

BUTLER COUNTY CHILDREN SERVICES

POLICY NO: 10.4	SUBJECT: TITLE VI LANGUAGE ACCESS POLICY
OAC:	EFFECTIVE DATE: 12/14/2004
	REVISION DATE:
	REVIEW DATE: 1/24/2006, 12/07

PURPOSE:

The purpose of this Policy is to ensure compliance with Title VI of the Civil Rights Act of 1964, and other applicable federal and state laws through the implementation of regulations regarding persons with limited English proficiency (LEP). Title VI of the Civil Rights Act of 1964 (the Act) prohibits, among other things, discrimination based on the grounds of race, color or national origin by entities receiving federal financial assistance. This Policy is effectuated to ensure that no LEP person is excluded from participation in, denied the benefits of, or is subjected to discrimination under, any programs available through the Butler County Children Services (the Agency). Administrative methods or procedures which have the effect of subjecting said individuals to discrimination or exclusion from participation in or denial of the benefits of programs or activities administered by the Agency or of defeating the objectives of these regulations, are prohibited.

In order to avoid discrimination on the grounds of national origin, and to accommodate LEP persons, the programs and activities administered by the Agency must take adequate steps to ensure that policies and procedures do not deny or have the effect of denying LEP individuals with equal access to benefits and services for which such persons qualify. This Policy defines the responsibilities that all Departments and other organizational areas of the Agency must undertake to ensure LEP individuals are protected against discrimination and are able to communicate effectively regarding Agency services with staff and other Agency partners.

POLICY:

These requirements shall apply to the Butler County Children Services Agency, all Departments within the Agency, and all programs and services administered or established by the Agency. To the extent that the Agency subcontracts for any of its services that are administered to LEP persons, the Agency shall provide in the subcontracts that its subcontractors shall be bound by the policy provisions applicable to the Agency. Additionally, the Agency shall ensure that LEP individuals are provided meaningful access to benefits and services provided through contractors or service providers receiving sub-grants from the Agency.

All Departments and organizational areas of the Agency, subcontractors, vendors and sub-recipients shall adhere to provisions of the Agency's Language Access Plan. The Agency, and its Plan shall include a system for assessing the language needs of LEP populations and individual LEP

applicant/recipients; securing resources for language services; providing language access services; assessing and providing staff training; and monitoring the quality and effectiveness of language access services. The Plan shall include the name of a specific Agency employee, designated by the Agency, to oversee the implementation of the activities related to this Policy. The designated staff person may assign or delegate specific responsibilities related to the implementation of this policy to other members of the staff of the Agency, but shall retain overall organizational accountability for the implementation of this policy.

Definitions

Limited English Proficient (LEP) individual - Any prospective, potential, or actual recipient of benefits or services from the Agency who cannot speak, read, write or understand the English language at a level that permits them to interact effectively with Agency staff, contracted providers of services for the Agency, or other service providers to whom the Agency refers or with whom it has partnership. These agents of the Agency are collectively referred to as Local Entities. Please refer to the definition below.

Local Entities - Programs and services administered, established or funded by the Agency, including but not limited to, subcontractors, vendors, and sub-recipients.

Vital Documents - These forms include, but are not limited to, applications, consent forms, letters containing important information regarding participation in a program or service; notices pertaining to the reduction, denial, or termination of services or benefits, the right to appeal such actions, or that require a response from beneficiary notices advising LEP persons of the availability of free language assistance, and other outreach materials.

Providing Notice to LEP Individuals

The Agency and each local entity shall take appropriate steps to inform all applicants, recipients, community organizations, and other interested persons, including those whose primary language is other than English, of the provisions of this policy. Such notification shall also identify the name, office telephone number, and office address of the employee(s) responsible for the local entity's compliance with this policy. The individual responsible for the Agency 's compliance with this policy shall be the Ombudsman. The Ombudsman is located at the:

Butler County Children Services
300 North Fair Avenue
Hamilton, OH 45011.

The Ombudsman may be reached by telephone through the general telephone number: (513) 887-4055.

The dissemination of information shall include, but not be limited to posting information in each local entity location, as well as the dissemination of pamphlets explaining rights contained in this policy.

The Agency and local entities shall post and maintain signs in regularly encountered languages other than English in waiting rooms, reception areas and other initial points of entries. These signs must inform applicants and beneficiaries of their right to free language assistance services and invite them to identify themselves as persons needing such services.

Provision of Services to LEP Applicants/Recipients

Assessment for Determining Linguistic Needs

The Agency and local entities shall assess the language needs of the population to be served, by identifying:

- the language needs of each LEP applicant/recipient
- the points of contact where language assistance is needed; and
- the resources needed to provide effective language assistance, including location, availability and arrangements necessary for timely use.

Determining the Language Needs of the Population to be Served. The Agency and each local entity is responsible for assessing the language needs of the population to be served. The assessment may include, but not be limited to the following:

- The non-English languages that are likely to be encountered in its program or service shall be identified.
- An estimate of the number of people in the community for whom English is not the primary language used for communication shall be completed and updated annually.
- To identify the languages and number of LEP individuals, the Agency and local entities may review:
 - census data
 - data from the county=s largest school system or other school system data
 - reports from federal, state, and local governments community agencies, and data from client files
 - The points of contact in the program or activity where language assistance is likely to be needed shall be identified.

Determining the Language Needs of Each Applicant/Recipient. The Agency and each local entity shall determine the language needs of each applicant/recipient. Such assessment may include, but not be limited to the following:

- At the first point of contact, each applicant/recipient will be assessed to determine the individual's primary language.
- Techniques that may be used include:
- multi-language identification cards, a poster-size language list, or the use of AI speak@ peel-off language identification cards for indicating preferred languages. Poster-size language lists shall be posted in the reception areas, waiting areas and other areas commonly accessible to applicants/recipients/clients. Language cards are available at the reception desk.
- English proficiency assessment tools, provided they can be administered in a manner that is sensitive to and respectful of individual dignity and privacy.

If the LEP person does not speak or read any of these languages, the local entity shall use a telephone interpreting service to identify the client=s primary language.

Applicants/recipients/ clients of the Agency may have access to the following telephone interpreting service VocaLink Language Services, (937) 223-1414 or (937) 226-1564. Hearing, Speech and Deaf Center (for American Sign Language assistance), (513) 221-0527.

Staff should not solely rely on the individual's own assessment of his/her English proficiency in determining the need for an interpreter. However, if an individual requests an interpreter, an interpreter shall be provided. A declaration of the client shall be sufficient to establish the client's primary language. Under no circumstances shall a staff member make this determination based solely on whether an applicant/recipient can answer short questions or questions to which the answer requires simple yes or no answers.

When staff of the Agency or local entity staff place or receive a telephone call and cannot determine what language the other person on the line is speaking, a telephone interpretation service shall be utilized in making the determination. **Staff of the Agency may utilize the following telephone interpreting service VocaLink Language Services, (937) 223-1414 or (937) 226-1564.**

If any applicant/recipient is assessed as LEP, they shall be informed of interpreter availability and their right to have a language interpreter at no cost to them with a notice in writing in the languages identified in Section C. Provisions of Written Translations.

Provision of Bilingual/Interpretive Services

The Agency and local entities shall ensure that effective bilingual/interpretive services are provided to serve the needs of the non-English speaking populations. The provision of bilingual/interpretive services shall be prompt without undue delays. In most circumstances, this requires language services to be available during all operating hours.

The Agency and local entities are required to develop uniform procedures providing for language assistance options at all levels of interaction with LEP individuals, including telephone interactions. This requirement maybe met through utilization of paid interpreters, qualified bilingual employee, qualified employees of other agencies or community resources. Telephone interpreter services should only be utilized as a back-up system or where other language assistance options are unavailable.

Interpreter Standards

Those providing bilingual/interpretive services shall meet the linguistic and cultural competency standards set forth below. Local entities shall take reasonable steps to screen interpreters and self-identified bilingual staff to certify that the bilingual employee/interpreter:

- Can fluently and effectively communicate in both English, and the primary language of the LEP individual.
- Can accurately and impartially interpret to and from such languages and English.
- Has a basic knowledge of specialized terms and concepts used frequently in the provision of the Agency and local entities' services.
- Demonstrates cultural competency.
- Understands the obligation to maintain confidentiality
- Understands the roles of interpreters and the ethics associated with being an interpreter.

When staff members have reason to believe that an interpreter is not qualified or properly trained to serve as an interpreter, the staff member shall request another interpreter.

Using Family Members or Friends as Interpreters

The Agency shall not rely upon the use of applicant/recipient/client friends or family members for the provision of interpretive services. The rationale for this policy includes the fact that the Agency cannot assure the accuracy of interpretation by family or friends.

Under no circumstances shall the local entity require the applicant/recipient to pay for bilingual/interpretive services

Use of Interpreters at Hearings

An interpreter shall be provided for all local hearings and by the Agency for all state-level hearings, if a party requests an interpreter, or if the Hearing Officer determines that an interpreter is necessary.

When the state hearing is to be held with the assistance of an interpreter, the Hearing Officer shall:

- Examine the qualifications and competency of the interpreter.
- Disqualify any interpreter determined by the Hearing Officer not to be competent for interpretation purposes.
- Assure objective interpretation by, at his/her discretion, disqualifying interpreters who are:
 - Claimant's relatives, friends, or other authorized representative determined by the Hearing Officer to have a bias or the appearance of being biased
 - county staff who participated in making the decision complained of the county appeals representative any other individual determined by the Hearing Officer to be detrimental to the hearing process or having a bias or the appearance of being biased

Provision of Written Translations

The local entity must develop and implement a plan to provide written materials in languages other than English, where a significant number or percentage of the population eligible to be served or likely to be directly affected by programs or services, or needs information in a language other than English to communicate effectively.

Translation of Vital Documents

Each department or organizational area shall ensure that vital documents are translated into Spanish and made available.

When such forms and other written material contain spaces in which the Agency is to insert information, this inserted information shall also be in the individual's primary language. When such forms are completed by applicants/recipients in their primary language, the information must be accepted.

If, as a result of the local language assessment, it appears that a substantial number, defined as 5% or 1,000 people being served by the local entity, of LEP individuals speak a language other than Spanish, the local entity must translate and provide vital documents in the appropriate language.

If the primary language of a LEP applicant or recipient is a language other than Spanish AND the language does not meet the threshold for translation as defined in the preceding paragraph, the LEP individual shall be informed in their own language of the right to oral translation of written notices. The notification shall include, in the primary language of the applicant/recipient, the following

INSTRUCTION: IMPORTANT: IF YOU NEED HELP IN READING THIS, ASK THE AGENCY FOR AN INTERPRETER TO HELP. AN INTERPRETER IS AVAILABLE FREE OF CHARGE.

Documentation of Applicant/Recipient Case Records

The Agency and each local entity shall maintain case record documentation in sufficient detail to permit a reviewer to determine the agency's compliance with this policy.

The Agency and each local entity shall ensure that case record documentation, including computerized records if appropriate, identifies the applicant's/recipient's ethnic origin and primary language. In those cases where the applicant/recipient is non-English speaking, the record shall:

- Document the individual's acceptance or refusal of forms or other written materials offered in the individual's primary language.
- Document the method used to provide bilingual services, e.g., assigned worker is bilingual, other bilingual employee acted as interpreter, volunteer interpreter was used. Use of a minor child as an interpreter is not permitted.
- Written consent for the release of information shall be obtained from applicants/recipients/clients when individuals other than the Agency or local entity employees are used as interpreters, and the case record shall reflect the fact that written consent has been obtained.

Staff Development and Training

Appropriate training in the requirements of this policy shall be provided at new employee orientation and continuing training programs. Effective training is one of the means of ensuring that there is not a gap between the Agency and the local entities' written policies and the actual practices of employees interacting with LEP individuals.

The training shall be required of all appropriate staff, which shall include but not be limited to employees likely to have contact with LEP individuals and those in a supervisory capacity of any employee affected by this policy. The training shall include language assistance policies and procedures, resources available to support such procedures, methods of effective use of interpreters, and familiarization with the discrimination complaint process.

The Agency and each local entity shall develop and/or provide cultural awareness training programs for all appropriate employees. Cultural awareness training shall address specific cultural characteristics of cultural groups commonly served by the agency, in order to provide a better understanding of, and improve services to, these various cultural groups, and to ensure equitable delivery of services.

In presenting materials relating to specific cultural characteristics, all efforts should be made to avoid stereotypes.

The Agency shall be instructed in the investigation of discrimination complaints, as required by the Ohio Department of Jobs and Family Services.

Appropriate training shall be provided for bilingual staff and interpreters employed or utilized by local entities. This includes the ethics of interpreting, including confidentiality; methods of interpreting; orientation to the organization; specialized terminology used by the Agency; and cultural competency.

This training is provided by the Ohio Department of Jobs and Family Services through the Bureau of Civil Rights, and other vendors. The contact information for the Bureau of Civil Rights is as follows: 145 South Front St., 1st Floor, Columbus, OH 43215. Telephone: 1(614) 644-2703 or toll-free: 1-866-227-6353.

The Agency shall ensure that applicable grantees, contractors, cooperative agreement recipients and other entities receiving state or federal dollars in partnership with the agency, are trained in the requirements of this policy.

The Agency shall collect and maintain the following information about training provided to staff: the date(s) of such training, the content of such training, the number and types of credit hours awarded; and the names and identifying information of each attendee at the training. The Agency shall ensure that grantees, contractors, cooperative agreement recipients and other applicable funded entities collect and maintain such information as well.

Compliance Procedures, Reporting and Monitoring Procedures

Compliance Procedures:

The Department will ensure effective communications for LEP clients throughout the Department and recipients of federal funds through self-evaluation, modification of services and training. Every recipient of funds shall sign a compliance agreement with the Agency assuring that it is in compliance with departmental policy.

Reporting:

An annual compliance report shall be completed by the Agency, which shall maintain the report for inspection by a reviewer. If compliance is not met during the year, the Civil Rights Coordinator (Ombudsman) shall prepare an agency improvement plan to correct the non-compliance.

Monitoring:

Self-monitoring will be done on a quarterly basis by the Agency. The reports generated from such self-monitoring will be maintained and stored in the appropriate office, and shall be available to reviewers. A standard reporting system will be developed for use.

On occasion, special reviews by the Agency may be necessary. These reviews may be initiated when the following occurs:

There is a need to follow-up on a noncompliance finding from the annual report requiring additional information and a more in-depth examination of specific aspects of programs and activities.

Outside sources such as advocacy groups, legal services organizations or the Office for Civil Rights (U.S. Department of Health and Human Services, or Ohio region) indicate that a review is necessary.

The Executive Director of Agency may request a review at his or her discretion.

The Ohio Department of Jobs and Family Services may initiate a review at **its** discretion.

Applicant/Recipient/Client Complaints of Discriminatory Treatment

This section provides for the prompt and equitable resolution of complaints against any program or activity receiving federal financial assistance administered by the Agency alleging discrimination based upon race, color, or national origin, age, sex, or religion, in violation of Title VI of the Civil Rights Act of 1964.

Complaints

A complaint shall be filed in writing, contain the name and address of the person filing it or his/her designee and briefly describe the alleged violation of 45 CFR Part 80. Individuals who do not speak or write in English shall be provided assistance in their primary language. Allegations of sexual harassment need not be reduced to writing prior to an investigation being initiated.

A complaint shall be filed with the Agency Ombudsman, not later than 180 days from the date of the alleged discrimination. Alternatives to making a complaint to the Ombudsman include directly contacting the Bureau of Civil Rights (refer to information noted above); the United States Department of Health and Human Services, Office for Civil Rights, the U.S. Department of Agriculture (food stamp recipients only), or the U.S. Department of Labor, Civil Rights Center. The Ombudsman will provide contact information to these alternative complaint avenues upon request.

A record shall be kept of the complaint by the Agency, including the information requested in paragraph 1, and the date of filing.

When the written complaint is received by the Ombudsman, it shall be referred to the Ohio Department of Jobs and Family Services, Bureau of Civil Rights, within three (3) business days of the date of receipt. The Bureau of Civil Rights shall conduct an inquiry, and issue a Final Report within one hundred, twenty (120) days of the date of filing of the complaint.

Investigation

A designee of the Ohio Department of Jobs and Family Services, Bureau of Civil Rights, shall conduct an investigation of the allegations of the complaint. The investigation shall afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to the complaint.

The investigation and issuance of a Final Report shall not exceed one hundred, twenty days (120).

Any party dissatisfied with the Ohio Department of Jobs and Family Services Bureau of Civil Rights Final Report will be advised of the right to file a complaint with the U.S. Department of Health and Human Services, U.S. Department of Agriculture (food stamp recipients only) or the U.S. Department of Labor.

No person who has filed a complaint, testified, assisted or participated in any manner in an investigation of a complaint shall be intimidated, threatened, coerced or retaliated against, through direct means or through implication.

If the investigation indicates a failure to comply with the mandates of the Act, the Executive Director of the Agency, or his/her designee, will so confirm such to the complainant and the matter will be

resolved by informal means whenever possible, within 60 days of the receipt of the Final Report of the Ohio Department of Job and Family Services, Bureau of Civil Rights.

If the matter cannot be resolved by informal means, then the Executive Director or his/her designee shall refer the matter to the Butler County Prosecutor with the recommendation that appropriate proceedings be brought under the applicable law.

For questions or clarification on any of the information contained in this policy, please contact the Agency Ombudsman (513) 887-4055. For general questions about department-wide policies and procedures, contact the Office of Policy and Quality Assurance, Butler County Children Services Agency at (513) 887-4055.

A handwritten signature in black ink that reads "Michael A. Fox". The signature is written in a cursive style with a large initial "M" and "A".

Approval Date: 12/1/07

Michael A. Fox, Executive Director