



MANAGEMENT MEMO

TO: CalHHS Directors and Chief Deputy Directors

FROM: Dan Torres
CalHHS Chief Equity Officer

CC: Mark Ghaly, MD, MPH
CalHHS Secretary

DATE: January 10, 2024

SUBJECT: CalHHS Language Access Policy- **ACTION**

BACKGROUND

On May 22, 2023, CalHHS issued a Language Access Policy requiring, among other actions, the development and adoption of Language Assistance Plans by all CalHHS Departments and Offices.

The purpose of this memorandum is to issue a revised Language Access policy, effective today, to clarify terminology (“Language Assistance Plans” will now be referred to as “Language Access Plans”) and the requirement that Departments and Offices post final, public-facing plans to their websites by June 1, 2024.

CalHHS REVISED POLICY

The goal of this policy is to ensure that CalHHS and its Departments and Offices provide meaningful access to information, programs, benefits, and services to people with limited English proficiency (LEP) and to ensure that language is not a barrier to accessing vital health and social services. This policy also furthers the Governor’s vision to embed equity pursuant to [Executive Order N-16-22](#).

Department-level Language Access Plans

- Each CalHHS Department or Office, regardless of whether it receives federal financial assistance, shall develop and adopt a Language Access Plan that is consistent with the [2002 DOJ Guidance](#) regarding such plans, (DOJ Guidance, 67 F.R. 41455, at 41464-414-65), and if applicable, guidance from the Department or Office's federal funding agencies.
- Plans must address the Title VI four-factor analysis for determining reasonable steps to ensure meaningful access for persons with LEP. The four factors are:
 1. Number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee;
 2. Frequency with which LEP individuals come into contact with the program;
 3. Nature and importance of the program, activity, or service provided by the recipient to its members; and
 4. Resources available to the grantee/recipient and the costs of interpretation/translation services.
- Language Access Plans must also identify and address any language access legal requirements that are specific to the Department's or Office's programs. In engaging in the Title VI four-factor analysis, CalHHS Departments must expressly analyze whether the balance of the four factors requires the provision of additional language assistance over and above the requirements set by the Dymally-Alatorre Bilingual Services Act or other legal requirements specific to the Department's programs, if applicable.
- Each CalHHS Department or Office shall submit to the CalHHS Chief Equity Officer its draft Language Access Plan by **December 1, 2023**.
- Each CalHHS Department or Office shall post its final, public facing Language Access Plan to the Department or Office's website no later than **June 1, 2024**.

- Each CalHHS Department or Office's Language Access Plan shall be reviewed, revised if necessary, and resubmitted to CalHHS every two years. Revisions must address any changes in the Title VI four-factor analysis; whether existing policies and procedures are meeting the needs of persons with LEP; whether staff is sufficiently trained; and whether identified resources for assistance are up-to-date, available, and viable. Reevaluations should incorporate, as appropriate:
 - new programs
 - new legal requirements
 - additional vital documents
 - community input on the Title VI Language Access Plan

Minimum Language Access Standards

The CalHHS Language Access Policy sets the following minimum language access standards for all CalHHS Departments and Offices. Each Department or Office's Language Access Plan must address how it will effectively meet or exceed these standards.

- Interpretation: Each CalHHS Department or Office shall provide free sign language interpretation and oral interpretation services in any spoken language, upon request, for all public contact, including sight translation¹ of vital documents. This requirement shall be fully implemented no later than **January 29, 2024**.
- Translation: Each CalHHS Department or Office shall translate all vital documents intended for use statewide, including essential public website content, into at least the top five threshold languages spoken by persons with limited English proficiency in California, per the most recent available Census data.² Vital documents and essential public website content shall be identified by each Department or Office within its Language Access Plan and pursuant to guidelines provided by CalHHS.

¹ "Sight translation" refers to the practice of an interpreter reading a document written in one language aloud or signed into another language.

² As of the adoption of this policy, the top five languages are: Spanish, Chinese, Tagalog, Vietnamese, and Korean.

- “Vital documents” are vital to program access and include critical outreach materials explaining the availability of services; program applications; notices regarding eligibility or benefits; notices about participant rights and responsibilities; information about the availability of free language assistance services; critical information regarding a declared state of emergency; and hearing notices. Additional documents identified as vital may vary, based on the type of service or program administered, or based on application of the Title VI four-factor analysis. Whether or not a document is "vital" may depend on "the importance of the program, information, encounter, or service involved, and the consequence to the LEP person if the information in question is not provided accurately or in a timely manner." (DOJ Guidance, 67 F.R. 41455, at 41463.)³
- For purposes of this requirement, essential public website content means (1) one or more introductory web pages having basic information about the CalHHS Department and its programs; and (2) non-English language taglines in the threshold languages and ASL advising of the availability of free oral interpretation services and written translations of English-language content.
 - Essential public website content must also be provided in American Sign Language (ASL) video clips.
 - Identification and translation of vital documents and website content into at least the top five threshold languages should begin immediately and be completed no later than **June 1, 2024**.
 - i. The CalHHS Chief Equity Officer may determine that a Department or Office is not in substantial compliance with this requirement based on a review of the total volume of translations required, progress achieved, and ongoing plans for completion.

³ Further guidelines for the identification of vital documents will be provided in the accompanying CalHHS Language Access Plan Guidance.

- CalHHS, through the CalHHS Language Access Work Group, shall reevaluate the list of statewide threshold languages and the feasibility of increasing the total number of threshold languages within one year of adoption of this CalHHS Language Access Policy and a minimum of every two years thereafter.

Guidance and Support

- The CalHHS Language Access Work Group, in consultation with the CalHHS Chief Equity Officer, shall issue guidance to CalHHS Departments and Offices to support the development of their Language Access Plans.
- As noted above, additional funding for interpretation and translation activities is being administered by CDSS, in consultation with the CalHHS Language Access Work Group, including in-house staff and vendor contracts to be housed at CDSS to be made available to supplement CalHHS Departments' existing language services capacity.
- Departments and Offices can reach out to LAP@dss.ca.gov to receive assistance with translation and interpretation needs.

###