list of email addresses (N=191) for staffers from 101 state agencies and higher education institutions (prioritizing those who are most closely connected to the public in direct service) to interview based on their initial interview invitation to agencies during July and August 2021. Of those, seven state agencies were interviewed between August and September 2021 by ODEI. During October 2021, 12 invitations to participate were sent again to state agencies; and 11 agencies accepted the invitation to participate in an individual interview. Of note, state agencies, noted by ODEI as being most closely connected to the public in direct services as it relates to people with LEP and PWD, were invited for interviews. By November 5, 2021, a total of 18 state agencies (7 state agencies in August 2021 and 11 state agencies in October 2021) participated in an individual interview.

Interview questions were the same as those used ODEI preliminary efforts, with the addition of five questions which were informed by recent content on language access among people with LEP and PWD. The interviews were semi-structured and were conducted over a three-week period. This allowed for the Department of Elections to participate in the interviews (after Elections Day). Interviews consisted of at least one facilitator and one notetaker. Interviews lasted approximately one hour.

Workgroup Sessions. **The workgroups aimed to develop solutions to current gaps in language access services as it relates to PWD and people with LEP.** Workgroup participant pool was provided by ODEI and subject-matter experts consulting RISE. Out of 47 LEP-serving organizations invited, a total of 24 LEP-serving organizations participated in a workgroup on August 20, 2021. In October 2021, a total of 62 LEP/PWD-serving organizations were invited, and 16% (or 10 organizations) attended one of three workgroups. By October 31, 2021, a total of 4 workgroups were conducted with 34 LEP/PWD-serving organizations.

Prior to attending their workgroup, participating organizations were emailed a brief questionnaire (pre-workgroup survey) and asked to complete seven open-ended questions prior to their workgroup session. Information obtained from these surveys provided guidance to the workgroup facilitators, as well as insight into the experiences of people with LEP and PWD interacting with state agencies when language access was needed (see Survey Section below for data analysis details).

Over two weeks in October 2021, three semi-structured workgroup sessions were conducted by at least one RISE facilitator and scribe. Scripted questions were created from analyzing answers from the pre-workgroup survey and identifying areas where further discussion was needed. Workgroup participants engaged in discussions focused on people with LEP and PWD. Closed captioning was available for all three workgroups, with one workgroup also including ASL interpreters, a PWD language translator who provided clarity on what the individual said, a scribe for ASL, and a scribe for voiced responses. A total of eight representatives (from the organizations) received some form of language access and identified as deaf, hard of hearing, or language impaired. On average, August and October workgroup sessions lasted approximately one hour.

Data Analysis of Interviews and Workgroups

Interview and workgroup data were analyzed separately, using core components of Ritchie and Spencer's framework for applied policy research. The use of this framework was intentional given the timeframe of the evaluation effort. The steps used to analyze the interview and workgroup data were completed in the following order:

1. Documents were *organized* by type and source of the data collection method.
2. Three RISE researchers independently reviewed and explored the data *to identify recurring statements* that emerged from the interviews and workgroup sessions.
3. The independent recurring statements were charted and mapped across data collection method findings to *uncover commonalities* to create themes for interpretation.
4. Two RISE researchers *consulted and finalized the themes* that emerged in Step 3.
5. *Final themes were selected*; only themes that related to participant's experiences, thoughts, actions, ideas, and gaps, with respect to language access among people with LEP and PWD.

Surveys

Two surveys were conducted for this study: (1) a survey of state agencies and (2) a survey of LEP/PWD-serving organizations.

Survey of State Agency

In August 2021, ODEI surveyed state agencies on language access among people with LEP. In October 2021, RISE continued ODEI's survey efforts by including language access among PWD and people with LEP. The final analysis included 66 state agencies (N_{AUG}:30; N_{oct}:36).

State Agency Participants in August 2021 (N=30)	
Christopher Newport University	Division of Mineral Mining
Department of Agriculture and Consumer Services	Department of Finance
Department of Conversation Resources	Fort Monroe Authority
Department of Deaf and Hard of Hearing	Frontier Culture Museum of Virginia
Department of Education	James Madison University, CHITTS
Department of Forensic Services	Motor Vehicle Dealer Board
Department of General Services	State Council of Higher Education for Virginia
Department of Health Professions	Virginia Commission for the Arts
Department of Historic Resources	Virginia Information Technology Agency
Department of Human Resource Management	Virginia Museum of Fine Arts
Department of Motor Vehicles	Virginia Public Defenders Office
Department of Small Business and Supplier Diversity	Virginia Racing Commission
Department of Social Services	Virginia Retirement System
Department of the Treasury	Virginia State Police
Department of Veteran Services	Virginia Western University

State Agency Participants in October 2021 (N=36)	
Commonwealth's Attorneys' Services Council	Longwood University
Department of Aging and Rehabilitative Services	New College Institute
Department of Aviation	Office of Children's Services
Department of Corrections	Office of the Children's Ombudsman
Department of Criminal Justice Services	Patrick & Henry Community College
Department of Elections	Rappahannock Community College
Department of Housing and Community Development	Southern Virginia Higher Education Center
Department of Planning and Budget	Southside Virginia Community College
Department of Professional and Occupational Regulation	State Compensation Board
	State Corporation Commission
Department of Taxation	System Office Human Resources
Department of Wildlife Resources	Virginia Department of Fire Programs
Departments of Accounts	Virginia Department of Health
Division of Capitol Police	Virginia Housing
Germanna Community College	Virginia Parole Board
Global Education Office, Virginia Commonwealth University	Virginia Tech
	Virginia Tobacco Region Revitalization Commission
Jamestown-Yorktown Foundation	Virginia Workers' Compensation Commission
Joint Legislative Report and Review Commission	
Library of Virginia	

State agencies, who participated in the August 2021 study, received a 22-item survey via Google. State agencies who participated in the October 2012 study, received a 27-items survey via REDCap, a web-based software housed on VCU's secure network. Of note, building on the ODEI survey, five additional PWD-related questions were added to the survey administered in October 2021.

Data Analysis of State Agency Surveys
SPSS27, a statistical analysis software (version 27), was used to analyze the survey data. A total of 92 surveys were completed between August 2021 and October 2021. Prior to running the data analysis, RISE researchers checked for incomplete surveys, duplicate agencies, and incomplete responses. After this process, 26 agencies were excluded as they were identified as duplicate respondents or did not share agency names. Data completion comparison was performed, and duplicate agencies with fewer responses were deleted and not included in the final analysis. Thus, our final analysis sample consisted of 66 state agencies. Descriptive analyses were performed.

Survey of LEP/PWD-serving Organizations

Of the 109 LEP/PWD-serving organizations that were invited to participate in a workgroup, 26 completed the pre-workgroup questionnaire. Of note, not all who completed the pre-workgroup questionnaire participated in one of the four workgroup sessions.

LEP/PWD-serving Organizations in August 2021 (N=14)	LEP/PWD-serving Organizations in October 2021 (N=12)
African Communities Together	ASL Specialist Volunteer
Ayuda	Central Virginia Legal Aid Society
The Commonwealth Institute	Department for Aging and Rehabilitative Services
International Rescue Committee	Department of Deaf and Hard of Hearing
James Madison University, CHITTS	NOVA Resource Center for Deaf & Hard of Hearing
Latinos in Virginia Empowerment Center	Parent Educational Advocacy Training Center
Legal Justice Aid Center	Partnership for People with Disabilities, VCU
Legal Services of NOVA	Valley Community Services Board
Office of New Americans	Virginia Association of the Deaf
ReEstablish Richmond	Virginia Board for People with Disabilities
Roanoke Spanish, LLC	Virginia Hands and Voice
Sin Barreras Without Borders	Virginia Statewide Independent Living Council
Virginia Coalition for Immigrant Rights	
Virginia Department of Emergency Management	
Virginia Poverty Law Center	

Data Analysis of LEP/PWD-serving Organizations
Open-ended questions were analyzed using Ritchie and Spencer (2002) framework, which allowed for themes to be produced and commonalities to be identified across responses. Information obtained from these surveys guided the workgroup facilitators and gave insight into the experiences of people with LEP and PWD interacting with state agencies when language access was needed.

Systematic Review

The websites for each of the 50 states were reviewed to understand statewide language access initiatives. The following key search terms were used: language access plan and limited English proficiency (LEP). A rapid review of the literature on statewide language access laws and policies captured key peer-reviewed articles and reports which highlight the need for taking comprehensive, intersectional, and culturally responsive approaches in designing, implementing and overseeing LAP. Representative bureaucracy is the analytical framework used to examine statewide language access laws to identify ways in which LAP are designed to meet the needs of people with LEP. "The basic premise of representative bureaucracy is that a diverse bureaucracy will lead to more responsive public policy. In this way, representative bureaucracy may help ensure that all interests are represented in the formulation and implementation of policy."[197]

In pluralistic, multicultural, and multilingual societies, having a diverse representative bureaucracy is critical to providing enhanced services that promote inclusivity among diverse populations.[198][199] This theory relies on the state's ability and willingness to employ a diverse workforce, including public servants with the capacity to deliver services in languages other than English or who share ethnic, racial, cultural, or gender identities of the communities they serve.[200] [201] [202] [203] [204]Therefore, state LAPs that contain elements that promote the interests of people with LEP to gain equal and meaningful access to public services are considered best practices.

50-States' Current Language Access Initiatives

The laws and policies found in each of the seven states (i.e., California, District of Columbia, Hawaii, Maryland, Massachusetts, Minnesota, and New York) were examined using theory-driven content analysis to search for evidence of predetermined key concepts or words indicative of the state's administration, implementation, and oversight of the plan.[205,206] Effective plan strategies were categorized as follows:

- Identify individuals who need assistance;
- Determine language assistance measures;
- Training staff who interact with people with LEP;
- Providing notice of service to people with LEP by written or oral mediums; and
- Monitor and update LAP/LEP plans.

In addition to searching statewide LAPs for effective strategies, secondary steps that indicate how the plan was implemented or overseen were categorized as follows:
- Language access or equity coordinator, director, and/or workgroup;

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[197] Kennedy, 2104, p. 396
[198] Esman, 1999; Kennedy, 2014;
[199] Turgeon & Gagnon, 2013
[200] Bishu & Kennedy, 2020;
[201] Elias, 2013;
[202] Kennedy, Bishu & Heckler, 2020;
[203] Peters, Schroter & von Mravic, 2013
[204] Sowa & Selden, 2003
[205] Simon & Xenos, 2004;
[206] Klettner, Clark & Boserma, 2013

- Training program and/or test for translators and interpreters;
- Methods of progress monitoring/tracking;
- Prioritize outreach;
- Create strict quotas or guidelines for service;
- Implementation timeline;
- Procedures for identifying and recording multilingual recipients and their needs;
- Translation and interpretation provided in a timely manner; and
- Ensure that translation and interpretation services are free of charge.

Of note, RISE researchers were limited to examining statewide plans and related documents published online.

Limitations of findings from stakeholders

This report provides insight into the current language access behaviors and efforts that impact people with disabilities (PWD) and/or limited English proficiency (LEP) individuals and should be taken with a few limitations in mind. First, the information collected consisted of self-reported information regarding the state department/agency's language access services and improvement efforts.

This information was obtained from state government agencies and departments in addition to community stakeholders (i.e., organizations serving people with LEP and/or PWD). Future evaluation efforts should consider collecting information from individuals who would benefit from language access (e.g., community members). Second, while the state agencies and departments serve Virginians throughout the Commonwealth, many of the state agency and department representatives were located in the central Virginia area. There is a possibility that the experiences discussed may be centered around the agency/department's direct experiences of services delivered and thus may not represent the whole of Virginia. An effort should be made to engage state employees who are directly engaging with the LEP and PWD communities from different regions throughout Virginia to get a more comprehensive understanding.

Lastly, there are 118 state agencies (see https://www.virginia.gov/agencies/) and over 100 organizations serving people with LEP and PWD in the Commonwealth; the evaluation invited 102 state departments and 82 individuals associated with LEP/disability serving organizations throughout the Commonwealth. Of those invited, 79 state departments/agencies participated in the evaluation (by completing a survey and/or being interviewed), and 29 agencies/organizations (who work directly with LEP or PWD communities) participated in a workgroup and/or completed the pre-workgroup questionnaire. As such, the number of respondents, while high in percentage, could have been higher given the importance of the matter and the number of Virginians who utilize various state agency services. However, it is important to note that data was collected in a short period of time, and this time constraint may have served as a limitation and barrier for state agencies to participate given other priorities.

Pre-Workgroup Survey

LEP DISABILITY NEEDS WORKGROUP

Your organization is invited to participate in a workgroup to talk about solutions for equity in language access to government services for people with disabilities.

This workgroup is being conducted on behalf of The Governor's Office of Diversity, Equity, and Inclusion (ODEI) which focuses on creating recommendations concerning language equity and access in Virginia government services. Your participation in this workgroup is critical to this effort.

The workgroups are being facilitated and analyzed by Dr. Jennifer Reid and her evaluation team with the Research Institute for Social Equity (RISE) in the L. Douglas Wilder School of Government and Public Affairs at Virginia Commonwealth University. We appreciate your detailed responses and recommendations.

In preparation for our discussion, please answer the survey questions below. We ask that you identify one person from your organization who would be best to participate in the workgroup. You will provide their name and email, as well as select a preferred workgroup time.

We will be sending out Zoom invitations to those who have responded to our request for assistance and input.

1. Please share an overview of the services your organization has to meet the needs of people with disabilities (Both in-person and web-based information).
2. Please share an overview of barriers to language access in government services faced by people with disabilities.
3. What would you say is your organization's greatest need to better serve persons with disabilities?
4. Please share relevant data and/or information you may have collected previously on barriers people with disabilities face in accessing state government services: (you can include links to documents, as well as send documents to jguyre@vcu.edu)
5. If your agency has a language access plan, please attach a link or send it to jguyre@vcu.edu
6. Please share your suggestions for policies or practices to promote language equity and access in state government services for people with disabilities.
7. Is there anything else you would like to share that you feel is important to this discussion?

Please specify the official name of your organization.

Which of the following is the BEST day for you to participate in an online workgroup?
- o Friday, October 22 at 3 pm
- o Tuesday, October 26 at 9 am
- o Tuesday, October 26 at 5 pm
- o Thursday, October 28 at 10 am

Which of the following is the SECOND-best day for you to participate in an online focus group?
- o Friday, October 22 at 3 pm
- o Tuesday, October 26 at 9 am
- o Tuesday, October 26 at 5 pm
- o Thursday, October 28 at 10 am

The first and last name of the person from your organization who would be best to attend this workgroup. Put in your name if it is you.

Please provide an email address for the person mentioned above.

Thank you for your time and consideration. We truly appreciate you assisting us in this effort. If you are participating in a focus group, you will be receiving an email on Monday the 18th with the date and time, as well as a Zoom link.

Workgroup Open- Ended Questions

1. Thinking about the communities that you work with, providing services, and advocating on behalf of, what do you feel State Agencies could do to increase language equity?

    For In-person interactions?

    For web-based interactions?

    For written/reading interactions?
    (Read above responses and ask for solutions/ideas for each one, if not given)

2. What state agencies/departments do you feel need to be prioritized in developing language access plans? (In most need)

3. In the answers to the survey that was sent out, there were comments left that indicated there is a lack of communication (informing/educating) individual's with language access needs, as well as service provides/advocates, on where to find language access assistance within each state agency. What would be the most beneficial thing that state agencies could do to fix this?

4. What is the most important consideration state agencies need to take into account when developing their language access plan?

State Agency Interview Script

Good morning/afternoon, my name is [name].
I just want to start off by expressing my gratitude for the time you have made to complete this interview.

As was mentioned in the email you received, I am part of the Survey and Evaluation Research Laboratory in the L. Douglas Wilder School of Government and Public Affairs. We are working with Dr. Underwood, the Chief Director of the Governor's Office of Diversity, Equity, and Inclusion (ODEI). The interview will be focused on gathering information to understand more about the successes and needs state agencies have related to providing services to Limited English Proficient (LEP) residents in Virginia.

1. Could you tell me about the services your organization has to meet the needs of limited English proficient populations that you serve? (Make sure you get both in-person and web-based information) Probe: Which services would you recommend?

    a) IF NOT MENTIONED PROBE: If interpreters ask: What language? Internal to Agency or Outside? IF OUTSIDE...who provides these services to you?

    b) IF NOT MENTIONED PROBE: If translations of materials: If software: What software do you use? IF SOMETHING else, get clarification on the name? What additional resources would you like to have available to you?

    c) IF NOT MENTIONED PROBE: If training for employees: What type of training? What training do your employees receive now?
    How much do you spend on training in-house staff?
    Hiring contractors?
    Subscribing to interpretations services?
    On software?

2. How can your agency better meet the needs of the Limited English Proficient population that you serve?
    a) Now thinking about people with disabilities. How does your agency currently meet the needs of people with disabilities? What other resources or services does your department need?
    b) Does your agency have consistent services available or on certain dates/times?

3. What, if anything, do you feel your employees need to better meet the needs of Limited English proficient individuals who use your services? How about disabled individuals who use your services?
    a) Now thinking about access policies and practices in your agency, what policies and practices would you adopt to make your services more effective (in both areas LEP and disability)?
    b) Are there state-level policies or practices that you recommend?

4. If the state were to ask you to come up with a language access plan, what resources would your agency need?
    a) Do you have a department specific language access plan?
    b) (if they do) How do you ensure compliance with/adherence to your current plan or federal language access regulations
    c) (if applicable)? Or What is your internal QA or QC process?

5. When creating new policies and procedures to support Limited English Proficient Virginians, what should be considered?
    a) Are there any solutions or ideas you have to make services to Limited English Proficient persons in the state of Virginia more effective?

State Agency Survey

The Governor's Office of Diversity, Equity, and Inclusion (ODEI) is developing recommendations to implement a language access policy for the Virginia state government to ensure equitable access to state services for Virginians with limited English proficiency (LEP). This initiative is required by Item 52 #2h in the 2021 Budget Appropriations Act.

ODEI is partnering with Research Institute for Social Equity (RISE) in the L. Douglas Wilder School of Government and Public Affairs at Virginia Commonwealth University to request input from state agency leaders. The RISE evaluation team will be analyzing the data received and presenting it to ODEI in aggregate form. Names and contact information will not be included in the report.

The purpose of this survey is to explore the current language access policies and practices across state government and assess your desired goals for inclusive excellence in language equity and access. We appreciate your detailed responses and recommendations.

Your responses are critical to understanding ways to increase inclusive excellence for language equity and access. Therefore, please answer the following questions with the most accuracy possible, and note that this survey will only take approximately 10-15 minutes of your time. You don't have to answer every question on the survey.

Should you have any questions or feedback about this survey, contact Dr. Jennifer Reid at jguyre@vcu.edu for assistance. Please submit this survey by or before October 22, 2021.

1. How satisfied are you with the existing language equity and access policies and practices in your agency?
    o Not at All
    o Very little
    o Somewhat
    o Very Much
    o Extremely

2. How often would you say your agency is able to meet the needs of limited English proficient Virginians/service users?
    o Always
    o Most of the time
    o Sometimes
    o A little of the time
    o Never
    o Don't Know not sure

3. How much of the information about your services are translated into another language?
    o All
    o Most
    o Some
    o A few
    o None
    o Don't Know

4. Given your response to question one, what is/are the factor(s) that contribute(s) to your agency's success in ensuring equitable language access? Please select all that apply.
    - ☐ Fiscal Resources
    - ☐ Having specific personnel responsible for these initiatives
    - ☐ The priority level given to this issue
    - ☐ No Demand/ Requests for these services Provided by collaborator agency
    - ☐ Policies/Procedures in place...
    - ☐ An integral part of the service model
    - ☐ Don't need services due to the nature of the agency
    - ☐ Other

5. Please list any factors that we didn't mention above that you feel contribute to the success of your agency in providing equitable language access?

6. What is/are the factor(s) that contribute(s) to your agency's limitations in ensuring equitable language access at your agency? Please select all that apply.
    - ☐ Fiscal Resources
    - ☐ Not having dedicated personnel responsible for these initiatives
    - ☐ The priority level given to this issue
    - ☐ Low Demand/ Requests for these services Lack of resources for in-person assistance
    - ☐ Lack of resources for web-based assistance
    - ☐ Policies/Procedures aren't in place
    - ☐ Haven't integrated this into the service model
    - ☐ Don't need services due to the nature of the agency
    - ☐ Other

7. Please list any factors that we didn't mention above that you feel contribute to the limitations of your agency in providing equitable language access?

8. Please list the top 6-10 languages requested or used to access your agency's services.

9. Which languages are requested or used to access your agency's services? (check all that apply)
    - ☐ English
    - ☐ Amharic
    - ☐ Arabic
    - ☐ ASL
    - ☐ British English
    - ☐ Cambodian
    - ☐ Canadian
    - ☐ Chinese
    - ☐ Farsi/Persian
    - ☐ French
    - ☐ German
    - ☐ Hinidi
    - ☐ Japanese
    - ☐ Korean
    - ☐ Mandarin
    - ☐ Nepali
    - ☐ North African languages
    - ☐ Portuguese
    - ☐ Russian
    - ☐ Spanish
    - ☐ Tagalog/Filipino
    - ☐ Turkish
    - ☐ Urdu
    - ☐ Vietnamese
    - ☐ Other not mentioned

10. Please list current ways in which your agency provides language access in languages other than English for agency-led programs, website content, press releases, and other communications, or other initiatives, please select all that apply:

- ☐ We provide translation services for free.
- ☐ We provide translation services at a cost
- ☐ We provide interpreter services across agency daily operations.
- ☐ We use free translation software (i.e., Google Translate).
- ☐ We pay for the use of translation software.
- ☐ We provide language interpreters and translators only by request.
- ☐ We translate all written documents, including posters, applications, websites, etc.
- ☐ We have a language access strategy that is led by a person or team.
- ☐ We do not provide any language access at this time but welcome support in this area.
- ☐ We provide very minimal language access support for the top one or two languages requested.
- ☐ Something that hasn't been mentioned

Appendix F: State Agency Profiles

DEPARTMENT OF BEHAVIORAL HEALTH & DEVELOPMENTAL SERVICES
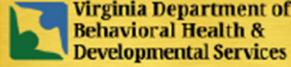
Virginia Department of Behavioral Health & Developmental Services

LANGUAGE ACCESS PROFILE

AGENCY EFFORTS TO DATE

- Provides funding to large community providers to provide language services
- Translated documents and forms in multiple languages
- Training bilingual staff and clinicians in oral behavioral health interpretation
- Provides language access services (e.g., language lines, interpreters, and sign language) for all patients either internally (by staff members who represent the community) or through contracted interpreters (in-person or virtually)
- Provides mobile interpreting staff members to accompany patients to special facilities

AGENCY IDENTIFIED NEXT STEPS

- Language Access Plan (LAP) is in place, however, efforts should be made for the entire state to implement LAP
- Explore barriers that small providers may have with delivering translation services at the same level that they're able to in large facilities due to a financial burden
- Gather rates regarding translation services for small providers
- Train and use trained oral behavioral health interpreters statewide

AVAILABLE RESOURCES	LANGUAGES NEEDED	NEEDED RESOURCES
Electronic medical records are compliant	No language needs reflected in survey data	Resources to attract employees with disabilities, bilingual employees and clinicans
Heavily regulated records		Funding to create an accessible work environment
Contracted interpreters from specific companies and on panels		Resources for technological devices (portable monitors)
Virginia Behavioral Health Interpreting Training Module for oral interpreters		Statewide LAP requirement for all serving-agencies

COMMUNITY INPUT*

- Establish "cultural brokers" (i.e., Qualified translators, Deaf interpreters, and Behavioral Health interpreters) from marginalized communities to reduce distrust within these communities
- Create language access plans that are flexible and meets everyone's needs - awareness that patients and providers many have different demands
- Use plain language in all documents for all languages, including English

*Community input was collected in the workgroup sessions. Refer to the full report for more details.

This profile contains information from a larger evaluation study conducted by: VCU Research Institute for Social Equity L. Douglas Wilder School of Government and Public Affairs

DEPARTMENT OF CORRECTIONS

LANGUAGE ACCESS PROFILE

AGENCY EFFORTS TO DATE

- Use of Propio for translation for both limited English proficient (LEP) inmates and Purple Communications for Deaf/Hard of Hearing inmates who sign

- Created a LEP policy based on input from ACLU on policy inclusions

- Provides bi-lingual staff with a $500 stipend/year for providing translations to staff members and offenders

- Collaborates with Department of General Services for language on policies

AGENCY IDENTIFIED NEXT STEPS

- Train newly hired LEP coordinator and part-time assistant to the LEP coordinator

- Have the LEP coordinator conduct a review of language needs and use their recommendations to inform the development of a language access plan (LAP)

- Have a LEP monitor in each facility (additional responsibilities)

- Translate document and websites

AVAILABLE RESOURCES	LANGUAGES NEEDED	NEEDED RESOURCES
American Correctional Association (ACA) guidelines	American Sign Language	Central LEP resource department or personnel ran by the State - provides translation services as well as compliance assurance
	Arabic	
	Chinese/Mandarin	
Department of General Services' policy language	Farsi/Persian	
	French	
Use of bi-lingual staff	German	State provide assistance with translating website content and documents
	Korean	
Community partners (i.e., Cville International African Refugee)	Russian	
	Spanish	
	Vietnamese	Pool of state translators

COMMUNITY INPUT*

- Normalize interpreters and making them seen will help reduce fear and increase ability for needs to be met

- Prerecorded answers to questions available in plain language and different languages on website

- Connect with other state agencies and LEP/people with disabilities organizations who might have a pool of certified, culturally competent translators and interpreters

*Community input was collected in the workgroup sessions. Refer to the full report for more details.

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DEPARTMENT OF EDUCATION

LANGUAGE ACCESS PROFILE

AGENCY EFFORTS TO DATE

- Employed a Coordinator of Internal Diversity, Equity, & Inclusion (DEI) and external Equity Coordinator
- Established a space to increase awareness and engage dialogues surrounding people with disabilities (PWD) (i.e., *Lunch & Learns*) for staff
- Translated COVID-19 related documents in different languages
- Use of Spanish-speaking internal employees for in-person translation, if needed
- Reviewed census data on students', parents' and community's language needs

AGENCY IDENTIFIED NEXT STEPS

- Internal evaluation of current needs across the agency in conjunction with their DEI office
- Holistic agency-level language access plan, that is compliant with future Commonwealth plans
- Increase resources to relieve burden on local school divisions and school teachers (e.g., translation assistance for all school forms, translating outward facing materials, translating curriculum materials)

AVAILABLE RESOURCES	LANGUAGES NEEDED	NEEDED RESOURCES
Propio Language Services	American Sign Language	Additional support for documents to be translated in languages needed
	Arabic	
Special Education branch contracts with an external language service	Chinese/Mandarin	Shared information on other educational agencies' language access efforts
	Korean	
Both internal and external DEI staff	Spanish	Best practices as it relates to PWD and limited English Proficient students and families
	Vietnamese	
COVID-19 relief funding ($50,000) for translation of COVID-19 documents		Language needs assessment conducted my an external contractor

COMMUNITY INPUT*

- DOE could provide updated language needs information regularly to localities to increase teachers' awareness of available services and resources for students
- Eliminate, or reduce, the use of children and adolescents as "translators" for LEP parents. This creates an imbalance in family structures and increase the demands and responsibilities of children and adolescents within the family
- State might consider developing a website for language access that includes a pool of interpreters/translators, in the event a school needs to locate an interpreter

Community input was collected in the workgroup sessions. Refer to the full report for more details.

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DEPARTMENT OF ELECTIONS
LANGUAGE ACCESS PROFILE

★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

AGENCY EFFORTS TO DATE

- Key information on voter registration and absentee ballots is available on the website in the following languages other than English: Spanish, Koren, and Vietnamese

- Emailing ballots to Virginians who are Blind/Low Vision to be accessible

AGENCY IDENTIFIED NEXT STEPS

- Hire contractors to prioritize a language access overhaul in 2022 (prior to midterm elections; October 2022)

- Provide materials in Spanish, Korean, and Vietnamese to other jurisdictions (e.g., voter guide)

- Review new census data (published December 2021) to examine language population changes

- Develop a Language Access plan in December 2021

AVAILABLE RESOURCES	LANGUAGES NEEDED	NEEDED RESOURCES
Contractors for a language line when Virginians call in and request assistance in a language other than English	Arabic	Contractors to identify and prioritize language access overhaul (e.g., website, update Standard Operating Procedures , forms, press releases, etc.) and personnel to oversee this process
	Chinese/Mandarin	
	Farsi/Persian	
	French	
Contractors for interpreting additional documents in Spanish, Korean, and Vietnamese*	Korean	
	Spanish	Knowledge on number of people with disabilities who use signed languages
	Tagalog	
	Vietnamese	
*Of note, the prioritization of services being in these three languages are based on census data of top languages spoken		State resources to support the conversion of document to braille

COMMUNITY INPUT**

- Create a ADA coordinator position and Language Access coordinator within each agency to facilitate between community and department. Of note, this person should not be in Human Resources

- Increase staffing of certified interpreters

- Incorporate a language identifying poster or card that is handed to everyone

*Community input was collected in the workgroup sessions. Refer to the full report for more details.

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VCU Research Institute for Social Equity
L. Douglas Wilder School of Government and Public Affairs

DEPARTMENT OF EMERGENCY MANAGEMENT

LANGUAGE ACCESS PROFILE

AGENCY EFFORTS TO DATE

- Led trainings with state partners on communication practices and transcreation
- Redesigned website to be accessible and compliant (Section 508 of the Rehabilitation Act of 1973)
- Contracted translators for Spanish only
- Partnered with Capital One for website review and accessibility check of state partners' websites

AGENCY IDENTIFIED NEXT STEPS

- Provide press conferences in additional languages other than English
- Locate a platform to provide information in multiple languages, simultaneously
- Identify languages for different regions throughout the state

AVAILABLE RESOURCES	LANGUAGES NEEDED	NEEDED RESOURCES
Section 508 compliant website	No language needs reflected in survey data.	Consistent funding
Diversity, Equity, & Inclusion employee		24/7 language access support unit in Office of Diversity, Equity, & Inclusion
Communications personnel at agency		Language needs assessment (i.e., knowledge of top language for regions)
Language access trainings		Pool of contracted interpreters
Press conferences include captions and simultaneous interpretation		Knowledge of language access liability and burden

COMMUNITY INPUT*

- Educate IT and public information staff on Plain Language and needs of people with disabilities and limited English proficient individuals' language access needs
- Conduct Standardized quality checks of all translations and interpreting
- Agencies should regularly ask consumer about the language needs and preferences, because there's no one size fit all approach

*Community input was collected in the workgroup sessions. Refer to the full report for more details.

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VIRGINIA DEPARTMENT OF HEALTH

LANGUAGE ACCESS PROFILE

AGENCY EFFORTS TO DATE

- Contracted Deloitte for comprehensive language access plan, which will include quality assurance feedback loop and new framework from translation to transcreation
- Hired an internal Accessibility Coordinator who reports to Director of the Center for Public Health Informatics
- Translated some website documents in six languages (Simplified Chinese, Arabic, Spanish, Korean, Tagalog, and Vietnamese) by Propio
- Employed two Certified Spanish Translators at the Office of Epidemiology that creates, reviews, and edits content

AGENCY IDENTIFIED NEXT STEPS

- Hire more internal translators and bi-/tri-lingual employees
- Increase number of contracted translators
- Implement the recommendations from internal Accessiblity Coordinator's language needs assessment
- Review website to ensure 508 compliance and areas of improvement
- Acknowledge the need for state websites to be available in languages other than English

AVAILABLE RESOURCES	LANGUAGES NEEDED	NEEDED RESOURCES
COVID-19 Call Center with 100+ languages translated by Propio	Amharic	Consistent transcreation funding
Website translated by Google Translate	American Sign Language	GIS map of languages spoken throughout the state
CDC website for translated documents	Arabic	
NY and CA as a health outreach guide	Chinese/Mandarin	A liaison to work with the Governor's office and Policy guide provided by Governor's office (i.e., languages to prioritize)
Specialized team for viewing public facing materials' translation	Farsi/Persian	
	Korean	
	Nepali	
	Russian	
	Spanish	Cross-agency language needs support
	Tagalog	
	Urdu	
	Vietnamese	

COMMUNITY INPUT*

- Given the language gaps in the health system, use of plain language throughout the agency and respective services
- Increase availability of translators and interpreters for limited English proficient (LEP) individuals and people with disabilities (PWD) - This is of great importance for people who are attempting to make a medical appointment or are receiving information for healthcare professionals
- Community outreach efforts to assure LEP individuals and PWD are aware of their rights as it relates to their health and services available through VDH

DEPARTMENT OF HEALTH PROFESSIONS — LANGUAGE ACCESS PROFILE

Virginia Department of Health Professions

AGENCY EFFORTS TO DATE
- Partnership with Virginia Department for Aging and Rehabilitative Service
- Employee accommodation request are immediately addressed to assure their needs are met
- Translation services are provided to any limited English proficient individual who contacts the state agency

AGENCY IDENTIFIED NEXT STEPS
- Increase number of employees that self-identify as a person with disabilities
- Translation on website to reduce consumers for having to call in or email to make contact to get an interpreter via phone

AVAILABLE RESOURCES	LANGUAGES NEEDED	NEEDED RESOURCES
Propio for translation services	Cantonese	More materials available in Spanish (e.g., website, informational brochure)
Video interpreting available	Mandarin	
Language services, consistently, available during normal business hours	Spanish	Translator feature on website
Language identification posters (if someone is on video or in-person, they can look at the poster and pick their language, so the agency can connect them with the appropriate translator)		

COMMUNITY INPUT*
- Establish "cultural brokers" (i.e., Certified translators and Deaf interpreters) from within marginalized communities to reduce distrust within these communities
- Job announcements should be explicit about the preferred language abilities of applicants
- Increased language availability on website, thus increasing accessibility

*Community input was collected in the workgroup sessions. Refer to the full report for more details.

This profile contains information from a larger evaluation study conducted by: VCU Research Institute for Social Equity, L. Douglas Wilder School of Government and Public Affairs

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

LANGUAGE ACCESS PROFILE

AGENCY EFFORTS TO DATE

- Use of a Drupal (content-management system) plug-in to provide translation of website content, not PDFs on the website
- Use of Propio and an internal Spanish translator for translation of documents and front desk calls from limited English proficient individuals
- Provides translations on request. However for the Virginia Rent Relief Program (RRP), documents are translated continuously in the top-spoken languages in addition to languages requested by community partners and stakeholders
- Value and encourage bi-lingual skills for job candidates

AGENCY IDENTIFIED NEXT STEPS

- Create a language acess plan to shift their mindset toward providing services directly to the general public
- Evaluate plan to assure it is in compliance with any Federal Regulations around Language Access Plans (LAP)
- Seeking guidance on language gaps in DHCD-related documents as well as exploring ways to expand translation services to include all website documents

AVAILABLE RESOURCES	LANGUAGES NEEDED	NEEDED RESOURCES
Propio Language information from Governor's Advisory Board	Amharic Arabic Chinese/Mandarin Farsi/Persian French German Korean Portuguese Russian Spanish Tagalog Vietnamese	Receive state guidance on how to provide good support to limited English proficient individuals and develop LAP, specifically in regards to RRP A list of top languages in Virginia Financial resources to finance translation services, software, and monthly maintenance ($2,000/month + $154,000+ initial startup fee) Guidance on how to develop LAP

COMMUNITY INPUT*

- Need to include stakeholders in the discussion and development of language access plans
- Increase agency availability of qualified translators and interpreters for services and quality checks of documents and website
- Establish "cultural brokers" (i.e., Certified translators and Deaf interpreters) from within marginalized communities to reduce distrust within these communities

*Community input was collected in the workgroup sessions. Refer to the full report for more details.

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dhrm DEPARTMENT OF HUMAN RESOURCE MANAGEMENT

LANGUAGE ACCESS PROFILE

AGENCY EFFORTS TO DATE

- Responds to language request when made
- Meets all federal requirements for language access related to the adminstration of health benefits programs
- Explored census data in Virginia to understand diversity trends
- Included new data fields in Human Resources data system for language
- Fulfilled the minimum requirements for language access - initiatives are reactive

AGENCY IDENTIFIED NEXT STEPS

- Continuous dialogues surrounding language access
- Create a holistic language access plan (LAP) and "test" the system's effectiveness for handling limited English proficient (LEP)
- Increase awareness in the Human Resources community regarding changing demographics and need for language access
- Develop proactive tools for meeting needs

AVAILABLE RESOURCES	LANGUAGES NEEDED	NEEDED RESOURCES
Motivated Staff	Vietnamese	Financial resources to develop or purchase training
Newly hired Diversity staff (both Diversity, Equity and Inclusion, and Equal Employment Opportunity teams support these efforts)		Establish mandatory training for selected groups of employees
Health-related information with links and phone numbers for 10 languages other than English		From the state: minimum guidelines, priorities, and resources for effective language access (e.g., auditing, transparency, progress dashboards, accountability measures)

COMMUNITY INPUT*

- Educate staff in each office and educate LEP individuals on self-advocacy (including their rights and how to advocate their rights)
- Determine a clear standard proficiency level for each service and this needs to be communicated to agencies and users so they both know what is needed and what services to taps
- Improve accessibility on website - increase number of languages available for website content and documents

*Community input was collected in the workgroup sessions. Refer to the full report for more details.

This profile contains information from a larger evaluation study conducted by: **VCU** Research Institute for Social Equity L. Douglas Wilder School of Government and Public Affairs

DEPARTMENT OF LABOR AND INDUSTRY

LANGUAGE ACCESS PROFILE

AGENCY EFFORTS TO DATE

- Use of LanguageLine
- Translated some documents in Spanish, however, concerns surrounding quality
- Use of bi-lingual employees as volunteers and internal resources for translations
- Encourage and value bi-lingual skills for job candidates and postings
- COVID-19 documents were translated in five different languages by employees

AGENCY IDENTIFIED NEXT STEPS

- Perform quality checks on translated documents
- Begin to develop a language access plan (LAP)
- Develop an internal translation training except for LanguageLine use
- Improve communication and guidelines surrounding language access

AVAILABLE RESOURCES	LANGUAGES NEEDED	NEEDED RESOURCES
LanguageLine for translation	No language needs reflected in survey data	Federal documents written in Plain English to ensure accurate translations in other languages (e.g., OSHA policy)
Accessible website		Clear and concise guidelines for employees regarding language access
Internal staff and volunteer translators		
Partnership with Virginia Individual Development Accounts		Additional and consistent funding from state to employ (1) a language access employee and (2) mobile interpreters to go out with inspectors to take statements from employers

COMMUNITY INPUT*

- Need for regulatory agencies or commission board to collaborate with state to create guidelines for employees
- Need for a clear list of translated documents (e.g., a document tracker for both users and employees)
- Provide education to employees within the agency regarding limited English proficient individuals and people with disabilities

*Community input was collected in the subcommittee...

OFFICE OF THE ATTORNEY GENERAL
CONSUMER'S PROTECTION; OFFICE OF CIVIL RIGHTS
LANGUAGE ACCESS PROFILE

AGENCY EFFORTS TO DATE

- Tailored accommodations for visually impaired employees
- Use of English and Spanish-speaking staff
- Use the LanguageLine for the following languages: Vietnamese, Tagalog, Arabic, Mandarin, and Hindi
- Readily available list of court-approved translators, for depositions

AGENCY IDENTIFIED NEXT STEPS

- Future plans to hire more diverse workforce to represent constituents
- Explore and understand the concerns and impact of literacy and broadband access across Virginia
- Acknowledge the need for state websites to be available in languages other than English

AVAILABLE RESOURCES	LANGUAGES NEEDED	NEEDED RESOURCES
LanguageLine for translation	No language needs reflected in survey data	Compensatory of departments current services and ways in providing services to Afghan refugees
Assistance of Charlotte and Washington EEOC Federal District Office		Assistance in efficiently and effectively translating document and website content in languages other than English
Approved translators for depositions		
Employing internal Community Outreach Coordinators throughout the State		Knowledge on language needs and gaps

COMMUNITY INPUT*

- Given the language gaps, there needs to be an ADA coordinator and a language access coordinator within each agency to facilitate the needs of the community and ensure the needs are met
- At times, there is no compliance to state and federal laws for people with disabilities. Agencies need to increase their consideration of people with disabilities when offering services
- There is a great need for agencies to inform LEP individuals and people with disabilities of their rights, with respect to state agency services

*Community input was collected in the workgroup sessions. Refer to the full report for more details.

Appendix G: Status of State Agency Plans

Agencies with Existing Plans (8)	Agencies with Plans in Progress (4)	Agencies with Plan Elements (6)
• Circuit Courts • Court of Appeals • Department of Medical Assistance Services • Department of Motor Vehicles • Judicial Inquiry and Review Commission • Supreme Court of Virginia • Virginia Department of Health • Virginia Department of Transportation	• Department of Corrections • Department of Professional and Occupational Regulation • Office of the Children's Ombudsman	• Department for the Blind and Vision Impaired • Department for the Deaf and Hard of Hearing • Department of Education • Department of Elections • Department of Labor and Industry • Virginia Employment Commission

Figure 8. Status of State Agency LAP Plans

Agencies with Existing Plans (26)	Agencies with Plans in Progress (5)	Agencies with Plan Elements (23)
• Circuit Courts • Court of Appeals • Department for Aging and Rehabilitative Services • Department of Behavioral Health and Developmental Services • Department of Corrections • Department of Education • Department of Elections • Department of Medical Assistance Services • Department of Motor Vehicles • Department of Rail and Public Transportation • Department of Veteran Services • Department of Wildlife Resources • Foundation for Healthy Youth • Institute for Advanced Learning and Research • Judicial Inquiry and Review Commission • Science Museum of Virginia • State Council of Higher Education for Virginia • Supreme Court of Virginia • Virginia Board for People with Disabilities • Virginia Commission for the Arts • Virginia Department of Conservation and Recreation • Virginia Department of Transportation • Virginia IT Agency • Virginia Museum of Fine Arts • Virginia Workforce Connection • Wilson Workforce and Rehabilitation Center	• Department of Forestry • Department of Juvenile Justice • Department of Labor and Industry • Department of Health Professions • General Assembly	• Board of Accountancy • Board of Bar Examiners • Department for the Blind and Vision Impaired • Department for the Deaf and Hard of Hearing • Department of Environmental Quality • Department of Forensic Science • Department of General Services • Department of Historic Resources • Department of Housing & Community Development • Department of Human Resource Management • Department of Taxation • Department of the Treasury • Library of Virginia • Virginia Alcoholic Beverage Control Authority • Virginia Commercial Space Flight Authority • Virginia Department of Emergency Management • Virginia Department of Fire Programs • Virginia Department of Health • Virginia Employment Commission • Virginia Energy • Virginia Lottery • Virginia Museum of Natural History

Figure 9. Status of State Agency with ADA Plans

Appendix H: Best Practices of State Language Access Plans

Table 17. Best Practices of State Language Access Plans (LAPs)				
States with LAPs	**Community Engagement**	**Financial Resources**	**Oversight and Accountability**	**Responsive Language Benchmarking**
California		• Each agency employs a sufficient number of employees who are qualified bilingual persons in public contact positions • Allocation of funds for interpretation services by contract	• Each agency has LAC • Reports to Legislature biannually • Dept. of HR tests and certifies bilingual employees or interpreters	•
District of Columbia	• DC Language Coalition, Office of Latino Affairs, Office of Asian Americans, and Mayor's Office on African Affairs advise DC Office of Human Rights to implement LAP	• Included in budget and subject to appropriations • Each agency encouraged to hire qualified bilingual staff	• Provides each agency with protocols for cross-agency collaboration and data tracking systems	• Community partners assist with data collection, outreach, quality control, and cross-cultural communication training • Required periodic public meetings and outreach to inform the public of services
Hawaii	• Advisory Board comprised of community members, advocacy groups, and professional interpreters from each island		• Advisory Board assists Office of Language Access with quality control, implementation, and accountability	
Maryland	• Required periodic public meetings and outreach to stakeholders for feedback			
Massachusetts	• Proposed legislation to establish a community advisory board	• Ensure adequate bilingual staffing to meet agencies needs	• Proposed legislation centralizes the oversight of agencies' plans	

State				
Minnesota	• MN Council on Latino Affairs and other groups representing non-English speaking people consult with commissioner and agency heads • Outreach program to Somali community for persons with disabilities	• Ensure adequate qualified bilingual staff or enough interpreters to assist agencies in providing services • MN Accommodation Fund reimburses agencies for expenses to provide accommodations for employees or applicants		
New York		• Ensure adequate qualified bilingual staff or enough interpreters to assist agencies in providing services in top 10 languages • Agencies coordinate with general services for additional support • Training is provided to frontline workers annually	• Standardized reporting plan that provides transparent information of each agency's plan, implementation, and training • Centralized location for statewide offices on website makes information easy to find and navigate in top 10 languages • Plain language makes plans accessible and easy to understand • Easy to users to find information or file a complaint • Plans are reviewed and updated biannually	• In addition to providing services in top 10 languages, agencies are encouraged to provide additional language needs by region and populations served • Relieves each agency from the burden of having to figure out demographic thresholds

Appendix I: Primary Vendor List

Table 18. Vendors				
Name	**Address**	**City**	**State**	**Zip**
Accurate Language Services	501 Grand Avenue, #3	Asbury Park	NJ	07712
Ad Astra Inc.	8701 Georgia Avenue, Suite 808	Silver Spring	MD	20910
Alboum Translation Services	2533 Wilson Boulevard	Arlington	VA	22201
AllWorld Language Consultants, Inc.	172 Rollins Avenue	Rockville	MD	20852
American Sign Language, Inc.	7815 N Dale Mabry Hwy	Tampa	FL	33614
Avantpage Inc	132 E St #370	Davis	CA	95616
Avanza, LLC	3706 Old Capitol Trail	Wilmington	DE	19808
Back to Basics Learning Dynamics	6 Stone Hill Road	Wilmington	DE	19803
Bromberg & Associates	3141 Caniff St	Hamtramck	MI	48212
Corporate Translation Service, Inc. /dba/ Language Link	70NE 136th Avenue, Suite 200	Vancouver	WA	98684
Daniel Shamebo Sabore/Languages Translation Services	34726 31 CT SW	Federal Way	WA	98023
Document Tracking Services, LLC	10225 Barnes Canyon Road, Suite A200	San Diego	CA	92121
FLS, Inc. dba Foreign Language Services	3609 A5 Memorial Parkway, SW	Huntsville	AL	35801
Geneva Worldwide	261 West 35th Street	New York	NY	10001-1902
Global Interpreting Network, Inc.	28546 Constellation Rd	Santa Clarita	CA	91355
Hola Delaware	123 Rosemary Court	Bear	DE	19701
Idea Translations	6438 BIRCH LEAF CT.	BURKE	VA	22015
Interpreters Unlimited, Inc.	10650 Treena St #109	San Diego	CA	92131
KTL Communications	5261 Broadwing Pl	Alexandria	VA	22312-3981
Language Liaisons, LLC	322 Village Road	Wilmington	DE	19805
Language Link	70NE 136th Ave, Suite 200	Vancouver	WA	98682
Language Resource Center	PO Box 18066	Charlotte	NC	28218
Language Services Associates	455 Business Center Dr STE 100	Horsham	PA	19044
LTC Language Solutions	5750 Castle Creek Parkway, Drive, Suite 150	Indianapolis	IN	46250
LanguageLine Solutions	Lower Ragsdale Dr, Building 2	Monterey	CA	93940
LinguaLinx Language Solutions, Inc.	433 River Street	Troy	NY	12180
Linguistica International, Inc.	4250 W 5415 S	Kearns	UT	84118
Lionbridge Technologies, Inc.	1050 Winter Street, Suite 2300	Waltham	MA	02451

Lotus Translation, Inc.	121Imperial Highway, Suite 224	Brea	CA	92121
Master Word Services, Inc.	303 Stafford St	Houston	TX	77079
Michael Giammarino	d/b/a Language Today	MahWah	NJ	07430
Para-Plus Translations, Inc.	2 Coleman Avenue	Cherry Hill	NJ	08035
PGLS	4041 University Dr.	Fairfax	VA	22030
Propio LS, LLC	11020 King Street, Suite 420	Overland Park	KS	66210
RDP Agency LLC	PO Box 340188	Hartford	CT	06134
S4 Languages, LLC	1116 Lauren Place	Newark	DE	19702
Solten Corp	350 Lincoln Road	Miami Beach	FL	33139
Spanish Solutions LLC	12864 Biscayne Boulevard #260	North Miami	FL	33181
Telelanguage, Inc.	514 SW 6th Avenue, 4th Floor	Portland	OR	97204
The Language Group	4705 Columbus St	Virginia Beach	VA	23462
Transperfect Translations International	1500 Market Street West, 27th Floor	Philadelphia	PA	19102
Universe Technical Translation, Inc.	9225 Katy Fwy #400	Houston	TX	77024
Voiance Language Services, LLC	5780 N. Swan Rd	Tucson	AZ	85718
Volatia	1327 Grandin Rd. SW	Roanoke	VA	24015
WorldWide Interpreters, Inc.	516 Missouri	South Houston	TX	77587

Appendix J: The Governor's Executive Leadership Team on Immigrant Integration Recommendations

COMMONWEALTH OF VIRGINIA

GOVERNOR'S EXECUTIVE LEADERSHIP TEAM ON IMMIGRANT INTEGRATION

REPORT SUMMARY – NOVEMBER 2021

TABLE OF CONTENTS

Background

On April 14, 2021, President Biden announced the United States' full withdrawal from the Islamic Republic of Afghanistan. A direct effect of the President's decision was evacuating the remaining Afghan civilian interpreters and other direct-assistance workers along with their family members to the United States. These individuals aided the United States government in Afghanistan and Iraq at great risk to themselves and often at risk to their families. As a result of the evacuation, thousands of Afghan evacuees have made their home in Virginia. This humanitarian initiative by the Biden Administration allowed an opportunity for our Commonwealth to be a leader among other States to demonstrate in practice what it means to treat a New American with the dignity and respect they deserve. The Commonwealth of Virginia was steadfast in its commitment to ensure the safety of the Afghan evacuees who risked their lives to support the American military and diplomatic efforts over the last eighteen years.

In addition to the current influx of 6000+ Afghan evacuees coming to Virginia, the population of new Americans, including refugees, is growing significantly. The Migration Policy Institute estimates that there has been almost a 90% increase in Virginia's foreign- population since 2000. Notwithstanding the current level of support provided to refugees through Virginia's refugee resettlement system, New Americans continue to experience significant barriers in integrating successfully into Virginia.

Prior to the Afghan evacuation crisis, Virginia established the position of Virginia Chief Diversity Officer, which led to the creation of the Governor's Office of Diversity, Equity, and Inclusion (ODEI), the Office of New Americans in the Department of Social Services (DSS), and a New Americans Advisory Board (ONAAB). Representatives among this DEI infrastructure work collaboratively to address the needs of the historically under-represented or underserved, as well as build equitable systems for all Virginians, including but not limited to immigrant communities. Coordinating efforts among state agencies and local partners, such as creating a strategic plan for the Office of New Americans to strengthen Virginia's refugee resettlement and immigrant integration processes during a period of time when Virginia has been experiencing a tremendous growth in new American populations, has been an affirmative step to ensuring a welcoming and inclusive Commonwealth for all Virginians.

The Commonwealth committed to ensuring the successful integration of the Afghan evacuees by compelling a "whole of government" or "whole of society" response that included relevant secretariats, state agencies, offices, and external stakeholders that provide public services in the areas of physical and mental health, social services, child care, workforce development, housing, education, public safety, consumer protection, civil rights, and diversity, equity, and inclusion, among others. To strengthen Virginia's systems of support for the transition and meaningful integration of resettled families and other new immigrants who make their home in Virginia, Governor Northam established the Governor's Executive Leadership Team on Immigrant Integration (ELTII) in September 2021.[207] This report summarizes the activities and recommendations, including budgetary considerations and a strategic vision of the ELTII from the date of its first Town Hall on October 8, 2021 through its final convening on November 15, 2021. The Executive Leadership Team's recommendations align with the One Virginia mission, which is to make Virginia an inclusive state where all feel welcome to live, learn, work, visit, and thrive.

The Role of the Governor's Executive Leadership Team on Immigrant Integration

The ELTII was co-chaired by the Chief Diversity Officer Dr. Janice Underwood and DSS Commissioner Dr. Duke Storen. Deputy Chief Diversity Officer and Senior Policy Advisor Mona Siddiqui, DSS Deputy Commissioner Gena Berger, DSS Executive Assistant Jessica Liston, and Management Fellow Celeste Chalkley provided staff support to the co-chairs. While the ONA is charged with the statutory obligation to assist immigrant integration within the Commonwealth on an economic, social and cultural level, the Governor's ODEI is charged with the statutory obligation to develop a sustainable framework to promote inclusive practices across state government; implement a measurable, strategic plan to address systemic inequities in state government practices; and facilitate methods to turn feedback and suggestions from state employees, external stakeholders, and

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[207] See, Governor Northam's September 7, 2021 Opinion published in The Washington Post at https://www.washingtonpost.com/opinions/2021/09/07/virginia-is-proud-be-new-home-many-our-afghan-allies/.

community leaders into concrete equity policy. Further the ODEI works across all secretariats and state agencies to drive diversity led innovation. Therefore the partnership between the Governor's ODEI and ONA forms a sound basis for a "whole of government" or "whole of society" approach to meaningfully integrate, through the lens of equity, new immigrants in Virginia.

Membership:

The ELTII was comprised of designated leadership or representatives from each of the Cabinet Secretariats, including the Chief Diversity Officer, Secretary of Veterans and Defense Affairs, Secretary of Health and Human Services; Secretary of Labor; Secretary of Public Safety and Homeland Security; Secretary of Education, Secretary of Natural and Historic Resources, the Secretary of Commerce and Trade, Secretary of Agriculture and Forestry, Secretary of Transportation, Secretary of the Commonwealth, Secretary of Finance, and the Office of Intergovernmental Affairs. Over the course of four convenings, the ELTII also invited relevant local agencies, organizations, and internal and external stakeholders serving immigrant populations to provide guidance and consult to this ELTII.

Purpose:

Commensurate with Goal 1 of the ONA strategic plan, the purpose of the ELTII was to foster interagency awareness, collaboration, and coordination among relevant secretariats and state and local agencies, and to strengthen the Commonwealth's systems of supports for resettling refugees and integrating immigrants into local communities in Virginia. The Executive Leadership Team was charged with identifying gaps in meaningful integration, proposing strategies to address identified challenges, and ensuring the Commonwealth's systems of support are adequate to process, integrate, and sustain the impending arrival of new immigrant families into local communities in Virginia. This ELTII also liaised with the Secretary of Labor's Work Group on Improving Participation of Refugees in Virginia's Workforce to collaborate on these efforts.

Methodology:

From July 2021 to October 2021 the Governor's Office of Diversity, Equity, and Inclusion and the Office of Veteran Affairs conducted considerable pre-planning in advance of forming the ELTII. This included supporting the repatriation center at Dulles Airport, participating every day on

the interagency calls led by the Virginia Department of Emergency Management, creating a communications strategy, planning and leading a public Town Hall on October 8, 2021, and preparing the process for which the ELTII would follow.

On October 8, 2021, the ELTII co-chairs and Governor Ralph Northam convened a virtual public town hall to provide Virginians an overview of the ELTII's role and responsibilities. A video-recording of the public town hall, including American Sign Language interpretation, has been archived.[208] The co-chairs convened the ELTII on five separate occasions for four-five hour blocks of time to develop a statewide strategy on advancing immigrant integration pursuant to Code of Virginia § 63.2-209.1.[209] On October 18, 2021, the ELTII convened its inaugural meeting in person at the Patrick Henry Building in Richmond, Virginia. There is no recording of this in-person meeting. Participants at the first meeting included the co-chairs, cabinet Secretaries, or their designees, the director of ONA, and Mr. Haris Tarin, Senior Advisor, Operation Allies Welcome, Department of Homeland Security. Mr. Tarin provided strategic direction in a key note address to the Cabinet Secretaries that included his vision of a "whole of society" approach. The ELTII leadership provided an overview of the role of the ODEI and ONA to implement a statewide strategy on immigrant integration through the lens of diversity, equity, and inclusive excellence. Each Cabinet Secretary provided a report on their role, which also included input from their agencies in advancing meaningful immigrant integration.[210] On November 1, the ELTII convened its second meeting virtually. In the second meeting, participants were expanded from Cabinet Secretaries to members of relevant agency leadership. Addressing significant gaps in language access and equity throughout state government was a finding identified from the first meeting and this key barrier was addressed at this second convening. Participants also worked in small break-out sessions to examine the key barriers

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[208] See also, Appendix I – October 8, 2921 Town Hall Flyer and written transcript of Town Hall. See, link to video recording of Town Hall at https://www.youtube.com/watch?v=sjBzhTY70AM.

[209] § 63.2-209.1. Office of New Americans. A. There is created in the Department an Office of New Americans (the Office) to assist immigrant integration within the Commonwealth on an economic, social, and cultural level. B. The Office shall: 1. Implement a statewide strategy to promote the economic, linguistic, and civic integration of new Americans in the Commonwealth; 2. Work with localities to coordinate and support local efforts that align with the statewide strategy to promote the economic, linguistic, and civic integration of new Americans in the Commonwealth.

[210] See, Appendix 2 – October 18, 2021 Internal Meeting Agenda.

identified in agency surveys related to cultural competency, education, economic integration, and health and social services. A video-recording of the second virtual convening has been archived.[211] On November 8, 2021, the ELTII convened its third meeting virtually. Participants included Secretariats, key agency leadership, Office of New Americans staff, members of the Office of New Americans Advisory Board, and local resettlement agency partners. A primary component of this third convening was to connect Secretariats and state agency leaders with state and local employees and community leaders who provide direct services, including advocacy for immigrant communities being served by state government. Participants worked in small break-out sessions to formulate the initial discussions on barriers of language access, cultural competency, education, economic integration, and health and social services into a proposed actionable strategic plan. A video-recording of the third virtual convening has been archived.[212] On November 15, the ELTII convened its final meeting virtually. The participants of the fourth meeting intentionally expanded further and included Secretaries, key agency leadership, DSS and ONA staff, the members of the ONAAB, local resettlement agency partners, and leadership of immigrant serving organizations. In this final convening, the ELTII finalized a plan of action to embed the statewide strategy developed by the ELTII into the day-to-day-operations of ONA. A video recording of the fourth virtual convening has been archived.[213] Lastly, all members of the ELTII were provided a copy of the draft language access study and asked to provide comments and suggestions.

Summary of Findings: Developing a Statewide Strategy

One of the outcomes of the ELTII was the creation of an interagency map to provide guidance and a strategic roadmap for state government leaders to collaborate in the coming years to address the findings across state agencies. As a result of the findings of the ELTII, the Team created a strategic plan to address each of the findings. In what follows is a summary of findings and recommendations of the ELTII. The major findings identified by the ELTII were:

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[211] See, Appendix 3– November 1, 2021 Internal Meeting Agenda. See also, link to video recording of meeting at https://www.youtube.com/watch?v=ggxFyxUGtIg.

[212] See, Appendix 4 – November 8, 2021 Internal Meeting Agenda. See also, link to video recording of meeting at https://www.youtube.com/watch?v=ruyf5MZ0O38.

[213] See, Appendix 5 – November 15, 2021 Internal Meeting Agenda. See also, link to video recording of meeting at https://www.youtube.com/watch?v=sURkKB6vwCk.
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- Language access and equity is the number one challenge across the Governor's Office, Secretariats, all state agencies, and the court system. The level of language in-access remains a significant barrier to multilingual speakers or those with Limited English Proficiency, including individuals living with disabilities. Issues of language access exacerbate all other barriers with cultural competence, economic integration, and health and social services;

- Anecdotally, immigrant integration in Virginia continues to have a negative or complex connotation by those in the public or who may work in state government, who do not recognize the value or contributions that the thousands of immigrants in Virginia provide. A member of ONAAB reported that there is a harmful narrative that immigrants are welfare recipients and dependencies and liabilities. Thus, it was recommended that a trauma-informed statewide cultural competency strategy is implemented. This should include all members of the Office of Governor, members of the Virginia General Assembly, employees of the judicial and executive branches, including the Office of the Attorney General, and specifically for those state employees who provide direct services to immigrant communities, such as language access services (translation, interpretation, transcreation services, etc.) or community navigation services to those who have Limited English Proficiency, to individuals living with disabilities, and for the immigrant or refugee community;

- Economic integration is a key area of focus. Economic integration refers to access to transportation/mobility, housing, and employment/workforce, including training programs, licensure guidance, small business development, worker protection, and recreation. These areas remain a significant area of opportunity for immigrant communities.

- Currently, the Office of New Americans (ONA) rests in the Virginia Department of Social Services (VDSS). VDSS remains the broker of the tangible services and resources to underserved communities, including refugee and immigrant communities. While the ELTII reported that immigrant integration requires a broader and more comprehensive view of the needs of immigrants across state government, consistent access to health and social services remains a challenge for this community, especially after the 90 day period of time currently

provided. Therefore, a statewide strategy to galvanize access across the Health and Human Resources secretariat is necessary to ensure the public health of immigrant communities.

OFFICE OF NEW AMERICAN MODEL OF "WHOLE OF GOVERNMENT" IMMIGRANT INTEGRATION

"Whole of Government":
- Implementation of a statewide strategy to promote the economic, linguistic, and civic integration of new Americans in Virginia [63.2-209.1(B)(1)]
- Holistic Approach to Addressing Barriers to Integration new Americans Experience
- Cultivating Cross Agency Cultural and Linguistic Competence in conducting business with new American Communities

In this model, the Office of New Americans serves as:
- the primary state resource to state agencies and local government partners about new Americans (arrival numbers in geographic locations, demographics of arrivals, skill sets, and unmet needs);
- facilitates ongoing workgroups between state agency partners, local government and non-government partners to address unmet needs in the areas of economic integration, cultural and linguistic competence, and health and social services; and
- Encourages collaboration and cooperation among partners to problem solve barriers to integration.
- Supports budget proposals to carry out the recommendations of the workgroups.[214]

Cultivating State Wide Partnerships with the Office of New Americans through Work Group Streams:

The partnerships highlighted below serve as the model for forming and cultivating workgroups to address barriers in meaningful and sustainable integration:

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[214] See, Appendix 6 – Sample budget proposals advancing meaningful immigrant integration.

MAP OF INTERAGENCY WORKGROUPS

The tables below illustrate key workgroups, as proposed by the Governor's Executive Leadership Team on Immigrant Integration (ELTII) and team partners. The Office of New Americans will lead and facilitate the work of these workgroups, encourage collaboration and ongoing partnership among state agencies, local government entities, and immigrant serving organizations in advancing the statewide strategy to promote the economic, linguistic, and civic integration of new Americans in the Commonwealth. It should be noted that cabinet members and agency heads are expected to work across sectors and are not limited to only one domain.

Cultivating Cultural and Linguistic Competency in Government Services	Advancing Education and Vocational Training Opportunities	Providing Trauma Informed Health and Social Services Delivery
Chief Diversity Officer	Secretary of Education	Secretary of Health and Human Resources
Secretary of Veterans and Defense Affairs (SIVs)	Chief Diversity Officer	Chief Diversity Officer
Secretary of Public Safety and Homeland Security	Department of Education	Department of Social Services
Secretary of Education	Virginia Community College Systems	Department of Medical Assistance Services
Department of Emergency Management	State Council of Higher Education	Department of Behavioral Health and Developmental Services
Department of Elections (civil engagement)	Local School Divisions	Office of the Children's Ombudsman
Department of Human Resource Management	Title III Coordinators	Department of Health Local Health Districts
Department of General Services (for language access and cultural competency)	Resettlement Agencies' School Liaisons	Immigrant serving Health and Social Services Organizations
Virginia Information Systems Agency (digital literacy)	Local Vocational Programs and Organizations	Resettlement Agencies – including health liaisons
Office of the Attorney General: Consumer Protection & Civil Rights	Digital Literacy Programs and Organizations	Community Action Partner Agencies
Virginia Court Systems	Virginia Public Colleges and Universities	
Federal and Local Court Systems		
Local Equal Employment Opportunity Commission (EEOC) Offices		
Office of New Americans Advisory Board		
Immigrant serving and faith community leaders and organizations[215]		
Virginia State Police		

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[215] Examples may include but are not limited to Virginians Organized for Interfaith Community Engagement, Virginia Interfaith Center for Public Policy, Virginia Poverty Law Center, Virginia Center for Inclusive Communities, and Sin Barreras.

Cultivating Meaningful Employment Opportunities	Promoting Mobility, Transportation, & Recreation	Ensuring Affordable and Sustainable Housing Opportunities
Secretary of Labor	Secretary of Transportation	Secretary of Commerce and Trade
Secretary of Commerce and Trade	Secretary of Natural and Historic Resources	Chief Diversity Officer
Department of Labor & Industry	Department of Motor Vehicles (identity, driver's license)	Department of Housing and Community Development
Virginia Employment Commission	Department of Rail and Public Transportation	Virginia Housing
Department of Professional and Occupational Regulation (licensing)	Department of Medical Assistance Services (medical transportation)	Virginia Fair Housing Office (Department of Professional and Occupational Regulation)
Department of Health Professions (licensing)	Department for the Aging and Rehabilitative Services (senior transportation)	Resettlement/Placement Agencies
Department of Education (licensing)	Local Social Security Offices (identity)	Developers
Department of Social Services (full employment program)		Landlords
Department of Agricultural and Consumer Services (employment, licensing)		Local HUD Offices
Department of Aging and Rehabilitative Services (senior employment program)		Apartment Listing Organizations/Websites
Department of Small Business Supplier Diversity		Housing organizations[216]
Virginia Economic Development Partnership		
Virginia Workforce Development Board		
Virginia Career Works System		
Resettlement Agency Employment Programs – Employment Specialists		
Chambers of Commerce and other Business Alliances and Organizations		
Large Corporations		
Small Businesses		
Programs that Provide Education and Grant Opportunities to Small Businesses		

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[216] Examples may include but are not limited to: Housing Opportunities Made Equal, Northern Virginia Partner Association, Better Housing Coalition

POLICY WORKGROUP STRATEGIC PLANS

The workgroup streams highlighted below are the means through which barriers to meaningful and sustainable integration are addressed. The role of the Office of New Americans is to facilitate ongoing workgroups between state agency partners, local government and non-government partners to address unmet needs in the areas of economic integration, cultural and linguistic competence, and health and social services; and encourage collaboration and cooperation among partners to problem solve barriers to integration.

OFFICE OF NEW AMERICANS STRATEGIC PLAN 2021-2022
POLICY AREA/WORKGROUP STREAMS

STRATEGIC GOAL 1: Implement a statewide strategy to promote the economic, linguistic, and civic integration of new Americans in the Commonwealth.

Objective 1.2: Provide advice and assistance regarding the coordination of relevant policies across state agencies responsible for education, workforce, and training programs, including professional licensure guidance, small business development, worker protection, refugee resettlement, citizenship and voter education or engagement programs, housing programs, and other related programs for which new Americans may be eligible.

Policy Area/Workgroup Stream: Cultural and Linguistic Competency and Education
Facilitator: Chief Diversity Officer

Strategy	Statewide cultural competency plan in the areas of access to state services, education, equitable language access, citizenship, voter education, civic engagement, and protection from discrimination and hate.
Benchmarks/Action Items	• Secretary of Finance or Governor's policy team submits a budget proposal to provide comprehensive statewide cultural competency funding as part of goal 3 of the ONE Virginia Plan. • VDOE, ODEI, and ONA create a cultural competence infrastructure for Virginia state government and for immigrant students and families across all 132 school districts as part of the local school equity plans.
Performance Indicators	• Evaluate and integrate relevant recommendations from the Office of New Americans Advisory Board (ONAAB) reports. • Create a phased approach for cultural competency training across priority or relevant agencies that is agency or secretariat specific and supervised by the agency chief diversity officers and language access coordinators to provide culturally relevant and responsive services to recipients of various state resources or state services (Begin the phased approach July 1, 2022). • Create in-house cultural competency professional learning for language access and engaging with immigrant communities that scales the current and limited efforts (completion by July 1, 2022).

	- Create wrap around cultural competency training and orientation for Virginia residents that focuses on education, language access resources, voter education, and public safety (completion by December 2021). - Create a plan/policy to increase and support internationally trained PK-12 educators (ODEI).
Output	- Procure a statewide vendor(s) that can create a cultural competency professional learning plan with a systematic and phased approach to provide cultural competence training services for 25 state agencies that includes compelling virtual and in-person professional learning, 25 cultural competence navigators for ONA to assist recipients of various state resources or state services, cultural competency training and orientation to immigrant communities, and oversight or metrics related to oversight, compliance, and ongoing assessment. (ODEI, ONA, and DHRM) (by March 2022). - State agencies submit revised DEI plans to ODEI that include the specific cultural competence training and language access. - ODEI creates two full time positions - Deputy Diversity Officer positions for (1) Immigrant Integration and (2) Language Access. - VDOE and ODEI partner to create a team of 10 professional development/learning positions that will provide on-going cultural competency training and oversight across VDOE and 132 school districts that builds on mandated cultural competency efforts pursuant § 22.1-298.7 and § 2.2-1211. - Increased number of agencies and state employees that participate in and complete on-going professional learning. - Increased funding to ONA to support additional staff positions in ONA.
Outcomes	- Increased cultural competency across multiple sectors. - State leaders serve as ambassadors to transforming the narrative of New Americans as contributors to the Commonwealth as opposed to the misnomer as immigrants as a drain on resources. - Increased knowledge and skills towards the equitable provision of state services to all residents of the commonwealth. - Decrease in formal and informal complaints across state agencies. - Awareness about cultural norms and the diversity within these norms. - Education gaps decrease and sense of belonging increase among immigrant PK-12 students or those who are multilingual. - Multilingual speakers and families report increased awareness of how to access information, services by state agencies, and norms and expectations to accessing resources. - Immigrant communities gain equitable access to resources and information to help them achieve their health and quality of life goals.

Policy Area/Workgroup Stream: Economic Integration

Facilitators: Secretary of Labor & Department of Housing and Community Development

Strategies	Economic Integration in the areas of Workforce, Mobility, and Housing, including training programs, licensure guidance, small business development, worker protection, and recreation.
Benchmarks/Action Items	**Housing/Mobility/Recreation:** • Connect with Northern Virginia Apartment Association. • VOICE - network of faith based community. Assist with getting landlords to the table. • Non-profit housing owners are looking into **compliance requirements** - we may be able to help with communication and information sharing. • Connect with Better Housing Coalition in the Richmond Region as an option outside of Northern Virginia. • Aligning housing with workforce opportunities. • Connect with landlords and agencies who own a bulk of the inventory to create a relationship to collaborate. • Partner with the DMV - need address to get identification (need a liaison contact between DMV and the refugee population). DMV can do remote visits. • Partner with apartment listing sources/websites - they have a much broader reach i.e., Costar, apartments.com. • Bring private entities into the conversation to potentially increase inventory options. • Look into community relationships/organizations to find housing and jobs. • Improving language access to historic and natural resources in Virginia. **Workforce:** *Note: several ideas listed below are included in the draft Improving Participation of Refugees in Virginia's Workforce Work Group report.* • Operationalize the goals outlined in the Secretary of Labor's 2021 report on *Improving Participation of Refugees in Virginia's Workforce* • Connect with Chambers of Commerce. • Connect with NOVA Technology Council and others like that. • Develop competency based training. • Get more baseline information about individual refugees. There's no central database of refugee/immigrant professions. • Examine licensure requirements for high demand occupations. • Utilize the Department of Health Professions occupational roadmap. • Have the Department of Health Professions look into Canada's progressive model for standards of occupational pipelines. • TANF.

	• Consider incentivizing employers with grants or tax credits for hiring refugees. • Similar to the Virginia Values Veterans (V3), create a certification program for employers that train human resource professionals and hiring managers to practice equitable hiring practices and support refugees on the job.
Performance Indicators	• Identification of units available. • Development of relationships with both private and non-profit entities.
Outputs	Locate sustainable housing for the 6,000 refugees projected to come to Virginia.
Outcomes	• Refugees are housed. • Potentially updated compliance requirements. • Certification program for employers that train human resource professionals and hiring managers to practice equitable hiring practices and support refugees on the job.

Policy Area/Workgroup Stream: Health and Social Services
Facilitators: Department of Social Services & Office of New Americans

Strategies	Holistic Health and Social Services, including trauma informed care and government support beyond the first 90 days for refugees and other immigrants who do not fall within the refugee resettlement system.

Benchmarks/Action Items	• Formal handoff with the transition between agencies.
	• Strategize and implement data collection - what is the current status, gaps identification, data on skills and experience of New Americans, etc.
	• Provide culturally competent, trauma informed access to SNAP, Child Care Subsidy, Energy Assistance, and prevention services.
	• Cultural competency training for LDSS Staff.
	• Translation of written communication and web site content (applications, notices, explanation of benefits).
	• Written and verbal orientations to Virginia.
	• Promote hiring of community members/individuals with lived experience (state and local).
	• Address low literacy barriers through oral provision of services and access including interpreters helping with phone calls.
	• Audit (by VDSS) of LDSS and contractors on their language access plan and their capacity.
	• Provide "Navigator" services to all New Americans (whole family, cultural competency system expertise, health care, social, mental/behavioral health, community connected).
	    - Leverage DMAS navigators, community health workers (promotors).
	    - Flow charts of how to access services.

	- Create navigators for social services or train other navigators (like DMAS) in other systems like social services.
	- Connect "navigators" to informal networks/organizations/community leaders.
	- Whole family navigators need to reach out beyond health and human services to include workforce development, transportation, and housing.
	• Ensure that New Americans are aware of the services available.
	  - Assign a whole family navigator to each New American Family.
	  - "Academies" hosted by local government.
	  - Training and language access at 211.
	  - Written orientation to Virginia services in multiple languages - need to have local points of contact and context.
	• Increase community resources to help with language access and cultural competency.
	  - Trained interpreters and translators from the community.
	  - Identify the appropriate leaders to build a trusted spokesperson.
	• Provide culturally competent health care including mental health services.
	  - Improve coordination with federal government partners and private agencies for unaccompanied minors.
	• Provide culturally competent training for judges, GALs, agency lawyers, agency staff to better understand the court order requirements for SIJS, eligibility for services including Medicaid/RMA.
	• Culturally competent foster care placements.

Performance Indicators	• Culturally competent Department staff. • Amount of individuals hired with lived experiences. • Access to benefits. • Improved coordination with federal government partners and private agencies.
Outputs	Locate sustainable housing for the 6,000 refugees projected to come to Virginia.
Outcomes	• Database about New Americans. • Hiring of community members/individuals with lived experience (state and local). • Increased access to state benefits. • Established "Navigator" services. • Increased community resources to help with language access and cultural competency. • Accessible culturally competent health care including mental health services.

The Governor's Office of Diversity, Equity, and Inclusion

& the Office of New Americans

Invite you to a virtual town hall to introduce the:

Governor's Executive Team on Immigrant Integration

Friday October 8, 2021

6:00 PM to 7:00 PM EST

Register at: https://governor.virginia.gov/i/integration

Dial-in phone number: 866-692-4530
Dial-in access code: 2423 151 7474

Alright well good evening everyone. My name is Mona Siddiqui and I serve as deputy diversity officer to the governor's office of diversity equity and inclusion and also senior policy advisor to the office of new Americas.

Welcome and thank you for taking time out to join us this evening. And before we begin with the introductory remarks, I would like to share with you just some logistical information about this town hall and an outline of the agenda.

So, first to let you know we have closed captioning for this event our captioner is Miken Cobbs, and the link for CC services can also be found in the chat where closed captioning is provided. And you may also view captions with a link that is being posted in the chat right now.

And we also have with us two American sign language interpreters Tanya Castillo Pearsall and Dorothy Thomas joining us today, so thank you Miken, Tanya and Dorothy for being here this evening. And attendees who would like to have the ASL interpreters as their primary window, you can click on the three dots in the upper right hand corner of our interpreters video and click "lock this view" and select "lock this participant to this location" and this event is being recorded and we intend to have the transcript of this event translated into languages other than English, and it will be available for public viewing as soon as were able to do this.

In addition to the logistics, I would like to just give you a little bit of an idea of what to expect during this next hour.

The purpose of our town hall is to share information about Virginia's role in the coordinated response to the mass evacuation from Afghanistan to the US, specifically in Virginia, which has prompted the administration to think more deeply about our immigrant integration infrastructure as a whole and establish the Governor's executive team on immigrant integrations

Key members of this team will be offering their remarks today, this includes the Chief Diversity Officer, the governor of Virginia, deputy secretary of health and human resources, the commissioner for the department of social services, the director of the office of new Americans and the chair of new Americans advisory board.

We'll also take some time to answer the questions that we received from you through the registration process, so thank you for your questions, and if time allows, we will be taking additional questions through the raised hand feature or the chat box.

And during that question-answer session, we're also going to share with you an email address for you to send any of your comments, questions, and suggestions in connection with what you learned today, because we would like to maintain an open dialogue.

So, without further ado, at this time I would like to introduce the first Chief Diversity Officer of our Commonwealth and the nation and co-chair of the executive leadership team, Dr. Janice Underwood.

Hello everyone. Mona, thank you for the welcome, sharing a bit about the accommodations we are providing, and kind introduction.

Mona, thank you in particular, members of the Governor's office of diversity equity and inclusion and the office of new Americans at the Department of Social Services for organizing this very important Town Hall today.

It is systemic work, like what has brought all of us together this evening, that will transformatively get us to our collective goal, which is to make Virginia the most inclusive state where everyone feels welcome to live, learn, work, visit and thrive.

I believe this is how we will win the best state for which to do business, again, next year, as well as emerge as a national exemplar for other states regarding diversity-led innovation.

Since the very forming of our state and nation immigrants as residents of this Commonwealth in particular have made enumerable contributions across all of our communities, so we must work to ensure that immigrants today, not only have equitable opportunities for access and success, but we must also do the hard work to ensure that immigrants today are accurately perceived as contributing members to our communities, just as immigrants of the past, like those who immigrated in 1862 with the support of the homestead act specifically.

So, this evening, we will set the stage for this work. I'm incredibly honored to be part of this overall effort and serve as co-chair of the Governor's executive leadership team on immigrant integration, along with my esteemed colleague, Commissioner Duke Storen, the other co-chair, who you will hear from a little bit later in the hour, to talk about our immediate emergency response efforts.

Examining all of our systems and policies and in this case our system of immigrant integration through a DEI lens is fitting because the statutory obligation of the Governor's Office of Diversity, Equity and Inclusion is to create statewide frameworks for inclusive excellence.

So, we see this as a way to think more holistically and equitably about immigrant integration, about immigrant integration for the diaspora of immigrant communities who chose to make Virginia their home. So, in the coming days and months, the immigrant integration leadership team will galvanize the intentional cross secretariat and interagency efforts necessary to rebuild and strengthen our systems policies and practices in respect to the vital role immigrants play in Virginia and across our nation, and do it in a way that intersects with our one Virginia mission and vision for the Commonwealth.

But we wouldn't be able to accomplish this work if it were not for the stewardship and tenacity of an incredible leader, who has set a great example for all future leaders to follow. It is my extreme honor now to introduce my boss. I am so pleased to confirm for everyone that in addition to being an Army doctor, a pediatric neurologist, a business owner, state Senator and former Lieutenant Governor, Governor Ralph Northam, the 73rd Governor of Virginia is someone who has a sincere love for all people and this love for Virginia in particular is what guide every decision he takes. In fact, Governor Northam has been committed to building a Virginia that works better for everyone no matter who they are or where they live.

Please join me in el p welcoming the 73rd Governor of the great Commonwealth of Virginia, my friend, Governor Ralph Northam.

Good evening to everyone, and Janice thank you for that kind introduction, and you said you work for me, I'm your boss, but you're my boss, so I always make sure to get that correct. I just wanted to thank you Janice, I know you've had a busy few years as our first DEI Officer in this country, and

have built a program that has, you know, just spread to our agencies and our cabinet secretaries and very, very important work, so I thank you for that.

I also wanted to take the opportunity, as you all know, we have had thousands, literally thousands of immigrants come from Afghanistan, refugees, and they've all come through Dulles airport and we have three military facilities in Virginia, Quantico, fort picket and fort Lee, I have visit tell all of them and I am so proud of the work that Virginia has been able to do and have really led the way, and I know we have our director of social services, Duke Storen, thank you so much for all of your work. Folks from the department of emergency management have been very involved. Our Virginia Department of Health have been on the ground day in and day out, and also our National Guard. So, a lot of -- and a lot of other people. So, just want to on behalf of Virginia let you know how proud we are of all the work that you have done and please keep it up.

And to all of you, thanks for all of you for joining us this evening as we introduce the Governor's executive team on immigration integration and talk about the vital work that this team has already been doing and has planned going forward. Here in Virginia, we know that immigrants make the fabric of our communities better and richer. More than 12% of Virginia's population was born in another country. One in six of our Virginia workers is an immigrant, and more than one fifth of our self-employed business owners were born somewhere else. Welcoming new Americans is such an important part of our work to make Virginia a more diverse and inclusive state that we established an office of new Americans to make sure all immigrants get the support that they need.

We also established an office of the new Americans advisory board, which launched at the beginning of this year. Our goal has always been to make Virginia an open and welcoming state where everyone feels safe to rebuild their lives and make a new home. This has become even more important in the timely sense of the Afghani evacuation. Thousands as I said of Afghan people, including entire families, are now in Virginia, and more will be arriving. While many of them will move on to permanent homes in other states, we expect many to stay. So far about 10% of them. In the past, Virginia has been one of the top three states to receive Afghan people with special immigrant visas. Resettling in their new home. Our Governor's executive leadership team on immigration integration will work across agencies to ensure that Virginia's refugee resettlement and immigrant integration systems are strong enough to provide for the arrival of SIV families and other evacuees resettling in Virginia and help these immigrants integrate meaningfully into their new communities.

We are ready to help provide health and social services, education, child care, housing, and workforce development services these families will need to successfully build new lives. Our goal is to make sure people feel welcome in their new home here so they can live, contribute, and thrive. That's what all of us would want for ourselves if we were in their shoes. Our lights are on, and our doors are open to welcome new Virginians.

Dr. Underwood, thanks for all your work, and thanks for allowing me to say a few words tonight. Take care.

Thank you, Governor, for your remarks. At this time I would like to ask deputy secretary Catie Finley to say a few words.

Thank you Mona and thank you Governor Northam. It is an honor to work for you and I echo the Governor's remarks. We are delighted to be with you here today to discuss this critical work.

Secretary Carey regrets not being able to attend tonight's Town Hall, but he wanted to make sure I took this opportunity to thank everyone for all that you have done and continue to do to ensure that the Commonwealth remains a place where all Virginians, especially new Americans, can live healthy and live well.

We are so proud of the work that the Department of Social Services and its refugee resettlement partners have been doing for many years, and are excited about elevating and supporting this work through the Governor's executive team on immigrant integration.

As Dr. Underwood and the Governor highlighted, supporting integration serves not only the immigrants themselves but also the Commonwealth as a whole. The secretary and I were both able to go up to Dulles to see Afghan evacuees arrive into this country. One volunteer said he had been so moved to see private and public partners mobilize to welcome them with open arms. It is with that welcoming spirit that we all approach this work for both newly arriving Afghans and all immigrants that look to live in Virginia.

I can't say enough great things about the work done by both the Governor's Chief Diversity Officer and her team and about the Department of Social Services under the leadership of its Commissioner Duke Storen.

With that, I will hand it over to Commissioner Storen to provide an overview of the role of the department of social services, as well as our coordinated response.

Thanks, Commissioner Storen.

Great. Thank you deputy secretary and good evening everyone. Thank you so much for taking the time to learn more about what we're doing in Virginia, to support those who have evacuated from Afghanistan.

We believe that each person should be treated with dignity and respect and that every Virginian, whether they just arrived from another country, or they were born here, is valuable to the fabric and strength of our Commonwealth and in turn should be valued.

I want to extend my appreciation to all of you who have offered and provided support to this important work. Particularly our recent work to serve Afghan evacuees. As a public servant for many years, I've learned that the best services and the best solutions to our problems come when we work together. Government, not for profit organizations, communities of faith, businesses, and individuals.

I see this valuable coalition already at work and I know we can build upon its strength, as we improve how we welcome, provide services, and benefit from new Americans coming to Virginia.

In order for us to best work together, I want to provide some background information on the what and how the state government provides services to new Americans, and we will use the current work we're doing to support Afghan evacuees as our case example.

Services fall into three categories: The immediate response to evacuee needs upon arrival, supporting the Federal Government's mission to help evacuees determine their immigration status, and plan and get where they intend to settle in the United States, and then finally, the ongoing support to immigrant families to help them thrive when they do settle in Virginia.

So, first the immediate response. As evacuees flew into Del list airport, we were charged by Federal law and supported with Federal funding from the Department of Health and Human Services to provide repatriation services. These are services to US citizens when they arrive. We help them meet their immediate needs through short-term cash assistance, travel arrangements, lodging, meals, and any other immediate needs they have.

We established the repatriation center at a hotel on airport property. We led this work at the Department of Social Services, but we only did it because we had so much assistance from the department of emergency management and our local not for profit partners, the Red Cross, and local departments to social services.

So, while we have an Office of New Americans in the Department of Social Services, thanks to the leadership of the Governor and the leadership of the general assembly in establishing it this past year and funding it, I especially want to do a shout out to Senator Hashmi, and Delegate Tran who really led this work in the general assembly.

In addition to our given charge under law, we also provided support at Dulles airport with COVID testing for a number of weeks. This incredible effort by the department of Virginia health and our local health districts in Northern Virginia. Local hospitals provided emergency health services, as well.

Finally, one of the things that we learned at our short time at Dulles airport was while services were available to US citizens and to refugees and those who had special immigrant visas or those who were humanitarian parolees, there were no services for Green card holders, and at this moment, we reached out for private donations across the Commonwealth and received special funding from the Governor. We put that together, literally in a weekend, and were able to stand up services for Green card holders. We put together a center adjacent to our repatriation center and really changed the lives of hundreds of Green card holders.

This phase of the work has concluded. There was a temporary moratorium on flights coming into the United States because of the measles outbreak and flights are now going into Philadelphia instead of Dulles. So, that brings us to the second phase.

The second phase is to support the work of our Federal partners, again I want to stress that there are Federal partners have the lead, Department of Homeland Security, Department of State, with support from Department of Defense, their job is to provide services to those evacuees who aren't Green card holders, and aren't US citizens to help them establish their immigration status and plan their settlement somewhere in the United States.

The Governor mentioned our three military bases, Quantico, Fort Pickett and Fort Lee. There are about 15,000 individuals who are there today who are receiving both sorts of immigration services from the Department of State to sort out their status. Are they SIV holders? Are they refugees? Are they humanitarian parolees? As well as meeting their basic human needs, and planning their ultimate destination.

So, we are supporting this Federal effort in a couple of different ways. One is by providing some of the medical services that cannot be provided on base by the Federal Government. So, this looks like over 300 pregnant women, many of whom are in the third trimester, some of whom have already given birth here in Virginia, so we help coordinate the services with local hospitals. We also provide

public health services, like contact tracing and organizing quarantining for infectious disease outbreaks. Again, we've seen COVID and measles as the two sorts of infectious diseases on those bases.

Our Department of Health is providing these services and just doing a terrific job.

We're also working to coordinate donations that are so important to provide support for these families. They need clothes. They need prayer rugs. They need all sorts of things that the Department of Defense isn't necessarily used to providing them. This work is being coordinated by the department of emergency management, our 211 call centers, and by the sheer force of will and the WhatsApp app by Mona Siddiqui herself. I know many of you have contributed to that important work, and I want to, again, extend my appreciation.

We will also be enrolling families into the Medicaid program or the refugee medical assistance program while they are on base. This is the responsibility of our state department of medical assistant services here at the Department of Social Services. We are a provider of eligibility and enrollment services for them, so we'll be helping as well as the hospital association and contracted staff. So, we're organizing Medicaid eligibility enrollment events on each of the bases so that individuals can get the services they need, and our Federal partners can share in those costs.

And this really brings us to the third phase, and really a big focus of what we'll be talking about the balance of today's meeting. This is the work we do to help families who are permanently settling in Virginia. At this time, we estimate about 1,200 families will be coming to Virginia. Those estimates are the best ones we get from our Federal partners, but they change a lot. Every estimate we've gotten over the last couple of months has been the best one available, and has also changed, so we'll be sure to keep folks updated about that.

The good news is that there are Federal programs to support this work, and again, the Department of Social Services office of new Americans is some of the lead agencies that brokers these services that are provided in communities across Virginia. The Federal Government and the budget reconciliation act thankfully passed some new legislation that made these services available not only to refugees and special immigrant Visa holders, but also to humanitarian parolees. So, now everyone is eligible for some short-term cash assistance, short-term housing assistance, coordination and to enroll with schools, providing workforce services, as well as connecting them with medical services through Medicaid or the refugee medical assistance program, and also available to any low income household in Virginia that needs help. The supplemental nutrition assistance program, SNAP, which is essentially a grocery card benefit for low income households. The women, infants and children's program which provides both assistance with food purchases that are age appropriate for infants and toddlers and pregnant women, as well as nutrition counseling, school meals, child care subsidy assistance, enrollment in Head Start and pre-K programs, subsidized child care, housing assistance---all of these programs, some funded directly through the refugee assistance programs, and some more broadly available to all low income Virginians, are now available for any new Virginian settling into the state.

This work can only be done with intensive case management. It's culturally competent, compassionate, and well connected in the communities. In Virginia, and really the model across the nation, is for the Department of Social Services to contract with not for profit refugee resettlement organization that have this expertise.

You know, this isn't the first time we've been working to help Afghan refugees and SIV holders settle. We've been doing this for years, and we've been building our cultural competency and our capacity through these six local not for profit organizations. So, this is really the intersection where these services are provided. This is where they get the direct assistance that comes from the Federal Government, that cash assistance and medical refugee assistance, temporary housing assistance, as well as really brokering the services and providing that intensive case management in individual communities. Every one of these organizations has a liaison with the local schools, right. They have relationships with local departments of social services to ensure individuals can enroll in SNAP and TANIF and child care subsidy. Has relationships with local child care providers to ensure that the full breath of the services of the Commonwealth can be made available to help individuals and families transition and thrive in Virginia.

It's a big job, and one of the keys to success is making sure that those services and those resources are both culturally competent and available and that we identify and fill any gaps in real-time.

So, while those local refugee resettlement organizations will be doing the case management, at the state level through the leadership of the Governor, our terrific cabinets, and our various state agencies, we are going to -- we are working hard to make sure that the services that we provide are available and marshaled through those refugee resettlement organizations, and in any other way that we need.

So, as individuals and organizations and faith communities reach out to us and want to help, most of the time we will direct you back to one of the six organizations, because that's the place -- that's really the intersection of all these services. That's really where the services happen. And that's also where we identify the gaps that need to be filled.

So, at this point, I'm going to turn it over to my colleague and a terrific leader, Mona Siddiqui, to talk about the executive team on immigration integration and how we take what we have here at the executive branch and we bring it down to those local communities to make sure that we do the best job for our new Americans.

Mona.

Thank you, Commissioner. I appreciate that.

So, as Commissioner Storen, I would like to take time to talk about the nuts and bolts of this team. As Commissioner mentioned, the folks of this team are filling those gaps, on ensuring sustainable integration of the recently arrived immigrant families, and refugees and parole lease and other immigrants who are making their home in Virginia.

The executive team recognizes that yes, there has been a recent influx upon evacuees in Virginia and there has also been a significant increase in our new immigrant population since the last decennial census, so this team focuses on addressing gaps to those populations.

In response to the recent influx of Afghan evacuees in Virginia and significant increase in our new immigrant population since the last decennial census, this past August Governor Northam established the Governor's Executive Leadership Team on Immigrant Integration to focus on ensuring sustainable integration of the recently arrived special immigrant visa families, refugees, and parolees, and other new immigrants making their home in the Commonwealth.

The purpose of this team is to strengthen the Commonwealth's systems of supports for resettling and integrating new immigrants through intentional and deliberate interagency collaboration and coordination among relevant secretariats, state agencies, localities, and immigrant serving organizations and community leaders.

The formation of this team was announced in a Washington Post Op-Ed on September 7, but the work had already started and is continuing.

See, Washington Post Op-Ed at https://www.washingtonpost.com/opinions/2021/09/07/virginia-is-proud-be-new-home-many-our-afghan-allies/.

The role of this team is to (1) identify gaps in meaningful and sustainable integration, (2) propose strategies to address identified challenges, and (3) ensure that our systems of support are adequate to address those gaps and move towards equitable policies, process, and practices.

This is a "whole of government" approach that prioritizes immigrant integration at the highest levels of government, and includes KEY members of the Governor's cabinet and relevant agency leaders. We also are committed to ensuring that we include in these conversations localities, immigrant serving organizations, and community leaders who have been committed and vested partners with the state government in ensuring that we support new Americans, new immigrants with cultural competence, cultural humility, and human dignity.

The team is co-chaired by Dr. Underwood Chief Diversity Officer and Department of Social Services Commissioner Duke Storen.

This partnership between the DSS Office of New Americans and the Governor's Office of Diversity, Equity, and Inclusion, we think, forms a sound basis to solve the gaps in meaningful immigrant integration through the lens of equity and inclusive excellence.

Our proposed areas of focus include Health and Human Resources, Workforce Development Education, Housing, Language Access and Mobility, Addressing Discrimination and Hate, and special support for those resettled Afghans who demonstrated service and loyalty to the United States Armed Forces during military operations.

The areas of focus in **Health and Human Resources** include refugee resettlement for families and unaccompanied youth, social services including food assistance, cash assistance, foster care/adoption, domestic violence, medical assistance services, and mental health services, including trauma informed interpreter training. The Secretariat of Dr. Daniel Carey will be leading the work in this area.

The areas of focus in **Workforce Development** include implementing recommendations of the Secretary of Labor's workgroup on Improving Participation of Refugees in Virginia's Workforce, pathways to licensure for health care professionals, educators, including Afghan SIV interpreters, and pathways to entrepreneurship/small business opportunities, and galvanizing business leaders and other private and public sectors who will provide employment opportunities or create a sustainable employment network. Secretary Megan Healy is a key ally in this critical work.

The area of focus in **Education** includes ensuring equitable language access for students, parents, and caretakers of students, ensuring trauma informed cultural competence of educators, addressing mental health needs in school settings, pathways for integrating students into higher education and vocational settings, and ensuring support and access to childcare. As many of us already know, Secretary Atif Qarni is a fierce advocate for ensuring equity in educational opportunities and he is a key ally in this Executive Team.

The primary area of focus in **Housing** is equitable access to sustainable and affordable housing throughout the Commonwealth and language access to state programs of housing support. This is a very critical area of need and Secretary of Commerce and Trade Brian Ball and the Department of Housing and Community Development are key allies in moving this work forward.

The Executive Team is also working to strengthen the systems of **Mobility**, including the ability to address barriers to obtaining driver's licenses, driver's privilege cards, and access to public transportation. Key allies in this work include Secretary of Transportation Valentine and DMV Commissioner Richard Holcomb.

The Secretary of **Veterans and Defense Affairs**, Kathleen Jabs and Assistant Secretary Jon Ward are instrumental leaders committed to ensuring successful and sustainable integration of those resettled Afghans who have demonstrated service and loyalty to the United States Armed Forces during military operations in Afghanistan.

Similar to the work of the Governor's Office of Diversity, Equity, and Inclusion, weaved through all of the work of the leadership team is the notion of CULTURAL and LINGUISTIC COMPETENCE. Improving cultural competence and **Language Access is huge priority for the ODEI because we believe this is the key accelerant for all other work of this team and our state.** We must ensure that the integration of immigrants is not polluted with acts of **Hate and Discrimination** in employment, in places of public accommodation, in educational settings, or in our faith communities. This cultural competence piece is very critical to ensure we are a welcoming and inclusive Commonwealth. Working in partnership on these efforts will be the Governor's Office of Diversity, Equity, and Inclusion in collaboration with all the cabinet leaders and state agencies, in particular the Secretary of Public Safety and Homeland Security Brian Moran, the Virginia Department of Human Resources Development, and Virginia's Office of Civil Rights at the Office of the Attorney General.

Clearly there is a lot of work to be done and the Governor is committed to elevating each of these issues at the highest level possible and working through them at each of the relevant state agencies in

partnership with our localities, community organizations and leaders. In the words of Dr. Underwood, this work is a marathon, not a sprint.

At this time, I would like to introduce the Chair of the Office of New Americans Advisory Board, Mr. Eric Lin, who will provide remarks on the partnership between the state government, the Board, and our communities in working towards meaningful immigrant integration.

Eric.

Thank you Deputy Chief Diversity Officer Siddiqui.

I thank you and the Executive Leadership Team for Immigrant Integration for the opportunity to speak about the Commonwealth and its connection to our new American communities. As the Chair of the Office of New American Advisory Board, and a second generation immigrant, my family and I have experienced the challenges of being newcomers here in the United States.

That is why I am so pleased that our Office of New Americans and the Office of New Americans Advisory Board was recently established. Our Board was created to advise the Governor, cabinet members and the General Assembly on ways to improve state policies and programs to support the economic, linguistic and civic integration of new Americans throughout the Commonwealth.

The Board's membership consists of new Americans and those who work with new Americans - and our experiences have compelled us to seek opportunities to address the systemic and societal barriers that prevent these Virginians from realizing their potential and becoming the valuable assets that the Commonwealth needs.

Since the end of summer, we have seen a humanitarian crisis unfold on the other side of the world. With the United States withdrawal from Afghanistan, we have seen a mass exodus of refugees fleeing Afghanistan and the resulting influx into Virginia. More than 53,000 individuals have been processed through Dulles Airport as they fled Afghanistan. These individuals have escaped a war torn and oppressive environment to seek comfort and solace, but also to find a new beginning. The challenges that they have faced have been difficult and overwhelming and the ones they face now, could be even more so.

The Commonwealth's response to this crisis has been nothing short of exceptional. From the rapid deployment of our emergency services through Virginia Department of Emergency Management, health services through the Virginia Department of Health, to the standing up of the Emergency Mass Repatriation Center under the Department of Social Services and the Office of New Americans - as well as the engagement with so many community partners and organizations - Virginia has been a shining example of how our leadership can mobilize and create a space of comfort and welcome.

To be sure, the work has just begun. Tens of thousands of individuals will be transitioning to their final destinations, and some will ultimately decide to settle here in the Commonwealth. These are people who have left everything behind to start a new life. Some will be granted status and be eligible for specific supports, while others are still navigating the difficult processes to obtain status that will help provide assistance as they rebuild their lives in a new country.

The hard reality is that they will all struggle. Not only will they struggle with the trauma they experienced during their exodus, now they will struggle with linguistic and cultural barriers, issues in housing, transportation, health care, education for their children, seeking employment and so much

more. In order for these individuals to have the softest landing possible with the best chance to start their new lives and get acclimated and integrated into the Commonwealth, we need to think outside the box and across the entire administration. That is why our advisory board strongly supports the creation of the Executive Leadership Team for Immigrant Integration.

We also recognize that while the Afghan Evacuee crisis may have been the catalyst for the establishment of this executive level team. This team has the opportunity to engage in these complex and expansive issues that impact all aspiring and new Americans. The challenges that face new Americans who have been here 30 days - are some the same challenges that others face even if they have been here 3 years or 30 years.

The Advisory Board has just completed our annual report, and in it we note that - We define new Americans as foreign born persons and their children, foreign or native born, and reside in the Commonwealth.

Our new American population in the Commonwealth is roughly 13% of our total population, so out of more than 8 ½ million people, more than 1 million Virginians are foreign born. Nationally, Virginia has the 10th highest foreign born population in the nation. Roughly 30% have come here in the last 10 or so years, and roughly 70% have been here less than 40 years.

70% of our foreign born live in Northern Virginia, with almost 12% in Central Virginia and 11% in Hampton Roads.

43% of these new Americans are from Asia and the Middle East, 36% from Central and South America, 11% from Africa and 10% from Europe. These diverse populations speak several hundred languages and have distinctive traditions and cultural norms.

According to data analyzed by various resources, and based on US Census data, more than 700 thousand immigrant workers make up 17% of the Commonwealth's workforce, in service based and professional fields. The percentage of the working age adults is roughly 80% of the foreign born population and 60% of the US born population. And in the Commonwealth, there are more than 80,000 immigrant entrepreneurs that generated roughly 2 billion in business revenue in 2019.

That was a lot of data thrown at you, but the reality is that these communities are a significant part of Virginia and are valuable assets to the Commonwealth and nation. When we invest in these individuals and communities, we not only are investing in our workforce and job creation, but we are also investing in innovation and a global competitiveness.

But in order to realize the returns on these investments, we need to devote our focus on addressing these complex and expansive issues.

These individuals have come to Virginia for varying reasons. Like the Afghan refugees, some have come here escaping conflict. My wife is Vietnamese, and her family has a similar story as they fled after the fall of Saigon. My parents came here as college students, seeking a better future. Others have come here as workers, in our agriculture industry or even as tech workers for our leading edge technologies. Our new Americans do not proscribe to a single definition or classification, but exist on a spectrum.

The needs and barriers will vary significantly as these new Americans move along this spectrum. For some, more significant assistance may be required as language barriers and cultural disconnects play

a much larger role, for others, it may involve just increasing awareness of these services and how to access them. But we do know that the issues will encompass a wide range of services and resources, across varying agencies and departments in our state and local governments.

To effectively address these interagency and intertwined concerns, we need a whole government response to address the issues and opportunities presented here. The Office of New Americans advisory board recognizes the importance of this whole of government approach and has adopted additional guiding principles in our work.

First, we look to ensure linguistic and cultural competencies. At our very core, is the recognition that these communities are disproportionately impacted by language barriers and cultural disconnects.

Second, we look to address the narrative that these communities are dependencies, liabilities or threats. We believe that investment in New Americans communities is an investment in individuals and families who bring significant value to themselves and the Commonwealth.

Third, our communities are invisible without equitable data collection and disaggregation. It is impossible to address inequities and disparities without the data to identify issues, understand disparities, and advocate for policy change.

And lastly, The Board seeks to raise up New American communities so that they are able to represent themselves while advancing their community's integration and acculturation into the native-born communities.

Through these guiding principles, our past experience within this diaspora, and our connectivity to the New American communities - the Board is dedicated to the development of a statewide plan that will address the multifaceted needs and opportunities confronted by and presented through these newcomers. We continue to emphasize that these individuals and communities present an incredible opportunity for innovation, global competitiveness and positive economic impacts for Virginia and the nation. And we look forward to working with the Executive Leadership Team for Immigrant Integration as we collectively work towards a vision of a more welcoming and inclusive Commonwealth.

Thank you.

And now, I would like to introduce Director Seyoum Berhe of the Office of New American

Thank you, Eric. Good evening everyone. My name is Seyoum Berhe. I am the director of the office of new Americans, the Department of Social Services, I'm also the state coordinator, refugee coordinator.

Before we get to the questions ask answers, I just want to pinpoint a few things that I have seen during this time. I am really sure you know this accent is not Brooklyn accent, even though I have spent time there, it is such a privilege for me who came to this country when I was teenager and now working and welcoming refugees, asylees, parolees, it is such an honor.

I want to share a few things with you. A week or two ago a person from the office of refugee resettlement in HHS called me and said, I want you to talk to the state because you guys -- you know you guys are a model, speaking of Virginia.

Well, yes, that was a pride in me, but I want to know why are we really leading this? A few things I want to pinpoint.

No. 1, as the Commissioner said, the partnership, Department of Health, department of emergency management, Red Cross, and all that, when we went through Dulles airport, I do remember making a phone call to three, four entities there from local DSS's. I know every local DSS is working with us, but in the north, when we started all this, Fairfax, Loudoun, Arlington, Alexandria city, were working with us 24/7 doing exactly what we have asked them to do, so partnership of all the state area, but also on the local level, and then another. The faith leaders all came along to help us out. Everyone. I get so many phone calls every day. Not one single negative phone call. They called me asking how we can help.

I got a basement, do you need it? I can help. I have bed. I have furniture. So, the overwhelming welcome was built on partnership of public and private, and I believe that is why the Commonwealth is ahead of almost any state, and with that comes pride. On a personal level, as I said, when I was at Dulles, I was talking to people and I think it was healing for me having deeply understood what it means to be -- to not have a home where you were born, in a way it was healing, and in a way it was giving back to my adoptive country that has taken care of me, that has welcomed me, that has given me every opportunity I could hope for. So, for me, this is personal, too. I am lucky I get paid to do what I love doing, so on a personal level, I do want to thank everybody here and DSS who has given me an opportunity to do this.

So, the partnership. The welcoming spirit of the American spirit is what I want to make the center of why we are successful.

Now let's start the questions and answers. Deputy Siddiqui, I'd like to ask you to read each question that has been submitted and I will answer them. Let's get started.

1.   Diana Fula

What will you suggest to VP Kamala Harris regarding the immigration reform that our community needs now to live a life with dignity, do you agree that the VP needs to override MacDonough's ruling on immigration?

Thank you so much for that question.

That is really a good question. Thinking about immigrant integration from the perspective of human dignity and respect is exactly how we think here in Virginia.

In Fact the Virginia Office of New Americans stands together and united with the other nine states that have state level Offices of New Americans to advocate for a federal Office of New Americans. That's how we will build sustainability and system-wide support across the nation.

2.   Shirley Ginwright

What is being done to change DMV document requirements for immigrants/refugees to get an ID card. Under the current primary document, they will never be able to get an ID card.

This is an area that the executive team is addressing. Virginia has made a lot of progress in improving equitable access to driver privilege cards.

In 2020 Governor Northam proudly signed into law legislation that will expand the right to drive in Virginia for individuals regardless of their immigration or citizenship status. By amending the legislation, Governor Northam also ensured that the new driving credential is indistinguishable from other driver credentials – that way the immigrant community will not be easy targets for individuals who seek to discriminate.

3.   Rosalind Rogers

What free or low cost culturally responsive, trauma-informed mental health and psychosocial support services will be available to Afghan refugees and parolees? How can Afghan-American mental health professionals be involved in ensuring there will be?

We recognize that providing culturally responsive, trauma-informed mental health services are critically needed. We In Virginia are committed to provide services that include culturally and linguistically appropriate services including mental health support. Our Federal partners are working on providing 1.7 billion to support services for Newcomers. This is another area of focus of the Executive Team.

4.   Fouzia Ishtiaq

I will be interested to find out at what level (professional/ personal) I can be involved in the process of Integration of immigrants in Virginia?

There are several ways you can get involved in the process. Email us directly at deidirector@governor.virginia.gov. And a link has been put in the chat for you right now. Also we encourage you to reach out to the Office of New American Advisory board. By doing this, the board can connect you to the volunteer opportunities with immigrant serving organizations as well as provide you with information on our progress.

Thank you to everyone who submitted a question. Unfortunately, we have run out of time and we certainly want to be respectful of your time. There are so many questions that we cannot get to but we commit to addressing everyone who submitted a question and will reach out to and respond to each and every question submitted.

Now I'd like to turn it back over to Dr. Underwood for some important closing comments.

Dr. Underwood.

Thank you, Seyoum. Those were some great questions and great answers, and we do commit to making sure that we answer every single question we receive.

Thank you Seyoum. In closing, I'd like to thank all of our speakers, and all of you who have joined us on this live town hall and even those who will watch the recording. Please be reminded that we will translate tonight's town hall in languages other than English and repost in the coming days to allow for accessibility and equity. It will take all of us working together to achieve the ONE Virginia mission and vision for the Commonwealth of Virginia. So, I encourage you to stay in contact with us, give us your suggestions and feedback by emailing with the contact information that Deputy Siddiqui put in the chat box and YOU can review all of our resources and information on the ODEI webpage, and the webpages of the Office of New Americans and New Americans Advisory Board.

https://www.governor.virginia.gov/diversity/

https://www.dss.virginia.gov/community/ona/index.cgi

https://www.governor.virginia.gov/onaab/

On behalf of the Office of Governor Ralph Northam, my esteemed co-chair Commissioner Duke Storen and all of our colleagues, thank you! We look forward to working together toward inclusive excellence, and welcome you to stay engaged in this effort and all efforts that advance our ONE Virginia mission in service to all Virginians. We look forward to working together toward inclusive excellence and welcome you to stay engaged in this effort and all the efforts that advance our one Virginia mission in service to all Virginians, because we are and take great pride in responsibility and being a national exemplar.

Thank you all and good night.

APPENDIX 2: OCTOBER 18, 2021 INTERNAL MEETING AGENDA

Governor's Executive Leadership Team on Immigrant Integration
Inaugural Meeting
Monday, October 18, 2021
10:00 a.m. – 12:30 p.m.
Patrick Henry Building, West Reading Room

10:00 a.m.	**Welcome and Opening Remarks** Dr. Janice Underwood & Duke Storen ● Framing of the day: Introduce purpose of convening, review agenda, discuss expectations, norms, meeting logistics/housekeeping
10:15 a.m.	**The Landscape of Immigrant Integration in Virginia** Mona Siddiqui ● Humanizing the experience of immigrant integration through cultural competence: personal connection, strategic plan to broaden scope of ONA from overseeing refugee resettlement to assisting immigrant integration, and what that means in human terms (looking at this issue through DEI lens); including New Americans in this process ● Introduction of Haris Tarin, Senior Advisor, Operation Allies Welcome, Department of Homeland Security
10:25 a.m.	**The Landscape of Immigrant Integration in the United States** Haris Tarin, Senior Advisor, Operation Allies Welcome - Department of Homeland Security
10:50 a.m.	**BREAK**

11:00 a.m.	**Developing a Strategic Roadmap for Integration of New Americans in Virginia**

Developing a Strategic Roadmap for Integration of New Americans in Virginia

11:00 a.m.

Introduction and highlight of specific operational challenges by Seyoum Berhe & Mona Siddiqui

Secretary Reports and Open Dialogue on addressing gaps

Moderated by Mona Siddiqui & Seyoum Berhe.

- Secretary of Health and Human Resources (Secretary Carey & Catie Finley)
- Secretary of Veterans and Defense Affairs (Secretary Jabs)
- Secretary of Transportation (she needs to leave early) (Secretary Valentine, Spencer Gilbert, and Sharon Brown)
- Secretary of Labor (Secretary Healy and Hannah Mercer)
- Secretary of Education (Secretary Qarni)
- Secretary of Commerce (Secretary Ball, Cassidy Rasnick)
- Secretary of Public Safety and Homeland Security (Secretary Moran - Shawn Talmage may be representing him)
- Secretary of Natural and Historic Resources (Secretary Jennings)
- Secretary of Administration (Secretary Johnson)
- Secretary of Finance (Secretary Flores)
- Secretary of Agriculture (Secretary Ring) there are no slides - but she has RSVPed that she is coming, we can give her an opportunity to speak.
- Secretary of the Commonwealth (Secretary Thomasson) again, she has not submitted slides, but we can give her an opportunity to speak.
- Office of Intergovernmental Affairs (Grace Kelly)

12:00 p.m.   **Synthesis of Findings; Gap Analysis and Future Considerations**
Gena Boyle Berger and Seyoum Berhe
- Practical considerations at addressing barriers to immigrant integration; lessons learned from prior experiences at integration.
- Summary of gaps identified in Secretary reports

12:15 p.m.   **Next Steps and Closing Remarks**
Duke Storen & Dr. Underwood
- Memorializing specific action items for each secretariats and relevant agencies

APPENDIX 3: NOVEMBER 1, 2021 INTERNAL MEETING AGENDA
Governor's Executive Leadership Team on Immigrant Integration

Meeting #2 – Language Access
Monday, November 1, 2021
1:00 p.m. – 4:00 p.m.
https://us02web.zoom.us/j/87070348602
Meeting ID: 870 7034 8602; Passcode: IeLT-2021!

1:00 p.m.   Welcome and Opening Remarks
Dr. Janice Underwood, Chief Diversity Officer, Office of the Governor
Duke Storen, Commissioner, Department of Social Services

1:15 p.m.   Interim Results from the Statewide Language Access Survey
Mona Siddiqui, Deputy Chief Diversity Officer and Senior Policy Advisor to the
Office of New Americans

1:25 p.m.   Dismantling Barriers to Equitable Language Access in State Government Services
(Whole Group Discussion)
Dr. Janice Underwood & Mona Siddiqui

- 1:25-1:45   Session 1
  What barriers do you face in implementing services for language access for
  multilingual speakers?

- 1:45-2:05   Session 2
  What specific resources do agencies need to ensure equitable language access to
  the populations served? (i.e.: culturally competent document
  interpretation/translations, in person interpreters/translator services, vendor
  contract language that ensures quality assurance and quality improvement).

- 2:05-2:25   Session 3
  What are ways in which you envision state agencies form meaningful partnerships
  with community organizations to create reflective language access and equity
  policy?

2:25 p.m.   Break

2:30 p.m.   Supporting Immigrant Integration through Cultural Competency, Economic
Integration, and Health and Human Resources (Small Group Break-Out Sessions)

Cultural Competency - Moderated by Dr. Underwood and Omer Yousuf

- Statewide Cultural Competency Strategy: How can we leverage the new
  cultural competency initiative in PK-12 to ensure that education professionals

treat students and their parents in a culturally competent and linguistically equitable manner?

- o Who needs to be involved to make sure that schools and IHEs have interpreters/translators who are culturally competent and trauma informed?
- o What culturally competent professional development about immigrant integration exists that could be leveraged? Protection from discriminatory treatment?
- o Strengthening liaising with school liaisons from refugee resettlement agencies?
- o Making accommodations for required documentation for enrollment and other unique needs?

- How can we ensure that law enforcement protects new Afghans Virginians from hate incidents in the community and in places of public accommodation? Protection from discriminatory treatment?

Economic Integration - Moderated by Mona Siddiqui & Celeste Chalkley

- Statewide Workforce Development Plan: How can agencies improve pathways to gainful and sustainable employment?
  - o How can agencies support new Afghan Virginians obtain documents (i.e., social security identification cards, licenses, and other documentation needed to be able to drive, utilize transportation services, obtain housing, and complete employment applications?

- Statewide Housing Strategy: How can agencies support new Afghan Virginians obtain sustainable and long term affordable housing?

Health & Social Services - Moderated by Duke Storen & Seyoum Berhe

- How does the state address unmet needs of new Afghan residents once the three months of case management services end (in the areas of social services, food, and health care needs)? Are there legislative or legal barriers? Any barriers with accessing ARPA funding?
- Statewide Health and Human Services Strategy: There is a recent study that nearly half of income eligible immigrant adults do not qualify for Medicaid because of immigration status. What can state government do to fill these gaps? See, MPI Study
- Statewide Mental Health Trauma Strategy: What recommendations do you have to create a statewide strategy for mental health given the trauma endured by refugees, asylees, and parolees, in particular the Afghan evacuees? Or how can state government further (or improve upon) an existing initiative into a statewide strategy (i.e. Culturally and Linguistically Appropriate Services for Afghans: A Practical Handbook for Clinical and Education Settings) that may already be forming?

3:30 p.m.   Reflecting on Strategies for a Whole of Government Approach
              Duke Storen, Commissioner, Department of Social Services

3:45 p.m.   Next Steps and Closing Remarks
              Dr. Janice Underwood, Chief Diversity Officer, Office of the Governor
              Duke Storen, Commissioner, Department of Social Services

APPENDIX 4: NOVEMBER 8, 2021 INTERNAL MEETING AGENDA
Governor's Executive Leadership Team on Immigrant Integration
Meeting #3 - Incorporating Localities and Immigrant Serving Leaders
into the Statewide Strategy
Monday, November 8, 2021
1:00 p.m. – 4:00 p.m.

https://us02web.zoom.us/j/89025005252
Meeting ID: **890 2500 5252**; Passcode: **iELT-2021!**

Virtual Meeting Host Details: VDSS

1:00 p.m.	**Welcome and Opening Remarks**
	Dr. Underwood & Duke
	● Ask participants to introduce themselves via chat.
	● Review of Summarized items from 11/1 meeting.
	● Set the agenda for the day: Developing a Strategic Framework for Immigrant Integration through 3 small break out groups
	  ○ (1) Cultural Competency
	  ○ (2) Economic Integration, including workforce, housing, and mobility;
	  ○ (3) Health and Human Services, including health and social services.
	
	● Introduce the video of the Governor

1:15 p.m.	**The Human Picture of Immigrant Integration** Mona ● Introduce ONA team, letting them share their stories.
1:30 p.m.	**Developing a Strategic Roadmap** **Connecting it all back to the ONA Strategic Plan Janice**

1:35	**Directions for the Focus Groups – Dr. Janice Underwood**
	Supporting Immigrant Integration through Cultural Competency, Economic Integration, and Health and Social Services
	Breakout Groups as assigned per the IELT Memo
	  Explanation and logistics Breakout Groups - Jessica Liston
	  Cultural Competency
	    Moderators: Dr. Underwood and Dymon Bailey (Dymon notetaker)
	    Summarize 11/1 meeting - utilizing slides provided
	    ■ New Dialogue:
	      ● Education

- Discrimination/Hate/Safety
- Trauma-Informed
- Complete the Template

Economic Integration

Moderators: Secretary Healy/Hannah Mercer, Mona Siddiqui (Celeste notetaker)

- Summarize 11/1 meeting - utilizing slides provided
- New Dialogue:
  - Recommendations
  - Complete template

Health & Human Resources

Moderators: Commissioner Duke Storen & Seyoum Berhe (Duke Storen will be note taker)

- Summarize 11/1 meeting - utilizing slides provided
- New Dialogue:
  - Social Services
  - Physical Health
  - Mental Health

2:40 p.m. **BREAK**

2:45 p.m. **Report Out & Reflections**

Jessica Liston to share on screen strategic framework slide for each 3 break out groups

2:45 p.m. **Cultural Competency**
Moderators: Dr. Underwood and Dymon Bailey

3:00 p.m. **Economic Integration**
Moderators: Secretary Healy/Hannah, Mona Siddiqui, and Celeste Chalkley

3:15 p.m. **Health and Human Services**
Moderators: Duke Storen and Seyoum Berhe

3:20 p.m. **Reflecting on a Holistic "Whole of Government" Approach**
Deputy Diversity Officer Mona Siddiqui
- Review interagency map

3:35 p.m. **Next Steps and Closing Remarks**
Dr. Underwood & Commissioner Duke Storen
- Memorializing specific action items for relevant state agencies, local government, and key external stakeholders.

APPENDIX 5: NOVEMBER 15, 2021 INTERNAL MEETING AGENDA

Governor's Executive Leadership Team on Immigrant Integration
Meeting #4 - Drafting an Interagency Strategic Plan for Immigrant Integration in Virginia
Monday, November 15, 2021
1:00 p.m. – 4:00 p.m.

https://us02web.zoom.us/j/88000776925
Meeting ID: **880 0077 6925**; Passcode: **iELT-2021!**

1:00 p.m. **Welcome and Opening Remarks**
   Dr. Underwood & Commissioner Duke Storen
   ● Ask participants to introduce themselves via chat
   ● summary of last meeting
   ● Review the agenda

1:15 p.m. **Dr. Cheryl Ivey Green, Chair of the Governor's African American Advisory Board**
   Introduction by Dr. Underwood

1:25 p.m. **Blueprint for Success: Cultivating Interagency Relationships**
   Seyoum Berhe and Mona Siddiqui - Roadmap/Matrix & its value in helping this group connect

1:30 p.m. **Drafting the Strategic Plan for Immigrant Integration in Virginia**
   Review strategic plan documents as a whole group
   **links to each document below
   Notes taken by Celeste
      1:30 - 2:00p Cultural Competency
      Moderator: Dr. Underwood

      2:00 - 2:30p Economic Integration
      Moderators: Hannah Mercer (Workforce), Kaysee Insignee (Housing),
   Mona Siddiqui

2:30 p.m. **BREAK 10 minutes**

      2:40 - 3:10p Health & Human Resources
      Moderators: Commissioner Duke Storen & Seyoum Berhe

3:10 p.m. **Coming Full Circle: Integrating the work of the Governor's ELTII into the ONA Strategic Plan**
   Mona Siddiqui
      ● Introducing the work product: the way in which this work will be embedded
        into the state agencies moving into the next administration.

3:25 p.m.   **Summary of Agency Budget Requests Related to Immigrant Integration Strategies**
Gena Berger
- Review budget requests

3:45 p.m.   **Closing Remarks**
Dr. Underwood & Commissioner Duke Storen
- Memorialize the work completed in these convenings for relevant state agencies, local government, and key external stakeholders.

APPENDIX 6: SUMMARY OF AGENCY BUDGET PROPOSALS RELATED TO IMMIGRANT INTEGRATION

Administration
Department of Human Resource Management
- Develop/Enhance Community Outreach for Future Talent Pipeline (http://publicreports.dpb.virginia.gov/rdPage.aspx?rdReport=OB_DocView&Param1=72338799)

VITA
- Increase VITA support for the Small, Women, and Minority Business Initiatives (http://publicreports.dpb.virginia.gov/rdPage.aspx?rdReport=OB_DocView&Param1=72688950)

Agriculture and Forestry
Virginia Department of Agriculture and Consumer Services
- Expand Virginia Agriculture Food Assistance Program (http://publicreports.dpb.virginia.gov/rdPage.aspx?rdReport=OB_DocView&Param1=72828934)
- Support pilot Technical Assistance and Outreach Program for Small, Socially Disadvantaged, BIPOC, New, Women, and Veteran Farmers (http://publicreports.dpb.virginia.gov/rdPage.aspx?rdReport=OB_DocView&Param1=72830290)

Commerce & Trade
DHCD
- Rent Relief (http://publicreports.dpb.virginia.gov/rdPage.aspx?rdReport=OB_DocView&Param1=72797017)
- Increase supply of affordable housing through Virginia Housing Trust Funds (http://publicreports.dpb.virginia.gov/rdPage.aspx?rdReport=OB_DocView&Param1=72797017)
- Increasing housing options through HOME-ARP funds (http://publicreports.dpb.virginia.gov/rdPage.aspx?rdReport=OB_DocView&Param1=72797291)
- Support for small businesses through Main Street Program (http://publicreports.dpb.virginia.gov/rdPage.aspx?rdReport=OB_DocView&Param1=72797017)

Small Business and Supplier Diversity
- Additional Funding for Rebuild Virginia Program (http://publicreports.dpb.virginia.gov/rdPage.aspx?rdReport=OB_DocView&Param1=72907025)
- Automation of Disparity Study Implementation (http://publicreports.dpb.virginia.gov/rdPage.aspx?rdReport=OB_DocView&Param1=72265732)

Education
Department of Education

- Implement Recommendations from Task Force on Culturally Inclusive School Meals and Calendars (http://publicreports.dpb.virginia.gov/rdPage.aspx?rdReport=OB_DocView&Param1=72983767)
- Virtual Virginia Program Expansion (http://publicreports.dpb.virginia.gov/rdPage.aspx?rdReport=OB_DocView&Param1=72984600)

HHR
Department of Social Services
- Create a "whole family/multi-generation" pilot program for New Americans in Virginia (http://publicreports.dpb.virginia.gov/rdPage.aspx?rdReport=OB_DocView&Param1=72856530)
- Create an Office of Civil Rights (http://publicreports.dpb.virginia.gov/rdPage.aspx?rdReport=OB_DocView&Param1=72858142)
- Increased funding for 2-1-1 Referral System (http://publicreports.dpb.virginia.gov/rdPage.aspx?rdReport=OB_DocView&Param1=72856712)

Virginia Department of Health
- Additional Funding for Unite Us platform (http://publicreports.dpb.virginia.gov/rdPage.aspx?rdReport=OB_DocView&Param1=72788693)

Department of Medical Assistance Services
- Fund Home Visiting Benefit (http://publicreports.dpb.virginia.gov/rdPage.aspx?rdReport=OB_DocView&Param1=73459458)

Secretary of Labor
- Create a Virginia Values Refugees program (comparable to V3), to help employers develop and implement long-term strategies and best practices in recruiting, hiring, training, and retaining refugees

Natural & Historic Resources
Department of Conservation and Recreation
- Provide funding for more inclusive State Park interpretation (http://publicreports.dpb.virginia.gov/rdPage.aspx?rdReport=OB_DocView&Param1=72778035)

Department of Environmental Quality
- Add Environmental Justice and Communications Staff (http://publicreports.dpb.virginia.gov/rdPage.aspx?rdReport=OB_DocView&Param1=72818878)

Public Safety & Homeland Security
Virginia Department of Emergency Management

- Add Partners in Preparedness Program (http://publicreports.dpb.virginia.gov/rdPage.aspx?rdReport=OB_DocView&Param1=72265732)
- Expand Joint Information Center Disaster Preparedness (http://publicreports.dpb.virginia.gov/rdPage.aspx?rdReport=OB_DocView&Param1=72971156)

Department of Criminal Justice Services
- Increase DCJS Service Capacity Related to Human Trafficking (http://publicreports.dpb.virginia.gov/rdPage.aspx?rdReport=OB_DocView&Param1=72628029)

Appendix K: Language Access Framework for Policy and Plans (Template)

The Commonwealth of Virginia Language Access Policy[217]

November 30, 2021

1. **Policy Directive:** In accordance with the ONE Virginia Strategic Plan for Inclusive Excellence, the Governor's Office of Diversity, Equity, and Inclusion (DEI) will ensure equitable access for diverse needs including but not limited to language access, digital access, and access for people born outside of the United States and for people living in the United States, including multilingual individuals, Limited English Proficient (LEP) individuals and persons with disabilities. Under legal authority, the Governor's Office of Diversity, Equity, and Inclusion shall establish policies and procedures to guide state agencies and local government systems that are consistent with Title VI of the Civil Rights Act of 1964 and fully implement best practices in language access equity in accordance with Virginia administrative rules and guidance, and Executive Order 13166. The Commonwealth of Virginia will use Language Access Plans (LAP) to develop, implement and evaluate agency and local government reasonable steps that ensure meaningful access to language assistance services (translation and interpretation services) for multilingual persons, people with Limited English Proficiency and persons with disabilities.

2. **Policy:** The Commonwealth of Virginia has adopted the Language Access Policy (LAP) to affirm its commitment to language access equity. This policy guidance provides an interpretation of federal and state legislation to balance the assessment of language needs with reasonable steps taken to ensure that state government services implement language assistance measures that remove barriers and meet the needs of multilingual individuals, people with LEP, and persons with disabilities who rely on language assistance services. In determining reasonable steps each agency must take to ensure meaningful access, the Commonwealth of Virginia Policy Directive relies on a practical application of the **four-factor analysis** established by the U.S. Department of Justice (DOJ)[218] as well as additional methods to support an annual/biennial review of language used to identify population and individual needs for language assistance services by agency throughout each region of the state.

3. **Executive Order 13166,** *Improving Access to Services for Persons with Limited English Proficiency, requires Federal agencies to examine the services they provide, identify any need for services to those with limited English proficiency (LEP), and develop and implement*

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[217] This template is based on the Department of Justice's Language Access plan. The original document is available at www.justice.gov/open/language-access-plan.pdf.

[218] Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 FR 41455,41461-64 (June 18, 2002), (hereinafter "2002 DOJ Guidance")

a system to provide those services so LEP persons can have meaningful access to them. It is expected that agency planes will provide for such meaningful access consistent with, and without unduly burdening, the fundamental mission of the agency. The Executive order also requires that the Federal agencies work to ensure that recipients of Federal financial assistance provide meaningful access to their LEP applicants and beneficiaries. To assist Federal agencies in carrying out these responsibilities, the U.S. Department of Justice has issued a Policy Guidance Document, "Enforcement of Title VI of the Civil Rights Act of 1964 - National Origin Discrimination Against Persons with Limited English Proficiency' (LEP Guidance). This LEP Guidance sets forth the compliance standards the recipients of Federal financial assistance must follow to ensure that their programs and activities normally provided in English are accessible to LEP persons and thus do not discriminate on the basis of national origin in violation of Title VI's prohibition against national origin discrimination.[219]

4. **Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000D** et seq. prohibits discrimination on the basis of race, color, or national origin in any program or activity that receives Federal funds or other Federal financial assistance.[220]

5. **Americans with Disabilities Act (ADA) Title II Regulations Nondiscrimination on the Basis of Disability in State and Local Government Services** extends the prohibition on discrimination established by section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, to all activities of State and local governments regardless of whether these entities receive Federal financial assistance. 42 U.S.C. 12131B65.**[221]**

6. **Virginia Administrative Codes supporting Language Access for LEP Individuals and People with Disabilities**

Virginia Codes about Language Access for LEP Individuals and People with Disabilities	
Code	**Description**
12 Va. Admin. Code §§ 5-20- 80(A)(6)-(7), 40-890-70(B)(6)	No human research shall be conducted or authorized by the institution or agency unless a research review committee has reviewed and approved the proposed human research project giving consideration to whether the voluntary informed consent is to be obtained by methods that are adequate and appropriate to the individual's language of greatest fluency and whether the written consent form is adequate and appropriate in both content and wording for the particular research and for the particular participants of the research relative to their language of greatest fluency.

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[219] U.S. Department of Justice, Executive Order 12155, Improving Access to Services for Persons with Limited English Proficiency, https://www.justice.gov/crt/executive-order-13166

[220] U. S. Department of Justice, Title VI of the Civil Rights Acts of 1964 42 U.S.C. § 2000D ET SEQ., https://www.justice.gov/crt/fcs/TitleVI-Overview

[221] U.S. Department of Justice Americans with Disabilities Act Title II Regulations Nondiscrimination on the Basis of Disability in State and Local Government Services, extends the prohibition on discrimination established by section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, to all activities of State and local governments regardless of whether these entities receive Federal financial assistance. 42 U.S.C. 12131B65.

51.5-1. Declaration of policy	It is the policy of the Commonwealth to encourage and enable persons with disabilities to participate fully and equally in the social and economic life of the Commonwealth and to engage in remunerative employment. To these ends, the General Assembly directs the Governor; the Virginia Board for People with Disabilities; the Departments of Education, Health, Housing and Community Development, Behavioral Health and Developmental Services, and Social Services; the Departments for Aging and Rehabilitative Services, the Blind and Vision Impaired, and the Deaf and Hard-of-Hearing; and such other agencies as the Governor deems appropriate to provide, in a comprehensive and coordinated manner that makes the best use of available resources, those services necessary to assure equal opportunity to persons with disabilities in the Commonwealth.
	The provisions of this title shall be known and may be cited as "The Virginians with Disabilities Act."
AGY 22 Va. Code Ann. § 45-51-20(A)(4)	An explanation of Department for the Blind and Visually Impaired policies and procedures affecting personal information shall be provided to each individual in that individual's native language or through the appropriate mode of communication.
CRD 18 Va. Admin. Code § 85-20- 280(A)(9)	Profile of information for doctor of medicine, osteopathic medicine, or podiatry shall include whether there is access to translating services for non-English speaking patients at the primary and secondary practice settings and which, if any, foreign languages are spoken in the practice.
DIS 22 Va. Code Ann. § 45-80-110(C)	An explanation of policies and procedures affecting personal information will be made by appropriate media by Department for the Visually Handicapped's independent living rehabilitation services to individuals who do not communicate in English or who rely on special modes of communication
HOS, LTC Va. Code Ann. § 32.1-137.03(D)	Hospital or nursing patients admitted for inpatient care shall be allowed the opportunity to designate an individual who will care for or assist the patient in his residence following discharge and to whom the hospital shall provide information regarding the patient's discharge plan. Patients shall be provided the opportunity for a demonstration of specific follow-up care tasks that the designated individual will provide to the patient in accordance with the patient's discharge plan prior to the patient's discharge, and such opportunity shall be provided in a culturally competent manner and in the designated individual's native language.
INS 12 Va. Admin. Code § 5-408- 260(C)	The Managed Care Health Insurance Plan licensee shall incorporate strategies into its access procedures to facilitate utilization of health care services by covered persons with language or cultural barriers.
INS 14 Va. Code Ann. § 5-216-70(C)	Health carriers must provide notice of benefit determinations in a culturally and linguistically appropriate manner. The health carrier must provide oral language services, in any applicable non-English language, provide, upon request, any notice in any applicable non-English language, and include in the English versions of all notices, a statement prominently displayed in any applicable non-English language clearly indicating how to access the language services provided by the health carrier. A non-English language is an applicable non-English language if 10% or more of the population residing in the city or county is literate only in the same non-English language, as determined by the

	American Community Survey data published by the United States Census Bureau.
MED, TRA 12 Va. Admin. Code § 30-50-210(A)(7)(c)(2)	The preferred drug list through the Medicaid fee-for-service program shall include computer and website access to multilingual material.
MED, LTC 12 Va. Admin. Code § 30-130-200(B)	Evaluations performed under Preadmission Screening and Annual Resident Review (PASARR) and PASARR notices must be adapted to the cultural background, language, ethnic origin, and means of communication used by the individual being evaluated.
MEN 12 Va. Admin. Code § 35-105- 665(4)	Individualized services plan (ISP) for mental health services shall include a communication plan for individuals with communication barriers, including language barriers.
MEN Va. Code Ann. § 37.2-815(B)	Translation or interpreter services shall be provided for mental health commitment hearing for involuntary admission, where necessary.
MFA Va. Code Ann. §§ 37.2-802(B), 804(B), 64.2- 2002(B)(9)[222]	In any proceeding pursuant to § 37.2-806 or §§ 37.2-809 through 37.2-820 in which a non-English-speaking person is alleged to have intellectual disability or mental illness or is a witness in such proceeding, an interpreter for the person shall be appointed by the district court judge or special justice, or in the case of §§ 37.2-809 through 37.2-813 a magistrate, before whom the proceeding is pending. Failure to appoint an interpreter when an interpreter is not reasonably available or when the person's level of English fluency cannot be determined shall not be a basis to dismiss the petition or void the order entered at the proceeding. The compensation for the interpreter shall be fixed by the court in accordance with the guidelines set by the Judicial Council of Virginia and shall be paid out of the state treasury.
PUB, CHI 12 Va. Admin. Code § 30-10- 50(A)(3)	Concerning any population of vaccine-eligible children, a substantial portion of whose parents are LEP, the state will identify program registered providers who can communicate with vaccine-eligible populations in the appropriate language and cultural context.
PWD 22 Va. Admin. Code § 30-30- 80(B)(5)	Independent Living Services Program funds may be used to provide interpreter services.

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[222] In 2012, terminology related to "mental retardation" was changed throughout Code of Virginia to "intellectual disability" when referring to the diagnosis, and to "developmental" services when referring to services for individuals with intellectual disabilities according to House Bill 552, introduced by Delegate T. Scott Garrett and Senate Bill 387, introduced by Senator Stephen Martin. More detailed information is available at Developments in Mental Health Law: The Institute of Law, Psychiatry & Public Policy—The University of Virginia, 31(3), 2012. https://www.ilppp.virginia.edu/PublicationsAndPolicy/DownloadPDF/47

PWD 22 Va. Admin. Code § 30-30- 120(A)(4)	Independent Living Services Programs must ensure that persons who are unable to communicate in English or who rely on alternative modes of communication must be explained service provider policies and procedures affecting personal information through methods that can be adequately understood by them.
PWD 22 Va. Admin. Code § 30-30- 160(D)	Centers for independent living (CIL), to the maximum extent feasible, must make available personnel able to communicate in the native languages of individuals with significant disabilities whose English proficiency is limited.
RGT, CON Va. Code Ann. § 32.1-162.19(B)	No human research shall be conducted or authorized by an institution or agency unless the committee has reviewed and approved the proposed human research project giving consideration to whether the informed consent is to be obtained by methods that are adequate and appropriate and whether the written consent form is adequate and appropriate in both content and language for the particular research.

7. **Purpose and Authority**

In accordance with Title VI of the Civil Rights Act of 1964 and the Americans with Disabilities Act, and Executive 13166, the Commonwealth Virginia Language Access Policy establishes the policies, procedures, and responsibilities of this Policy Directive to all agencies and contractors, providing language accessible services to individuals that are limited English Proficient and/or Deaf or Hard of Hearing.

8. **Definitions**

a. *Limited English Proficient individual means any individual whose primary language is not English, and has limited or no ability to speak, understand, read, or write English.*

b. *Interpretation is the process of orally rendering a spoken or signed communication from one language into another language.*

c. *Primary language means the language that an individual communicates most effectively in.*

d. *Communication needs are the needs of people who are deaf, people and people with other types of disabilities. These may include, but are not limited to, reading services for people who do not read print; Braille services and large print; descriptive services for people with developmental disabilities, traumatic brain injuries, and others; written documents that are usable by people with disabilities who may need simplified language; and assistive technology to ensure effective communication.*

e. *Translation is converting written text from one language into written text in another language. 'Translation' is often misused to mean interpretation, but it is a written medium.*

f. *A qualified interpreter or translator is a trained professional who is a neutral third party with the requisite language skills, experienced in interpretation or translation techniques, and knowledgeable in specialized content areas and technical terminology in order to effectively facilitate communication between two or more parties who do not share a common language.*

g. *Simultaneous interpretation is the process of orally rendering one language into another language virtually at the same time that the speaker is speaking with only a very short lag time.*

h. *Consecutive interpretation is the process of orally rendering one language into another language after the speaker has completed a statement or question and pauses. The interpreter then renders that statement into the other language.*

i. *Sight Translation is the rendering of material written in one language completely and accurately into spoken speech in another language.*

j. *Vital Documents are any materials that are essential to an individual's ability to access services provided by the organization or are required by law.*

k. *Meaningful access is language assistance that results in accurate, timely, and effective communication at no cost to the LEP individual.*

l. *Effective communication is communication sufficient to provide the LEP individual with substantially the same level of access to services received by individuals who are not LEP.*

9. **Four-Factor Assessment of Language Data**

   In accordance with the ONE Virginia Strategic Plan for Inclusive Excellence, the Office of the Governor will improve outcomes and experiences for populations in the agency and department services by ensuring equitable access for diverse needs including but not limited to language access, digital access, and access for persons with disabilities. The Four-Factor Assessment is considered the best practice by The Governor's Office of Diversity, Equity, and Inclusion, and agencies (along with their contractors) shall use language data to conduct an annual/biennial review of language use and need for its service population.

10. As indicated in the U.S. Department of Justice Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (66 FR 3834), the LEP policy guidance document identifies a written language assistance plan whereby a four-factor analysis is used to determine the extent to which an agency is obligated to provide language assistance services. In the Commonwealth of Virginia, the four-factor analysis is used to balance an assessment of language needs with reasonable steps taken to ensure meaningful access for multilingual persons, people with LEP, and persons with disabilities by examining: (1) The

number or proportion of multilingual persons, people with LEP, and persons with disabilities eligible to be served or likely to be encountered by the program or grantee; (2) the frequency with which multilingual persons, people with LEP, and persons with disabilities come in contact with the program; (3) the nature and importance of the program, activity, or service provided by the program to people's lives; and (4) the resources available to the grantee/recipient and costs.[223]

In addition to the four-factor analysis described above, agencies should examine language data, Agency intake data, Census data, American Community Survey demographic profiles, Department of Education language assistance measures, or the Office of Refugee Resettlement locality services to understand the mix of necessary and reasonable language access services required by multilingual persons, people with LEP, and persons with disabilities seeking services in their region of the state.

11. Elements of a Written Effective Agency Language Access Plan (LAP) for multilingual persons, people with LEP, and persons with disabilities are included below. A written agency LAP must include at least five steps: (1) Identifying individuals who need language assistance; (2) Language Assistance Measures; (3) Training Staff; (4) Providing Notice to multilingual persons, people with LEP, and persons with disabilities; and Monitoring and Updating the LAP Plan.

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[223] Federal Register, Vol. 67 No. 117, 41459,
https://www.justice.gov/sites/default/files/crt/legacy/2010/12/14/DOJFinLEPFRJun182002.pdf

Agency Language Access Plan[224]

Figure 10: Language Access Assessment and Planning Tool

Image Source: Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs (2011), https://www.lep.gov/sites/lep/files

1. Policy Statement

Sample statement [225]
"It is the policy of this agency to provide timely meaningful access for any person born outside of the United States and living in the United States, including multilingual persons, people with LEP, and persons with disabilities to all agency programs and activities. All personnel shall provide free language assistance services to multilingual persons, people with LEP, and persons with disabilities whom they encounter or whenever an LEP person or individual with a disability requests language assistance services. All personnel will inform members of the public that language assistance services are available free of charge to multilingual persons, people with LEP, and persons with disabilities and that the agency will provide these services to them."

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[224] This Agency Language Access Plan template is based on the Department of Justice's Language Access plan. The original document is available at www.justice.gov/open/language-access-plan.pdf. Sections of the template have been updated to include policy guidance, professional expectations and best practices.

[225] Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs. Federal Coordination and Compliance Section, Civil Rights Division, U.S. Department of Justice. Pp.16. May 2011

2. **Purpose and Authority**

In accordance with Title VI of the Civil Rights Act of 1964 and the Americans with Disabilities Act, this policy establishes guidelines for providing language accessible services to individuals that are limited English Proficient and/or Deaf or Hard of Hearing.

3. **Definitions**

   a. *Limited English Proficient individual means any individual whose primary language is not English, and has limited or no ability to speak, understand, read, or write English.*

   b. *Interpretation is the process of orally rendering a spoken or signed communication from one language into another language.*

   c. *Primary language means the language that an individual communicates most effectively in.*

   d. *Translation is converting written text from one language into written text in another language. 'Translation' is often misused to mean interpretation, but it is a written medium.*

   e. *A qualified interpreter or translator is a trained professional who is a neutral third party with the requisite language skills, experienced in interpretation or translation techniques, and knowledgeable in specialized content areas and technical terminology in order to effectively facilitate communication between two or more parties who do not share a common language.*

   f. *Simultaneous interpretation is the process of orally rendering one language into another language virtually at the same time that the speaker is speaking with only a very short lag time.*

   g. *Consecutive interpretation is the process of orally rendering one language into another language after the speaker has completed a statement or question and pauses. The interpreter then renders that statement into the other language.*

   h. *Sight Translation is the rendering of material written in one language, completely and accurately, into spoken speech in another language.*

   i. *Vital Documents are any materials that are essential to an individual's ability to access services provided by the organization or are required by law.*[226]

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[226] U.S. Census Bureau (2020). American Community Survey (ACS), https://www.census.gov/programs-surveys/acs.html

Needs Assessment
- Agency Intake Data
- U.S. Census QuickFacts
- American Community Survey
- U.S. Department of Education
- Office of Refugee Resettlement

To conduct a needs assessment, the Agency (or authorized contractor) shall conduct an annual/biennial review of language use and LEP needs for its service population, which at a minimum includes (1) number of individuals with Limited English Proficiency; (2) points of contact; (3) level of interaction; and (4) stakeholder engagement. Agencies shall identify the sources of information as well as metrics and indicators used in their annual and biennial review. This guidance for implementing the policy directive requires annual and biennial review of agency intake data, methods for identifying language needs, and population data for identifying multilingual persons, people with LEP, and persons with disabilities from the following sources:

a. **Agency Intake Data** must follow methods for identifying multilingual persons, people with LEP and persons with disabilities: (1) who contact the agency (or interact with contractors) through correspondence (via U.S. mail, fax, e-mail, or Website inquiry), telephonically or in person; (2) who may need communication assistance from a bilingual staff member, a qualified contract interpreter or translator, through telephonic or video interpretation with qualified interpreters; (3) who may need vital documents related to services, programs, and activities translated into the most frequently encountered languages of those people with LEP affected by the services, programs, and activities or are interpreted for the LEP individual; (4) staff who interact with the public will be trained on language access policies and procedures, including how to access language assistance services and to identity and work with people with LEP, interpreters, and translators; and finally (5) staff who encounter and identify people with LEP should maintain a record of their contact with them and the primary languages spoken." [227]

b. **U. S. Census QuickFacts** "provides statistics for all states and counties, and for cities and towns with a population of 5,000 or more."[228]

c. **American Community Survey (ACS)** "helps local officials, community leaders, and businesses understand the changes taking place in their community."[229] ACS data is a sample of the population that provides key facts about the population, businesses, and geography of the state, county, and city. In addition, the ACS shows a concentration of limited English proficient individuals, persons with a disability, under the age of 65 years old, and the Commonwealth of Virginia.

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[227] U. S. Department of Education, Language Assistance Measures, https://www2.ed.gov/policy/gen/leg/foia/acsocroco1102.pdf
[228] U.S. Census BureauQuick Facts, https://www.census.gov/quickfacts/fact/table/US/PST045219
[229] U.S. Census Bureau (2020). American Community Survey (ACS), https://www.census.gov/programs-surveys/acs.html

d. **U. S. Department of Education** policy directive ensures that *reasonable steps to eliminate or reduce - to the maximum extent practical - limited English proficiency as a barrier to accessing existing Department services, programs, and activities.*[230]

e. **Office of Refugee Resettlement (ORR)**, an Office of the Administration for Children & Families for State Refugee and Health Coordinators, *provides new populations with the opportunity to achieve their full potential in the United States. ORR programs provide people in need with critical resources to assist them in becoming integrated members of American society.* ORR identifies programs and services by city and local area affiliates located in the Commonwealth of Virginia.[231]
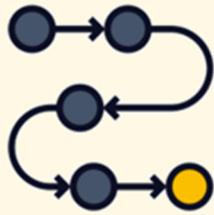
Language Assistance Procedures
- Determine Need for Language Assistance
- Identifying Language
- Procedures for Language Services
- Translation of Vital Documents
- Notice of Language Services
- Prohibition Against Using Children as Interpreters

1. **How to determine the need for language assistance**

   a. *Staff at the initial point of contact will conduct an assessment for the need for language assistance and notify the individual of the right to an interpreter at no cost. Staff members who have subsequent contact will continue to assess the need for language assistance.*

      - *To assess the need for language assessment, staff should ask open-ended questions and avoid asking questions that would allow for yes or no responses. For example, asking: "how may I be of assistance?" instead of "do you need help?"*

      - *The LEP individual may speak more than one language or may have limited proficiency in a secondary language. Staff shall identify the primary language of the LEP individual and work to provide language assistance in the primary language of the individual.*

      - *A Deaf individual may also be limited English proficient and not be proficient in American Sign Language. Staff shall work to identify the primary language of the Deaf individual and provide language assistance in the primary language of the individual.*

   b. *Request for language assistance from the LEP individual or companion.*

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[230] U.S. Department of Education Policy Directive to Ensure Meaningful Access to Federally Conducted Services, Programs and Activities for Individuals with Limited English Proficiency (11/02/2017, re-certified date), https://www2.ed.gov/policy/gen/leg/foia/acsocroco1102.pdf
[231] Administration for Children & Families, Health and Human Services, Office of Refugee Settlement State of Virginia Programs and Services by City, https://www.acf.hhs.gov/orr/contact-information/state-virginia-programs-and-services-locality

2. **Identifying Language**

    a. *Staff shall request the individual or companion identify the language of the LEP or Deaf individual.*

    b. *Staff may request bilingual/multilingual staff or volunteers to identify the primary language.*

    c. *Use in-person, video remote interpreters, or telephonic interpreters to identify the language.*

    d. *Use an "I speak" card or poster to identify the primary language.*

    e. *Staff should determine if the preferred mode of communication for a Deaf or Hard of Hearing individuals is an interpretation or Communication Access Realtime Translation (CART).*

3. **Procedures for language services** (TIP: Provide step-by-step guidance on how staff can access language services adopted by the organization. The following are examples of different ways to provide language services).

    a. Bilingual/multilingual staff

        ● (QUESTION: Who should staff contact?)

        ● (QUESTIONS: What services will the bilingual/multilingual staff person provide? Interpretation or services in the primary language of the individual?)

    b. In-person Interpreters

        ● (Detail procedures for obtaining an in-person interpretation services. QUESTION: Do you have staff interpreters? Do you contract with an interpretation agency or independent contractor?)

    c. Telephonic/video remote Interpreters

        ● (Detail procedures for obtaining services through your telephonic or video remote interpretation company.)

    d. Video Relay Services

        ● (Detail procedures for using video relay services.)

4. **Translation of Vital Documents**

    ● *Organizations will make available vital forms and materials in the most frequently encountered or Top 10 languages.* (QUESTIONS: What forms and materials will you translate? How about outreach materials? If you are outreach materials, do you have the capacity to provide services in the languages you are translating your materials?)

    ● *For other languages, staff should use an interpreter to sight translate the document into the individual's primary language.*

- *Written communication to the LEP individual should be translated into the primary language of the LEP individual.*

5. **Notice of Language Services**

   Agency provision of language assistance requires that multilingual persons, people with LEP, or persons with disabilities be notified of the services in the language that the individuals speak, read, or understand. Using "I speak" cards and posting signs at entry points and in intake areas should also include notification of patient rights to free language access services.

   Signage will be posted in visible locations notifying individuals of the right to request an interpreter at no cost to the individual. Signage will be translated into the languages most frequently encountered by the organization. In addition, agencies should post language access signage designed with universally recognized symbols to help multilingual persons, people with LEP, or persons with disabilities navigate the agency and access the services.

   Staff at the initial point of contact will notify individuals of their right to an interpreter at no cost.

6. **Prohibition against using children as interpreters**

   Staff are prohibited from using minor children to interpret, absent emergency circumstances. Clients shall be advised of client's right to an interpreter at no cost to the client.

Interpreter and Translator Code of Ethics[165]

- Accuracy
- Impartiality and Conflicts of Interest
- Confidentiality
- Limitations of Practice
- Protocol and Demeanor
- Maintenance and Improvement of Skills and Knowledge
- Accurate Representation of Credentials
- Impediments to Compliance

The National Association of Judiciary Interpreters & Translators (NAJIT) adopted the Code of Ethics and Professional Responsibilities for professional interpreters and translators. The NAJIT code of ethics frames agency expectations and suggestions for working with trained and experienced interpreters and translators whose language assistance services bridge gaps and dismantle language barriers for multilingual persons, people with LEP, and persons with disabilities.

1. **Accuracy**

   Source-language speech should be faithfully rendered into the target language by conserving all the elements of the original message while accommodating the syntactic and semantic patterns of the target language. The rendition should sound natural in the target language, and there should be no distortion of the original message through

addition or omission, explanation, or paraphrasing. All hedges, false starts, and repetitions should be conveyed; also, English words mixed into the other language should be retained, as should culturally-bound terms which have no direct equivalent in English or which may have more than one meaning. The register, style, and tone of the source language should be conserved. Guessing should be avoided. Interpreters who do not hear or understand what a speaker has said should seek clarification. Interpreter errors should be corrected as soon as possible.

2. **Impartiality and Conflicts of Interest**

   Interpreters and translators are to remain impartial and neutral in proceedings where they serve and must maintain the appearance of impartiality and neutrality, avoiding unnecessary contact with the parties. Interpreters and translators shall abstain from comment on matters in which they serve. Any real or potential conflict of interest shall be immediately disclosed to _____ and all parties as soon as the interpreter or translator becomes aware of such conflict of interest.

3. **Confidentiality**

   Privileged or confidential information acquired in the course of interpreting or preparing a translation shall not be disclosed by the interpreter without authorization.

4. **Limitations of Practice**

   Interpreters and translators shall limit their participation in those matters in which they serve to interpreting and translating and shall not give advice to the parties or otherwise engage in activities that can be construed as the practice of law.

5. **Protocol and Demeanor**

   Interpreters shall conduct themselves in a manner consistent with the standards and protocol of the _____, and shall perform their duties as unobtrusively as possible. Interpreters are to use the same grammatical person as the speaker. When it becomes necessary to assume a primary role in the communication, they must make it clear that they are speaking for themselves.

6. **Maintenance and Improvement of Skills and Knowledge**

   Interpreters and translators shall strive to maintain and improve their interpreting and translation skills and knowledge.

7. **Accurate Representation of Credentials**

   Interpreters and translators shall accurately represent their certifications, accreditations, training, and pertinent experience.

8. **Impediments to Compliance**

   Interpreters and translators shall bring to the _____'s attention any circumstance or condition that impedes full compliance with any Canon of this Code, including interpreter fatigue, inability to hear, or inadequate knowledge of specialized

terminology, and must decline assignments under conditions that make such compliance patently impossible.

Staff Compliance
- Training
- High-Quality Language Services Program
- Interpretation Technical Assistance Resource Center

1. **Training**

Front-line staff, providers of contracted services, and agency leadership must all receive training on the content of the language access policy; how to identify the need for language access services; working with multilingual, people with LEP and persons with disabilities; providing language accessible service in a culturally sensitive manner; working with an interpreter; and interpretation best practices. In order for LEP compliance to be achieved, the agency must demonstrate that it values language services.

To determine how the agency values language services, The Robert Wood Johnson Foundation suggests that the agency Take 5 Steps to develop a high-quality language services program. In addition to taking a snapshot of language services, developing a plan to include a budget, an evaluation of agency performance, and a plan for continuous improvement of language services delivery strategically focus agency support for multilingual persons, people with LEP, and persons with disabilities (see Table 17)

While resources and assistance in training your staff may vary, the Interpretation Technical Assistance Resource Center (ITARC) "works to improve systems responses to LEP victims by providing technical assistance and training on the development and implementation of language accessible services. Technical assistance and training include, but is not limited to: civil rights compliance and language access planning; interpreting for victims of domestic violence and sexual assault; and building pools of qualified interpreters through workshops on interpretation ethics and skills building."[232]

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[232] Interpretation Technical Assistance & Resource (ITARC) Technical Assistance or Training on Language Access, available here https://www.api-gbv.org/culturally-specific-advocacy/language-access/

Table 19: Steps to Develop a High-Quality Language Services Program

Take 5 Steps

1   **Take a snapshot of language services within your organization**. Review your current policies, procedures, and structure for the provision of language services: What policies and procedures are currently in place? Do any require revision and updating? Do current policies and procedures reflect standards of practice for language services? Are language services policies and procedures reviewed by an organization-wide policy committee? Has your organization addressed language services in its strategic plan? If so, does the plan need to be updated? Where is the language services department physically located (i.e., at your organization or at another facility in your system?)

2   **Develop a language services plan by forming an interdisciplinary team** to construct the language services plan, including clinical leaders, front-line staff, language services staff and managers, and quality improvement. Document the use of a language service; define who is qualified or permitted to interpret; train and assess interpreters, translators, and bilingual clinical providers; monitor and evaluate the quality of interpretation and translation; and monitor and evaluate the quality of language services delivery.

3   **Create a budget and monitor the financial performance of your language services program** based on existing resources and projected demand for staff, equipment, space, translated materials and signage, training, and educational materials.

4   **Evaluate and assess your organization's performance** using information from your snapshot and needs assessment, routinely evaluate policies and procedures, measure the performance and quality of language services delivery and operations, and routinely monitor budget needs and financial performance.

5   **Develop an improvement plan for language service delivery** by working with an interdisciplinary team to develop plans to improve service delivery; identify a framework for quality to guide your improvement plan for language services; and use data related to the quality and performance of language services to make improvements.

Source: Speaking Together Toolkit (2008). Measures. George Washington University Medical Center, available at https://www.rwjf.org/en/library/research/2008/06/measures.html

Monitoring and Assessment

- Staff Responsibility
- Agency Data Collection
- Review of Language Access Policy
- Interpret Satisfaction Survey

1. *Staff shall be responsible for monitoring compliance with the agency language access policy.*

2. *Agency shall collect information on language use and need, including: the primary language of clients; use and language of interpretation services; distribution of translated documents; frequency of contact with* multilingual persons, people with LEP and persons with disabilities *seeking services; and referrals of* multilingual persons, people with LEP and persons with

disabilities *and the language of the referred* multilingual persons, people with LEP and persons with disabilities.

3. *Agency shall conduct (how frequently?) a review on the effectiveness of the language access policy and make changes as needed.*

4. *To strategically build an efficient, effective, and qualified workforce for providing language services, the Agency shall use the Interpreter Satisfaction Survey.[233]*

Complaint Process
- Denial of Language Accessible Services
- Role of Language Access Coordinator
- Notification of Complaint Process

1. *A complaint regarding the denial of language accessible services, or regarding the quality of language accessible services, including interpreters or translated materials, may be made in person or in writing.*

2. *The complaint should specify the date, individuals involved, and the nature of the client (i.e., the interpreter was summarizing, or a* multilingual person, LEP individual, and individuals with a disability *were denied services because they did not bring their own interpreter).*

3. *All complaints will be directed to the Language Access Coordinator.*

4. *The Language Access Coordinator will notify the parties within 30 days upon receipt of the complaint of the outcome.*

5. *Staff will notify individuals of the complaint process.*

6. *The complaint process will be included in the posted notification of the right to an interpreter.*

Language Access Contacts
- Agency Language Access Coordinator
- Agency On-site Translator
- Agency Civil Rights Coordinator
- VA Office of Diversity, Equity & Inclusion

1. Identify the Language Access Coordinator for your Agency

2. Identity the On-Site Translator

3. Identify the Civil Rights Coordinator

4. Virginia Office of Diversity, Equity & Inclusion

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[233] Robert Wood Johnson Foundation (2007). Interpreter Satisfaction Survey, George Washington University Medical Center, https://www.rwjf.org/content/dam/farm/toolkits/toolkits/2007/rwjf26949

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Richmond, Virginia 23219

Signatures:

VA Director of the Office of Diversity, Equity, and Inclusion

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Agency Director

Date

Appendix L: Procurement Data Collection and Validation

Procurement Data Collection

A key step in developing a procurement plan was to collect key procurement data. This data collection included:

- Contracts for LAS currently held by the Commonwealth of Virginia

  The Commonwealth's statewide contract database, eVA, was reviewed, and it was found that there are three major contracts for LAS. Additionally, it was discovered that numerous small LAS-related purchases have occurred in the past few years. As these were not major contracts, it was determined that any benefit from this data would be outweighed by the effort that would be required to identify, obtain and analyze these small purchases.

- Large LAS contracts held by regional and national public entities

  Several LAS contract information requests have been initiated in 2021 through well-respected, national public procurement listservs and groups. A variety of solicitations and contracts, as well as supporting data, were collected from these information requests. Informational interviews were held with several procurement professionals to discuss the procurement method selection, solicitation processes, contract evaluations, quality assurance requirements, pricing structures, and post-implementation performance and service gaps. In addition, contracts and related data were collected from states that have robust Language Access Plans, such as Hawaii, Massachusetts, Maryland, and New York.

- Commonwealth of Virginia legislative and administrative procurement requirements

  The Commonwealth's online documents were reviewed, and two primary sources were identified for legislative and administrative requirements.
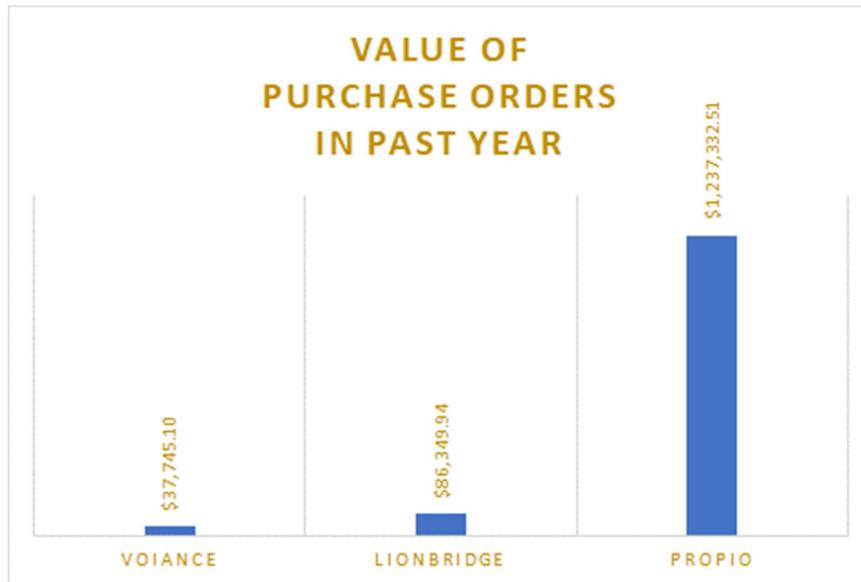 - Legislative requirements are contained in laws enacted by the Virginia General Assembly and reflected in the Code of Virginia's Virginia Public Procurement Act (Code) **§ 2.2-4300**.
  - Administrative requirements are generated by the Policy, Consulting, and Review Bureau, which is responsible for interpreting the law into policy and procedures for non-technology goods and non-professional services, which are published in the Agency Procurement and Surplus Property Manual (APSPM).

Current Virginia LAS Contracts
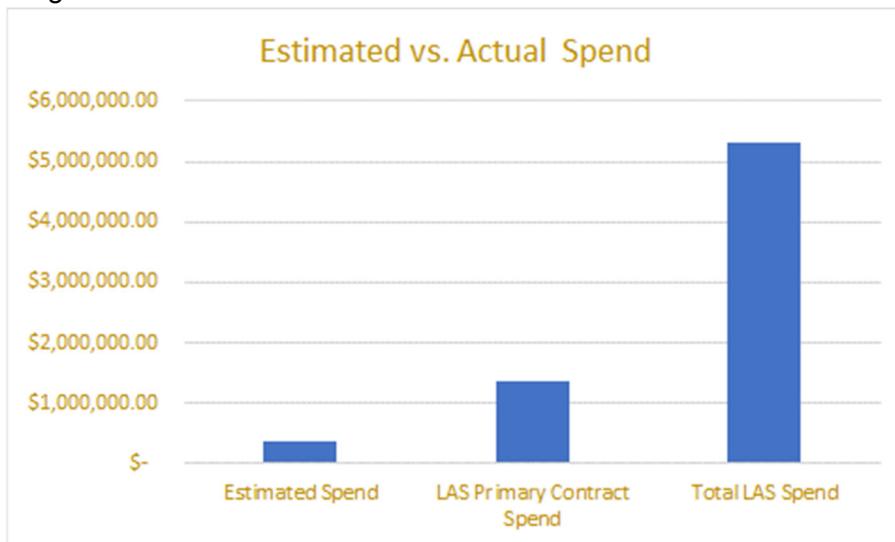
The current LAS contracts held by the Commonwealth were collected and reviewed. These were solicited in 2017, which was before the pandemic, and are due to expire in 2022. The solicitation was for language and translation services in both the 27 Tier 1 languages (includes Spanish), the 24 Tier 2 languages, and ASL. Required response and turnaround times are included, as well as

general performance measures. Anticipated usage at that time was noted, with an annual spend of approximately $360,000 per year.

VALUE OF PURCHASE ORDERS IN PAST YEAR

VOIANCE	LIONBRIDGE	PROPIO
$37,745.10	$86,349.94	$1,237,332.51

DPS advertised the solicitation to 1,322 potential LAS providers, and 15 responded with a proposal. Contracts were awarded to three non-Virginia companies: Voiance, Propio, and Lionbridge. Only two of the three contracts include ASL services. State agencies can select which contract they choose to use. Approximately $1.4 million in Purchase Orders (POs) have been issued against these contracts in the past year, with Propio receiving the majority of the POs. Usage of these three LAS contracts by agencies is not mandatory, and the process by which an agency selects one of the contracts is not regulated.

Estimated vs. Actual Spend

	Estimated Spend	LAS Primary Contract Spend	Total LAS Spend
$6,000,000.00			
$5,000,000.00			
$4,000,000.00			
$3,000,000.00			
$2,000,000.00			
$1,000,000.00			
$-			

Data showing payments for all purchase orders coded with LAS service codes was over $5.3 million in both 2020 and 2021 to date. This would infer that the agency stated requirements that were included in the contract no longer meet the needs of the Commonwealth.

The primary contracts include performance requirements and established rates. The response time to begin interpreting for Tier 1 languages is 1 minute, and for Tier 2 is 3 minutes. Costs for OPI services range from $.45 to $.65 per minute. Costs for VRI services range from $.65 to $1.99 per minute. Costs for DT services range from $.10 to $.27 per word. Costs for ASL VRI ranged from $.95 to $3.50 per minute, and for ASL onsite interpreting, from $79 to $85 per hour plus expenses. Onsite language translating (other than ASL) was also covered at rates ranging from $69 to $80 per hour.

Other Public Entity LAS Contracts

Several LAS contract information requests were initiated in 2021 through public procurement listservs and groups. A variety of solicitations and contracts were collected from these information requests. Several procurement professionals were contacted to discuss the procurement method selection, solicitation processes, contract evaluations, and post-implementation performance and service gaps. As with most research processes, the most enlightening question was, "What will you do differently next time?" A common denominator was the unanticipated and significant rise of VRI usage as a result of the pandemic impacting how future contracts would be solicited and awarded. The reviewed contracts were issued before the pandemic, so many were found to have gaps in coverage. For instance, the State of Maryland has a robust state-level language access program, but the contracts, while well written, do not provide for video translating services.

It is worth noting that the State of Ohio is similar to the Commonwealth of Virginia regarding a variety of LAS needs. They have recently initiated research to develop a procurement plan before their LAS contract expires next year. They are facing similar procurement-related decisions, such as selection between enterprise versus agency-level contracts and single versus multiple providers.

The documents and discussions were analyzed to identify various necessary choices within the process and the reasoning behind the choice made. Some of these choices are listed below.
- Was the contract created at the enterprise level or the agency/department level?
- Was the contract awarded to a single provider or multiple providers?
- Did the solicitation result in awarded contracts or a prequalified list of providers for agencies/departments to select from, and what selection process was required?
- How many languages were utilized in the provider evaluation process?
- Was ASL included in the interpreting contracts, or was it solicited under a separate process?

Virginia Legislative and Administrative Procurement Requirements

Legislative
Public purchasing embraces a fundamental obligation to the general public to ensure that procurements are accomplished in accordance with the intent of the laws enacted by the Virginia General Assembly and reflected in the Code of Virginia's Virginia Public Procurement Act (Code) **§ 2.2-4300**. Relevant Code includes:

- o **§ 2.2-4302.2.** Formal or informal competitive negotiation, depending on potential value. Policy elaborates on the process to be utilized.
- o **§ 2.2-4304.** Joint and cooperative procurement, either jointly issuing a solicitation or adopting a contract solicited for a specified as a cooperative procurement conducted on behalf of other public bodies. By policy, these must have a competitive process that is in line with the VA process, and the prices must be deemed reasonable
- o **§ 2.2-4317.** Prequalification in advance of receiving proposals, with written advertisement of the prequalification process required.
- o **§ 2.2-4344.** Noncompetitive award of services or supplies to persons, or in schools or workshops, under the supervision of the Virginia Department for the Blind and Vision Impaired; or employment services organizations that offer transitional or supported employment services serving persons with disabilities.

Administrative

The Policy, Consulting, and Review Bureau is responsible for interpreting the law into policy and procedures for non-technology goods and non-professional services, which are published in the Agency Procurement and Surplus Property Manual (APSPM). This manual is extensive and provides policies and procedures for all procurement activities.

Procurement Data Validation

Following the data collection phase, data and documents were organized and analyzed. Procurement processes and methodologies reflected in these documents were compared to industry best practices as advocated by the National Institute of Governmental Procurement and the National Procurement Institute, both widely recognized as prominent authorities on public procurement practices in the United States.

Appendix M: Procurement Option Analysis

Procurement data that has been validated was utilized to identify and analyze the various procurement options within the procurement methodology. First, the single versus multiple provider approach was analyzed. Then, the enterprise-level versus agency-level contract approach was analyzed. Finally, the various procurement methods were evaluated, with an emphasis on the advantages and disadvantages of each.

PROVIDER ALTERNATIVES

The first decision is whether to contract with a single provider or multiple providers. In researching existing award structures utilized by other entities, the majority of entities utilized multiple providers, and those that did had fewer stated concerns.

- ### SINGLE PROVIDER

  The entities typically selected a single provider to minimize contact administration efforts and to increase pricing discounts. The single biggest concern expressed by entities utilizing a single provider was that the ability to service all needs promptly suffered during the pandemic.

- ### MULTIPLE PROVIDER

  The entities selecting multiple providers vocalized they anticipated this would preclude a "monopoly" and therefore increase provider motivation to maintain high performance levels. During the pandemic, these entities noted few issues with obtaining services despite a mass influx of needs. Insufficient data was collected to analyze whether a particular provider priced a single award contract differently than a multiple-award contract, however, the size of the contracts, even with multiple awards, is at a very aggressive level, so this does not appear to be the case. Several entities also noted their capability to find a provider even for uncommon needs, although with uncommon languages, there was occasionally a delay in service while the provider obtained a skilled individual.

CONTRACT LEVEL ALTERNATIVES

Once the best provider alternative is determined, effort must turn to a decision of whether to solicit and award at the enterprise level or the agency level. In researching existing structures utilized by other entities, these methods were equally split.

- ### ENTERPRISE-LEVEL CONTRACTS

  With enterprise-level contracts, the central purchasing office creates a solicitation, qualifies and evaluates proposers, negotiates the contract(s), and processes the

award(s). The central purchasing office is the primary point of contract with the providers and is responsible for addressing performance issues.

Advantages

The LAS RFP creation and evaluation process is very complex and time-consuming when done at a level that will serve the Commonwealth's varied needs throughout the state. Having a single process is a significant savings on staff resources allocation for a service that is similar across agencies, with only a few unique needs that can be incorporated into the scope of the single RFP.

Greater quantity discounts for all agencies can be achieved by consolidating $1,400,000 of annual spend, as individual agency procurements may be below $1,000 for those agencies with limited public contact.

Centralized quality assurance efforts will achieve greater quality when a provider is aware that their services for all agencies are at stake when performance is below required standards.

Disadvantages

Some agencies have unique needs, such as legal or medical translating or interpreting. The contracts will be created to serve the blended needs rather than being narrowly tailored to suit a specific need.

A global solution may include special needs, but with a central solution, contracts will be awarded to those providers that best meet a broader grouping of needs, potentially eliminating a small specialty provider that is a perfect fit.

The central procurement office will require a longer lead time to procure the contracts due to the data collection phase and the more intensive evaluation required by a more comprehensive contract.
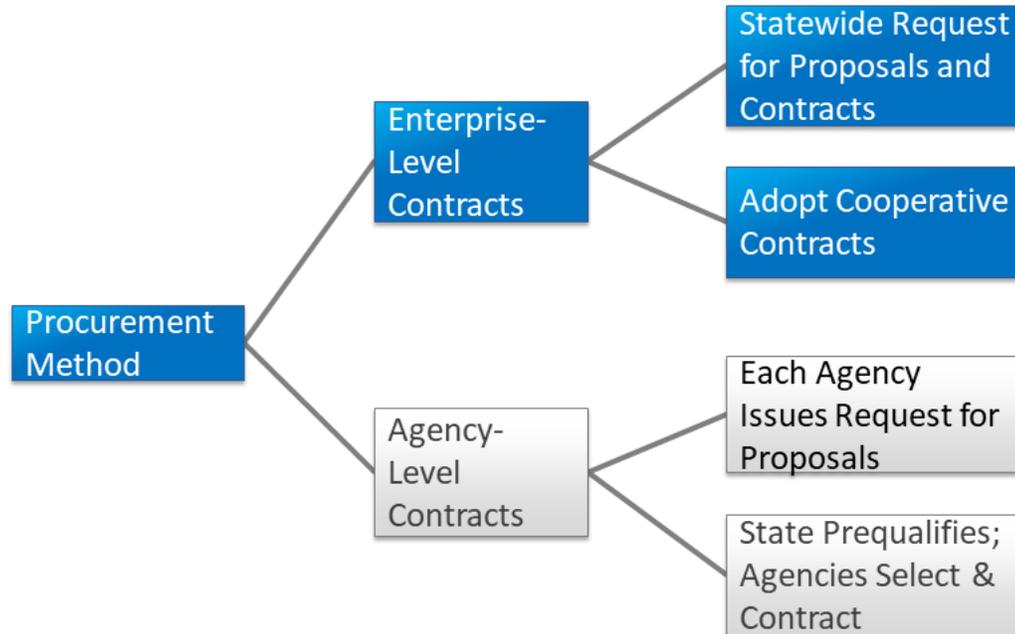
o AGENCY-LEVEL CONTRACTS

With agency-level contracts, each agency that requires these services creates a solicitation, qualifies and evaluates proposers, negotiates the contract(s), and processes the award(s). Each agency is responsible for addressing performance issues under the contract.

The advantages and disadvantages are directly inverse to enterprise-level contracts. The key advantage is the ability to narrowly tailor the contract for the agency's needs and open the competition to specialty providers that are not capable of performing at the level required for a statewide contract. However, the disadvantages are expanded for those agencies that have only a small need for the services as it takes a disproportionate amount of time to create the contract compared to the potential usage. The price point is also significantly higher due to the infrequent usage.

- **PROCUREMENT PROCESS ALTERNATIVES**

Following the determination of the best level at which to establish the contracts, the specific procurement process must be selected. The choices are analyzed below.

Figure 11: Procurement Process Alternatives

- ENTERPRISE-LEVEL CONTRACT PROCESSES
  - **Statewide Request for Proposals (RFP) and Contract**

    This is the method currently in use by the Commonwealth for the LAS contracts, with DGS/DPS issuing the solicitation and awarding contracts, then making them available for use by all state agencies. DGS/DPS is also responsible for quality assurance and deficient performance remediation. Please note this is the process utilized by the States of Maryland and New York, both of whom have a robust state-level language access program.

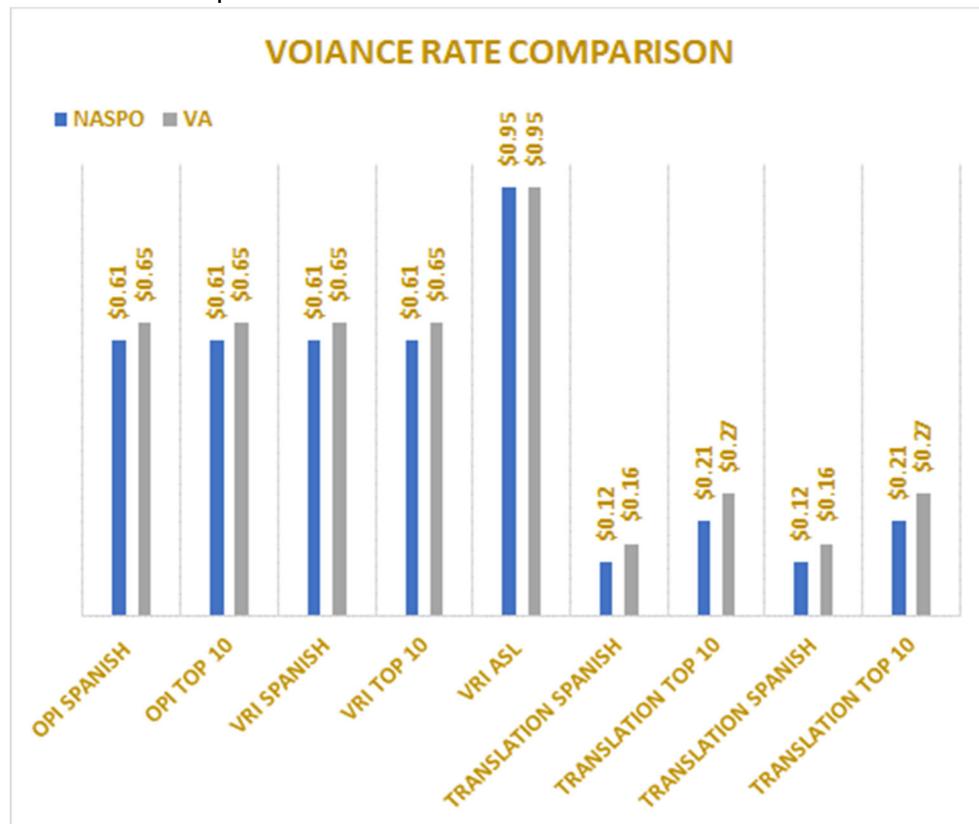 - **Adopt a Cooperative Contract**

    A common variation of the enterprise-level contract is when the central purchasing office participates in a comprehensive contract under a cooperative purchasing program. This requires legislation authorizing such participation, plus membership in the cooperative. In some instances, this participation can be found at the agency level as well. Please note this is the process utilized by the States of Hawaii and Colorado, both of whom have a robust state-level language access program and participate in the NASPO ValuePoint cooperative for LAS services.

Advantages

The Commonwealth has highly skilled and certified procurement professionals in their central procurement office that are capable of performing this comprehensive procurement at a level necessary to ensure quality services are received. However, they appear to be carrying a significant workload. Eliminating the need to handle a comprehensive procurement for LAS services will improve their ability to add more value to the remaining procurements.

The combined volume of services typically results in discounts that exceed those in a statewide contract. In Chart 2 below, sample rates are shown for the identical services offered by the same provider under the Commonwealth's contract and the NASPO cooperative contract.

VOIANCE RATE COMPARISON

■ NASPO   ■ VA

Category	NASPO	VA
OPI SPANISH	$0.61	$0.65
OPI TOP 10	$0.61	$0.65
VRI SPANISH	$0.61	$0.65
VRI TOP 10	$0.61	$0.65
VRI ASL	$0.95	$0.95
TRANSLATION SPANISH	$0.12	$0.16
TRANSLATION TOP 10	$0.21	$0.27
TRANSLATION SPANISH	$0.12	$0.16
TRANSLATION TOP 10	$0.21	$0.27

The Code of Virginia (2.2-4304) allows participation in lieu of a new competitive process, allowing for quick adoption of certain cooperative contracts without the lengthy RFP creation and proposal evaluation process.

Centralized quality assurance at a national level ensures greater quality when a provider is aware that their services for all agencies nationally are at stake if performance is below required standards. Each participating entity's procurement staff can escalate unresolved performance problems to the lead entity to address and cure the deficiency.

Disadvantages

Cooperative contracts may be tailored to meet the lead agency's needs rather than incorporating more global concerns. For LAS services, in particular, the most common languages included in the contract may vary significantly from those of a particular state or entity.

Time must be spent researching cooperative membership requirements, procurement processes utilized, and the correlation of various contracts to the entity's needs.

- o AGENCY-LEVEL CONTRACT PROCESSES
  - o **Agencies Issue their own RFPs**

    In this model, the agencies are responsible for all aspects of the procurement process. To overcome some of the disadvantages of the agency-level contract model, the central procurement may prepare an RFP template that each agency can utilize in a "fill in the blank" manner to streamline the solicitation development phase and to increase the quality assurance capability through inclusion of sample minimum standards and performance metrics that the agency may modify.

  - o **Hybrid of Statewide Prequalification and Agency Selection**

    A less common but more advantageous method than full delegation to the agencies is to utilize a hybrid process. Under this process, the central procurement office performs the initial steps of the procurement process, including the following:
    - o Advertise the solicitation
    - o Verify qualifications through a formal and thorough process.
    - o Test each provider to confirm performance capabilities for each prequalification category (OPI, VRI, DPI, and ASL).
    - o Negotiate standard contract terms and conditions, and sometimes rates for key services, with each prequalified provider, then issue a master contract.

    Once prequalification is complete, the central purchasing office publishes a list of prequalified providers for each service category. The agencies then prepare and send all prequalified providers a streamlined solicitation focused on evaluating only the services offered and the associated pricing, although in some cases, the pricing for key services has already been established during the prequalification phase. The advantages and disadvantages are comparable to those of the prior process utilizing an RFP template. However, this significantly lessens the workload and complexity for the agency as the prequalification step is done globally. However, this significantly lessens the workload and complexity for the agency as the prequalification step is done globally. Please note this is the process utilized by the State of Massachusetts, who has a robust state level language access program, and currently has over 40 vendors approved for use.

Potential Procurement Barriers:

One solution investigated during this project, adoption of a suitable cooperative contract would have been quick to implement and result in an immediate impact by increasing service availability and quality assurance while also decreasing costs without burdening DGS/DPS with a lengthy and time-consuming major procurement. Neither legislative nor administrative requirements prevent the utilization of a cooperative contract. However, the Commonwealth's Office of the Attorney General has interpreted the Code of Virginia to significantly limit access to cooperative contracts. This interpretation requires DGS/DPS, for each cooperative in which they are a member, to be aware that one of the hundreds of co-members is initiating a procurement that may become an appropriate contract to utilize. This is impractical and is a significant impediment to DGS/DPS's ability to pursue most existing cooperative contracts that would bring great value to the Commonwealth.

Relevant requirements and practices are detailed below. The Office of the Attorney General has opined that the phrasing "In addition, a public body… even if it did not participate in the request for proposal" in § 2.2-4304 (B) infers that § 2.2-4304 (A) is restricted to require participation in the request for proposal.

> *§ 2.2-4304. Joint and cooperative procurement.*
>
> *A. Any public body may participate in, sponsor, conduct, or administer a joint procurement agreement on behalf of or in conjunction with one or more other public bodies, or public agencies or institutions or localities of the several states, of the United States or its territories, the District of Columbia, the U.S. General Services Administration, or the Metropolitan Washington Council of Governments, for the purpose of combining requirements to increase efficiency or reduce administrative expenses in any acquisition of goods, services, or construction.*
>
> *B. In addition, a public body may purchase from another public body's contract or from the contract of the Metropolitan Washington Council of Governments or the Virginia Sheriffs' Association even if it did not participate in the request for proposal or invitation to bid, if the request for proposal or invitation to bid specified that the procurement was a cooperative procurement being conducted on behalf of other public bodies, except for: …*
>
> *C. Subject to the provisions of §§ 2.2-1110, 2.2-1111, 2.2-1120 and 2.2-2012, any authority, department, agency, or institution of the Commonwealth may participate in, sponsor, conduct, or administer a joint procurement arrangement in conjunction with public bodies, private health or educational institutions or with public agencies or institutions of the several states, territories of the United States, or the District of Columbia, for the purpose of combining requirements to effect cost savings or reduce administrative expense in any acquisition of goods and services, other than professional services, and construction.*

This legal guidance modifies the prior interpretation by the Policy, Consulting and Review Bureau, which is responsible for interpreting the law into policy and procedures for non-technology goods

and non-professional services. They indicated in the Agency Procurement and Surplus Property Manual (APSPM) that posting of the contract itself satisfies the requirement.

> *"Authorized cooperative contracts awarded by other than Commonwealth agencies are posted on the eVA State Contracts listing to assure public visibility of the full terms and pricing of such contracts after DGS/DPS determines that the contracts comply with Code of Virginia, §2.2-4304; that prices are fair and reasonable; that Virginia businesses have been afforded access to participate; that the contractors are registered in eVA; and that contractors agree to the Commonwealth's General Terms and Conditions, any other terms and conditions, and any other considerations for doing business with the Commonwealth.*

While not a solution for this project, it may be worthwhile for DGS/DPS to pursue an additional legal opinion from the Office of the Attorney General that may modify the currently required practices. The intent of the Legislative requirements may be satisfied by posting a carefully crafted notification on eVA's solicitation advertisement page directing businesses to the websites containing the active solicitations for each cooperative the Commonwealth has vetted and become a member. This may be perceived as participation in the solicitation phase for each future solicitation issued by the cooperative, allowing for subsequent usage of any that result in a contract deemed acceptable after the contract review occurs. If this is not the case, only legislative changes could remedy this issue and make cooperative contract participation a viable option.

Appendix N: Analysis of Available LAS Cooperative Contracts

It is only of benefit to participate in a national cooperative contract that closely matches the needs of the Commonwealth. This necessitated a review of available contracts that may be suitable. While numerous cooperative contracts exist, many are limited to political subdivisions of the agency creating the contract, such as many states or counties. Additionally, many cooperatives focus on private or educational entities rather than public entities, limiting their applicability.

Although dozens of cooperatives were investigated, only a select few warranted a close look. Below is a summary of those cooperatives that received more than a cursory review.

- NASPO ValuePoint (NASPO)
    - LAS contracts for OPI, VRI, DPI, and ASL with multiple awards for each
    - Very thorough proposal evaluation process (representatives from multiple states participated) and was completed in 10 months
    - Contains strong performance metrics
    - Solicitation was not advertised on eVA in spring of 2018
    - Contracts expire in 2024
    - Prices are lower than the Commonwealth's and OMNIA's contracts

- OMNIA Public Sector (OMNIA)
    - LAS contracts for OPI, VRI, DPI, and ASL with multiple awards for each
    - The evaluation process appears cursory and was completed in 4 weeks
    - Contains no performance metrics
    - Solicitation was advertised on eVA in spring of 2018
    - Contracts expire in 2023
    - Prices are lower than the Commonwealth's contracts
    - The only Virginia based proposer was eliminated during scoring phase (Alboum)

- Choice Partners
    - LAS contracts for OPI, VRI, DPI, and ASL with single award for all
    - Virginia proposer received the award (Alboum)

- Others
    - US Communities & National IPA are reputable, large cooperatives that were acquired by OMNIA.
    - National Cooperative Purchasing Alliance, Purchasing Cooperative of America, and Sourcewell do not have LAS contracts. Equalis Group has only a document translating contract.

Of these cooperatives, only two have contracts with multiple awards: NASPO and OMNIA. The thorough evaluation and performance metrics that will ensure quality services clearly differentiates the two. Consequently, it is recommended that the Commonwealth only pursue utilizing the NASPO contracts.

Moving from the current contracts held by the Commonwealth to the NASPO contracts should be a streamlined process as:

- The Commonwealth is already a NASPO cooperative member
- A Best Practices Competitive Process was used, and it is in line with VA RFP process and has previously been vetted by DGS/DPS for other contracts.
- Key service needs are all included (OPI, VRI, DT & ASL) and have a number of specialties called out that may exceed the availability of services under the existing contracts.
- The top five languages present in Virginia (Spanish, Chinese, Vietnamese, Arabic, and Korean) were amongst the 12 Tier 1 languages used for the NASPO's evaluation process and are also the most aggressively priced.
- There are multiple providers that currently have the capacity for additional large clients, such as the Commonwealth.

Additionally, some improvements are expected to be realized.

- Pricing will be lower, as evidenced by the same service pricing by a provider under both contracts.
- Performance issues can be escalated to the national Contract Officer for remediation.
- Performance metrics are more stringent than on the Commonwealth's contracts.

Appendix O: Sample RFI

SAMPLE REQUEST FOR INFORMATION

Request for Information for Tasks to be Performed under the Master Contract for
Translating and Interpreting Services

Agencies must use this Request for Information (RFI) form to obtain translating and interpreting services under the statewide contract to ensure that the best match for the agency's needs. Where a background check is not automatically required, the Authorized User should inform the Contractor at this time if one must be performed. Attach additional sheets, with more detailed information, as necessary. All documentation with regard to this RFI should be kept for the Procurement Record.

RFI Issuing Agency: _____   **Agency Contact Name:** _____

RFI Issue Date: _____   **Agency Contact Phone:** _____

RFI Due Date: _____   **Email:** _____

RFI Sent to: _____

PROVIDER INSTRUCTIONS: Review the Agency requirements as stated below and respond with information regarding your capability to provide the requested services. Include information on qualified staff to be assigned to the work, with an emphasis on availability of certified specialty staff.

Service Description

☐ One Time Project   OR   ☐ Recurring Use

Required Services (Select all that apply)

☐ Over the Phone Interpreting   ☐ Video Remote Interpreter (ASL)
☐ Video Remote Interpreter (spoken)   ☐ In Person Interpreting (ASL)
☐ In Person Consecutive Interpreting (spoken)   ☐ Document Translation
☐ In Person Simultaneous Interpreting (spoken)   ☐ Document Transliteration (Braille)

Most Common Languages for this Agency or Project

_____

_____

Detailed description of Needs, including and special proficiencies or certifications (i.e. medical, legal, etc.)

_____

_____

_____

_____

_____

_____