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Government of the District of Columbia Department on Disability Services

PROCEDURE	
Subject: DDS’s Language Access Procedure	Procedure No.: 2023-DDS-PR001
Responsible Program or Office: Developmental Disabilities Administration Rehabilitation Services Administration Disability Determination Division	Effective Date: 8/1/2023
	Number of Pages: 8
Cross References, Related Policies and Procedures, and Related Documents: D.C. Law 15-167, the “Language Access Act of 2004,” effective June 19, 2004 (D.C. Official Code § 2-1931 <i>et seq.</i>); Title 4 (Human Rights and Relations) of the D.C. Municipal Regulations (DCMR) at Chapter 12 (Language Access Act); DDS Language Access Policy No. 2021-DDS-POL000 dated 08,2023	

1. PURPOSE

The purpose of this procedure is to establish the operations that govern the Department on Disability Services (“DDS”) Language Access Program to ensure that DDS provides equal access and participation in services, programs, and activities for people who are applying for or using DDS service who have limited English (LEP) or non-English proficiency (NEP); and, to identify the roles and responsibilities of DDS, managers and supervisors, employees, contractors, grantees and the Language Access Program Coordinator.

2. APPLICABILITY

The procedures apply to all DDS employees, contractors, and grantees that provide services and supports for people with disabilities receiving services as part of the DDS service delivery system regardless of the funding source (*e.g.*, local funds, federal funds, or grants).

3. PROCEDURES

A. Identifying LEP/NEP persons

DDS and contractor/grantee staff will keep in mind the fact that LEP/NEP designations are context-specific; LEP/NEP persons may possess sufficient English language skills to function in certain types of communication (*e.g.*, speaking or



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listening), but still be LEP/NEP for other purposes (*e.g.*, reading or writing). When DDS or contractor/grantee staff suspect or are informed that persons they encounter are LEP/NEP, they shall use the following protocol to determine whether the persons are actually LEP/NEP:

1. Ask: “Do you speak English very well?”
 - a. If the person answers “Yes,” continue communicating with the person in English. Persons who speak any non-English language and also report speaking English “very well” should be regarded as English proficient and should not be considered LEP/NEP persons.
 - b. If the person answers “No,” appears not to understand what the DDS or contractor/grantee staff member is saying, otherwise indicates a lack of comprehension, or states “I speak it a little” or “I speak it okay,” the staff shall assume that the person is LEP/NEP and attempt to identify the primary language following the procedures described in part IV.B of this procedure. Individuals who report speaking English as anything less than “very well” (*i.e.* “well,” “not well,” or “not at all”) must be regarded as LEP/NEP and eligible to receive language access services.
2. If the LEP/NEP person can speak or understand some English, the DDS or contractor/grantee staff member shall state: “I can request an interpreter in your language to interpret for you in person or over the phone. Would you like me to get an interpreter?”
 - a. If the LEP/NEP person answers “Yes,” the staff shall:
 1. Proceed to identify the LEP/NEP person’s primary language as specified in Part 3.B below; and
 2. Obtain an interpreter to facilitate communication with the LEP/NEP person.
 - b. If the LEP/NEP person answers “No,” the staff shall:
 1. Ensure that the LEP/NEP person understood the question and confirm that the person does not want an interpreter.



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2. If the LEP/NEP person confirms that an interpreter is not wanted, the member shall proceed with communicating in English with frequent checks for understanding to ensure information that is being effectively communicated.
3. If the LEP/NEP person confirms that an interpreter is not wanted and wishes to use a friend or family member as an interpreter, ensure that they sign a waiver as specified in the Language Access Policy.

B. Identifying the preferred language

DDS and/or contractor/grantee staff must attempt to identify an LEP/NEP person's preferred language using the following three approaches:

1. Ask the LEP/NEP person and check for an "I Speak" Card.

Staff may ask an LEP/NEP person: "What language do you speak?" or "What language do you speak the best?" If the LEP/NEP person understands and answers the question, and/or displays an "I Speak" Card, the staff shall immediately follow the procedures in part 3.C.2 of this procedure to obtain an interpreter for the preferred language.

2. Use the Language ID Guide.

Language Line provides a guide for identifying a person's preferred language. DDS staff obtain this guide from the Language Access Coordinator (LAC). DDS provides the Language ID Guide to contractor/grantee agencies to be displayed. DDS or contractor/grantee staff shall display the Language ID Guide to LEP/NEP persons who are unable to identify their preferred language in response to a staff member's questions. If the person successfully identifies a language using the guide, staff should follow procedures in part 3.C.2 of this procedure to obtain an interpreter for this language.

3. Call Language Line.

If LEP/NEP persons do not appear able to read or understand the Language ID Guide or are otherwise unable to identify their primary language, staff shall call the Language Line service by following the procedure outlined in part 3.C.2.b



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below. With assistance from Language Line, staff shall attempt to ascertain the LEP/NEP person's language in order to obtain a suitable interpreter.

C. Obtaining an interpreter

Whenever DDS or contractor/grantee staff contact or are contacted by an LEP/NEP person by telephone or in person, the staff shall:

1. Ascertain the LEP/NEP person's English proficiency and primary language as described above; and
2. Ascertain the availability of a bilingual member on the list of staff language facilitators who speaks the non-English language in question.
 - a. If such a bilingual member is immediately available, the DDS or contractor/grantee staff serving as the point of contact shall transfer communication to the bilingual staff.
 - b. If such a bilingual staff member is not immediately available, the DDS contractor/grantee staff serving as the point of contact shall request an interpreter from Language Line by calling the Language Line number (**1-800-367-9559**) and providing the agency's Client ID and/or Access Code. DDS Staff receive this information from the Language Access Coordinator. Contractor/grantee staff can use Language Line provided through their organization's account or an alternative resource for interpretation.

D. Collecting data

DDS shall use the following mechanisms to collect data:

1. Language Line Reports;
2. Reception area or Information desk sign-in sheets that include multilingual language preferences;
3. Flags/tags/specialized labels for LEP/NEP case files within the record management system;
4. Drop down menu for language preference in the customer management tracking software;



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5. Unified tracking form for all field encounters that includes language preference; and
6. Reports from bilingual staff on the number of times they are asked to assist an LEP/NEP individual.

E. Translating vital documents

1. The Language Access Coordinator shall identify and maintain a record of all vital document translations.
2. If a vital document translation is not available on the agency Internet or Intranet websites, DDS staff members shall request a translation of that document by contacting the Language Access Coordinator.
3. Should LEP/NEP persons require a vital document that has not been translated into their primary language, DDS staff shall follow the procedures outlined above to contact Language Line. Staff shall request a sight translation by reading the document to the Language Line interpreter.

F. Written communication

1. If DDS staff receive a letter or other written communication in a non-English language, and the staff is not proficient in that language, the written communication shall be forwarded to the Language Access Coordinator.
2. Within two business days of receiving the letter, the Language Access Coordinator shall respond to the sender with an acknowledgement letter in the sender's language and arrange to have the original correspondence translated into English.
3. Once the written communication is translated into English, the Language Access Coordinator shall forward the English version of the communication to the intended agency recipient for response.
4. The DDS staff responsible for writing the response shall do so and then forward the response to the Language Access Coordinator.
5. The Language Access Coordinator shall arrange to have the response translated into the target language and sent to the staff member who prepared the response.

G. Funded entities and contractors



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DDS shall use the following procedures to ensure that funded entities and contractors hired by the agency comply with the requirements of the Act, according to the same standards required of the agency.

1. Include language access compliance requirements for funded entities and contractors in all Notices of Funding Availability (NOFA) and Requests for Proposal (RFP) issued by DDS.
2. Require that all funded entities and contractors certify in writing that they will meet language access compliance requirements in contracts, memorandums of understanding, or work agreements signed between funded entity/contractor and DDS.
3. Ensure that funded entities and contractors receive language access compliance training through OHR or using training material approved by OHR.
4. Provide guidance on language access compliance to funded entities and contractors by connecting them to translation and interpretation vendors, and by providing them with a clear process for collecting data and for reporting all encounters with LEP/NEP persons to DDS.

H. Screening bilingual staff

To determine the aptitude of bilingual staff who wish to serve as staff language facilitators, the Language Access Coordinator will implement screening via an oral language proficiency test.

4. DDS Roles and Responsibilities

A. Agency Director Responsibilities:

1. Develop (or designate a member or team to develop) a Biennial Language Access Plan (BLAP).
2. Establish (or designate a member or team to establish) procedures for:
 - a. Providing interpretation over the phone and in person;
 - b. Engaging in written communication with LEP/NEP persons;
 - c. Translating vital documents;
 - d. Collecting data on LEP/NEP encounters; and
 - e. Conducting community outreach.



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3. Appoint a Language Access Coordinator responsible for overseeing the agency's BLAP and establish a Language Access Team to assist the LAC.

B. Language Access Coordinator's Responsibilities:

1. Coordinate the development of DDS's Biennial Language Access Plan. Ensure DDS's compliance with the Language Access Act of 2004, Title VI of the Civil Rights Act and corresponding guidelines and regulations for Title VI of the Civil Rights Act.
2. Oversee the implementation of the agency's Biennial Language Access Plan and submit a quarterly progress report to the Language Access Director at the D.C. Office of Human Rights.
3. Provide guidance, advice, resources, and training to DDS staff and contractor/grantees regarding the language access services.
4. Identify and screen bilingual staff to serve as staff language facilitators.
5. Identify and maintain a record of DDS's vital documents.
6. Track, monitor, and investigate public complaints regarding alleged language access violations at DDS.
7. Recommend corrective action for conduct contrary to the Language Access Policy and/or Procedure.
8. Coordinate the formation and activities of a DDS Language Access Team to support implementation of the Biennial Language Access Plan.

C. Language Access Team Responsibilities:

Once formed, the Language Access Team will assist the LAC with data collection, annual reporting, complaints, training of personnel in public contact positions, and other elements of compliance.

The Language Access Team will comprise the following positions at DDS or their designees:



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1. Language Access Coordinator
2. Intake and Outreach Supervisor
3. Operations Program Manager
4. Public Information Specialist
5. Human Capital Administrator
6. DDS Chief of Staff and all Deputy Directors