

## LINGUISTIC AND CULTURAL COMPETENCY GUIDELINES AND ASSURANCE

These Linguistic and Cultural Competency Guidelines and Assurance (LCC Guidelines) are attached to the Community Services Agreement (Agreement) and incorporated into it. Throughout this attachment, DHS is referred to as the Agency.

### SECTION I INTRODUCTION

1.1. Introduction. The purpose of these LCC Guidelines is to improve access to culturally competent programs, services, and activities for Limited English Proficient (LEP) customers, persons who are hard of hearing or Deaf, and persons with low literacy (collectively, the Goal). LEP Customers, as used herein, includes LEP Customers, persons who are hard of hearing or Deaf, and persons with low literacy.

1.2. Linguistic and Cultural Competency Mandate: These LCC Guidelines were developed because the State of Illinois must comply with the Constitution of the United States, Title VI of the Civil Rights Act of 1964, Americans with Disabilities Act of 1990, Americans with Disabilities Act Amendments Act of 2008, Illinois Human Rights Act, the 1970 Constitution of the State of Illinois and any laws, regulations or orders, federal or state, which prohibit discrimination on the grounds of race, sex, color, religion, national origin, age, ancestry, marital status, disability, or the inability to speak or comprehend the English language.

### SECTION II KEY CONCEPTS

2.1. Cultural Competence. A set of behaviors, attitudes and policies in a system, agency or among professionals that affect cross-cultural work, evolving over time.

2.2. Individual Cultural Competence. Acquisition of the values, knowledge, skills and attributes that allows an individual to work appropriately in cross-cultural situations.

2.3. Organizational Cultural Competence. Systems and organizations approve, and in some cases mandate, the incorporation of cultural knowledge into policymaking, infrastructure and practice. An example of an LEP practice would include: requiring written material translated, adapted, and or provided in alternative formats based on needs and preferences of the populations served.

2.4. Language Access. Assuring language access means providing language assistance services, including bilingual personnel and interpreter services, at no cost to each LEP customer, at key points of contact, in a timely manner. Interpretation and translation services must comply with all relevant federal, state and local mandates governing language access. Consumers must engage in evaluation of language access and other communication to ensure quality and satisfaction. Importantly, Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color or national origin including actions that *delay, deny, or provide different* quality services to a particular individual or group of individuals. See Civil Rights Act of 1964, Pub. L. 88-352, July 2, 1964, 78 Stat. 241, as amended.

2.5. Meaningful Access. Providers and their subcontractors, providing services subject to 7 C.F.R. § 272.4(b) are required to take reasonable steps to ensure meaningful access to their services and programs by LEP Customers. Compliance involves the balancing of four factors: 1) the number and proportion of eligible LEP Customers, 2) the

frequency of contact with LEP Customers, 3) the importance or impact of the contact upon the lives of the person(s) served, and 4) the resources available to the organization. This four-factor analysis (LEP Assessment) may be applied to the different types of programs or activities the Provider provides to determine the level of language assistance measures sufficient to assure full compliance or to demonstrate reasonable efforts.

### **SECTION III PLAN**

3.1. Plan Development. Providers are required to develop a plan (the LCC Plan) to meet the Goal, which must include a description of the customer base served by the Provider and an analysis of the four factors discussed in section 2.5, following the LCC Guidelines contained herein. Appendix A provides the plan elements with corresponding indicators of plan compliance. Appendix B provides a guide for drafting the LCC Plan.

3.2. Language Assistance Services. The LCC Plan should explain how the Provider will meet the needs of LEP Customers, either through direct assistance, use of private interpretation services or use of State-funded or other interpretation programs, via both short-term and long-term strategies. For example, a Provider may solicit, through all reasonable and available means, the services of a subcontractor to provide interpretation, translation or other services to assist the Provider in meeting the Goal.

3.3. Personnel Strategies. The LCC Plan should include a description of how the Provider will promote strategies to increase recruitment, hiring, retention, and promotion of personnel with bilingual and bicultural backgrounds representative of the target population served, such as establishing requirements for specific language skills in job descriptions and compensation for bilingual skills or American Sign Language skills.

3.4. Data-Driven Approach. Providers must incorporate data-driven rationale for the approach in its LCC Plan. Providers should collect customer data on race, ethnicity, and primary spoken language to ensure every effort is made to provide consumers with effective, understandable and respectful services provided in the consumers' preferred language and in a manner sensitive to cultural beliefs and practices. Providers should maintain current demographic and cultural profile of the community to plan for services that respond to the cultural and linguistic characteristics of the service area.

3.5. Additional Information. The LCC Plan should include any additional information that will aid the Agency in assessing the Provider's ability to provide access to services for LEP Customers.

3.6. Contract Inclusion. If applicable based on the Provider's customer base, the LCC Plan will include any executed agreements specifying the terms and conditions of the relationship between the Provider and any entity providing language access support to programs, services, and activities to meet the Goal.

3.7. Plan Submission. The Provider shall submit to the Agency its LCC Plan by June 30, 2015.

3.8. Plan Amendments. The Provider may amend the LCC Plan and provide written notice to the DHS of such amendment. The Provider must ensure that any amendments to the LCC Plan do not result in a reduction in access to programs, services, and activities for LEP Customers.

3.9. Plan Implementation. It is expected that once the initial LCC Plan has been submitted to the Agency, in subsequent years, the Provider will submit an annual report detailing progress toward implementation (LCC Plan

Implementation Progress Report) at the time of contract execution, commonly July 1<sup>st</sup>. The LCC Plan Implementation Progress Report shall identify all goals met and describe any efforts made toward meeting additional goals still in progress.

#### **SECTION IV RECORDS AND COMPLIANCE**

4.1. Compliance. Compliance with the LCC Guidelines, as described herein, is an essential part of the Agreement.

4.2. Records. The Provider shall maintain a record of all relevant data with respect to the access of programs, services, and activities by LEP Customers for a period of at least five years after the completion of this Agreement. Complete access to these records, and data reasonably related to a representation by the Provider regarding these LCC Guidelines or the LCC Plan, shall be granted by the Provider upon 48 hours' written notice by the Agency.

4.3. Periodic Review. The Agency may periodically review the Provider's compliance with these LCC Guidelines, its LCC Plan and the terms of its contract. Without limitation, the Provider's failure to cooperate in providing information regarding its compliance with these LCC Guidelines or its LCC Plan, or the provision of false or misleading information or statements concerning compliance, customer base, good faith efforts, or any other material fact or representation shall constitute a material breach of this Agreement and entitle the Agency to declare a default, terminate the contract, or exercise those remedies provided for in the Agreement or at law or in equity.

**APPENDIX A**  
**LINGUISTIC AND CULTURAL COMPETENCE ELEMENTS AND INDICATORS**

This table lists the LCC Guideline elements and the respective indicators, which demonstrate full compliance.

<b>LINGUISTIC AND CULTURAL COMPETENCY ELEMENTS</b>	<b>INDICATORS</b>
<p><b>1. Organizations should have a linguistic and cultural competence plan for the funded program(s) or for the organization as a whole that includes clear goals, outcomes, policies and procedures related to the provision of culturally and linguistically appropriate services.</b></p>	<p>1. The LCC Plan addresses in a meaningful way the guidelines in this document and is consistent with the organization’s mission. 2. The LCC Plan has defined short-term and long-term goals and outcomes that improve services to LEP Customers, persons who are hard of hearing or Deaf, and persons with low literacy. 3. The LCC Plan identifies a staff member responsible for overseeing its implementation.</p>
<p><b>2. Organizations should implement strategies to recruit, retain, and promote at all levels, diverse personnel and leadership that are representative of the service area’s demographic characteristics. Regular staff training should be incorporated as a key element to strengthen cultural competency.</b></p>	<p>1. The LCC Plan demonstrated hiring, retention and promotion of staff of racial and ethnic backgrounds representative of target population served. 2. The LCC Plan notes that personnel at different levels receive ongoing education and training in culturally and linguistically service delivery. 3. The LCC Plan establishes requirements for specific language skills in job descriptions and remuneration for language skills.</p>
<p><b>3. Organizations should provide hearing impaired and language assistance services, including bilingual personnel and interpreter services, at no cost to each LEP Customer, or those who are hard of hearing or Deaf, at key points of contact, in a timely manner that facilitates maximum access to services.</b></p>	<p>1. The LCC Plan includes evidence that appropriate interpretation services are provided to the LEP Customers in a timely manner. 2. The LCC Plan includes an assessment of personnel and interpreters’ ability to effectively communicate in a language other than English or to provide American Sign Language in their specific field of service. 3. The LCC Plan notes that family, friends, or other unlicensed or untested individuals are not used to provide interpretation services.</p>
<p><b>4. Organizations should provide to consumers in their preferred language both verbal and written notices of their right to receive language assistance services that are culturally appropriate.</b></p>	<p>1. The LCC Plan notes that easily understood consumer-related materials and visible notices are posted in languages of commonly encountered groups represented in the service area. 2. The LCC Plan notes that pertinent written, oral, and symbolic consumer materials, including consent forms, statement of rights forms, posters, signs, and audio tape recordings, are available in the language of the consumer, including Braille, and available at all key points of access. 3. The LCC Plan puts quality assurance measures in place to verify accuracy of translated documents.</p>
<p><b>5. Organizations should collect customer data to ensure that every effort is made to provide consumers with effective, understandable and respectful services, provided in the consumer’s preferred language and in a manner sensitive to cultural beliefs and practices.</b></p>	<p>1. The LCC Plan is data driven, based on analysis of verifiable service and demographic data, including the consumers’ self-identified primary spoken language, race, ethnicity, need for language assistance and how language assistance was provided (<i>e.g.</i> on-site interpreter, telephone interpreter, preferred interpreter or brought own interpreter). 2. The LCC Plan uses the data to assess new and emerging community and population needs. 3. The LCC Plan notes that the organization tracks consumer satisfaction with language access services and with sensitivity to consumer culture.</p>

## **APPENDIX B DRAFTING AN LCC PLAN**

Providers must submit an LCC Plan to serve LEP Customers as described above. Providers should include any additional information that will add clarity to the Provider's proposed LCC Plan to provide access to services for LEP Customers

The following is a guide for drafting the LCC Plan submission:

1. Identifying the LEP Customers Who May Need Assistance. Describe the number or proportion of LEP Customers eligible to be served or encountered. Use the four factor analysis to provide an assessment of need and required effort, *i.e.* include the LEP Assessment. As described in section 2.5, the four factors are: 1) the number and proportion of eligible LEP Customers, 2) the frequency of contact with LEP Customers, 3) the importance or impact of the contact upon the lives of the person(s) served, and 4) the resources available to the organization.
2. Organizational or Program LCC Plan. Provide a general description of the linguistic and cultural competence plan for the funded program(s) or for the organization as a whole that includes clear goals, outcomes, policies and procedures related to the provision of culturally and linguistically appropriate services.
3. Diverse Personnel and LCC Training. Describe the strategies used to recruit, retain and promote at all levels, diverse personnel and leadership that are representative of the demographic characteristics of the service area. Provide a list of personnel positions that receive ongoing education and training in culturally and linguistically appropriate service delivery.
4. Language Assistance Measures. Describe any language assistance services, such as bilingual personnel and interpreter services, cost of services, point of accessing the services, and how the services are delivered. Describe efforts and solicitations to secure the services of a Provider to provide interpretation or translation services, or other services (e.g. LCC Provider) that will assist the Provider in meeting the Goal. Describe the use of services from available minority community organizations; minority business groups; local, state, and federal minority business offices; and other organizations that provide assistance in meeting the Goal.
5. Providing Notice to the LEP Customers. Describe practices established to ensure consumers receive both verbal and written notices, in their preferred language, of their right to receive language assistance or American Sign Language services. List any consumer-related materials and signage that are in languages of commonly encountered groups represented in the service area, including the languages in which the materials are available.
6. Quality Assurance. Describe the procedures that ensure that consumers receive effective, understandable and respectful services, provided in the consumer's preferred language and in a manner sensitive to cultural beliefs and practices including a description of data collection procedures.