



Category/Subject: Language Assistance Plan (LAP) Development
Colorado Policy Guidance Letter#: ADM-2019-05
Revise/Replace PGL#: ADM-2010-01
Date: April 29, 2019
Distribution: CDLE Management/Finance, State/Local Workforce Directors & Staff, Partners

**I. REFERENCES:**

- [Title VI of the Civil Rights Act of 1964, as amended, and Title VI regulations, as set forth in 29 CFR Part 31;](#)
- The Workforce Innovation and Opportunity Act of 2014 (WIOA) and its implementing regulations at 29 Code of Federal Regulations (CFR) Part 38 ([Federal Register Vol. 81, No. 232, Friday, December 2, 2016](#)), specifically 38.9(b), 38.9 (1), 38.9 (2)(i), 38.9 (c), 38.9 (g) (1-3) and (h).
- [Federal Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency;](#)
- [Federal Register Volume 68 Number 103 Pages 32290-32305, Policy Guidance to Federal Financial Assistance Recipients Regarding the Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons;](#)
- [Training and Employment Guidance Letter \(TEGL\) 26-02, Publication of Revised Guidance Regarding the Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient \(LEP\) Persons](#)
- [Policy Guidance Letter #WIOA-2019-01: PY19 Regional-Local Area Plan Modifications](#)

**II. PURPOSE:**

This Policy Guidance Letter (PGL) replaces Language Assistance Services PGL #ADM-2010-01, originally implemented on April 3, 2007; and

- Provides clarification of content and time frames for submittal of local area Language Assistance Plans;
- Identifies instructions and resources for biannual data collection and assessment; and
- Deletes outdated information.

This PGL provides guidance and identifies key provisions for developing a Language Assistance Plan (LAP) that ensure meaningful access to Federal programs by limited English proficient (LEP) individuals. Local workforce areas are required to submit to the State a new 2-year LAP biannually by the first business day of June, and an updated plan for the second year of this biannual plan. **(The first new 2-year plan is due Monday, June 3, 2019, and the update to this plan will be due in June of 2020)**

The purpose of the Language Assistance Plan is to provide a clear framework for local areas to develop a written plan and provide a roadmap for establishing and documenting compliance with non-discrimination obligations and ensuring individuals receive the necessary assistance to participate in programs and activities.

### **III. BACKGROUND:**

On August 11, 2000, Federal Executive Order 13166 entitled, “Improving Access to Services for Persons with Limited English Proficiency” was issued (see <https://www.lep.gov/>). This Executive Order was created to improve access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited in their use of the English language.

This Policy Guidance Letter was originally issued to ensure that workforce areas are taking reasonable steps to provide “meaningful access” to their workforce programs and services by limited English proficient individuals. “Meaningful access” means that a person

- Is given adequate information;
- Can understand the services and benefits available;
- Can receive the services for which he or she is eligible; and,
- Can communicate the relevant circumstances of his or her situation enough to access services needed.

### **IV. POLICY/ACTION:**

Beginning June 2019, and by the first business day of June every other year thereafter, each local workforce area shall submit and implement a local LAP or updated plan to the State. Developing the local LAP shall include the following steps:

1. **Needs Assessment:** On a biannual basis, each local area must assess its populations to determine the language needs of individuals who may seek to participate in the local area’s programs and activities, as follows:
  - a. Local areas must determine the three most common non-English languages spoken in their local area, and may include surrounding areas if customers from those areas commonly access services at their centers.
  - b. Local areas may use the American Community Survey data to identify the three most common non-English languages spoken in their area. (The most recent data indicates Spanish, Korean and Vietnamese are the most common languages after English on a statewide level.) Another useful tool that can help find the concentration of and languages spoken by LEP individuals in a community can be viewed on [The Civil Rights Division’s Language Map App](#).
  - c. Needs Assessment may also include data gathering from the following sources:
    - Use of available and current Census data
    - Use of Census based projections
    - State generated labor market information
    - Information provided by community based organizations, faith-based organizations, local school systems, and/or workforce development system partners

- Connecting Colorado data identifying the language assistance needs of individuals seeking services shall be used for the purpose of comparing the actual population data to the number of English Language Learners (ELL) customers served in that workforce area.
2. **Results of the Assessment:** In the LAP, include a report analyzing the data collected and identifying the language groups that warrant language assistance services. At a minimum the report must include:
    - a. Statistics of known populations in the area that speak languages other than English
    - b. Statistics of workforce center customers served during prior program year that speak languages other than English, and the percentage of the total customers served that each group represents
    - c. A determination of which populations in the area (and their non-English language) that meet the minimum numbers that would require translation, interpretation, and outreach services pursuant to the [Safe Harbor Provisions of Federal Register, 5/29/2003, pages 32290-32291](#) (Note: An error comes up when you click the link, but click OK and the document comes up.)
    - d. Other data about these populations that may impact the delivery of language assistance services.
  3. **Language Assistance Services:** In the LAP, identify the type(s) of language services that will be provided and the manner in which staff will advise the availability of such services to Limited English Proficient (LEP) individuals.
    - a. There are **two** primary types of language assistance services:
      - **Oral** language assistance service may come in the form of "in-language" communication (a demonstrably qualified bilingual staff member communicating directly in an LEP person's language) or interpreting. Interpretation can take place in-person, through a telephonic interpreter, or via internet or video interpreting. An interpreter is a person who renders a message spoken in one language into one or more languages. An interpreter must be competent and have knowledge in both languages of the relevant terms or concepts particular to the program or activity and the dialect and terminology used by the LEP individual. Depending upon the circumstances, language assistance services may call upon interpreters to provide simultaneous interpretation of proceedings so that an LEP person understands what is happening in that proceeding, or to interpret an interview or conversation with an LEP person in a consecutive fashion. Interpreter competency requires more than self-identification as bilingual. "Some bilingual staff and community volunteers, for instance, may be able to communicate effectively in a different language when communicating information directly in that language, but may not be competent to interpret in and out of English."
      - **Written:** Translation is the replacement of written text from one language into another. A translator also must be qualified and trained.
    - b. Include the following in your description of services and how staff will advise LEP individuals of the availability of services:
      - Describe the current policies, procedures, and resources currently in place to provide language assistance services.
      - List the vital documents that have already been translated into other languages
      - Describe how the local area responds to language assistance needs of customers at the first point of contact, whether in writing, by phone, or in person.

- Describe the methods used to communicate the availability of language assistance services to LEP individuals
  - Describe the language assistance services currently available to LEP customers who are seeking any level of career and/or training services.
4. **Requesting Language Assistance Services:** In the LAP, describe the process/steps that customers should take to request language assistance services.
  5. **Enhancing or Expanding Language Assistance Services:** In the LAP, list the steps that the local area will be taking to expand or enhance language assistance services, including:
    - a. Creating or modifying policy documents, employee manuals, or procedures, employee training materials, posters, web sites, outreach materials, contracts, and electronic and information technologies, applications, or adaptations.
    - b. Identifying additional vital, also referenced as “significant,” written documents to be translated, including any documents that are required to move through the services provided by the local workforce area.

*Note: The statewide working group, Career and Training Services Group (CTSG) me recommends considering the following documents as significant and recommends translation (written): Immigration Affidavit, Equal Opportunity is the Law, Complaint Procedures, Self-Attestation and Release of Information. The CTSG further recommends the use of interpretation (verbally) services, rather than translation of WIOA Program Application due to the form being an electronically-generated form in Connecting Colorado.*

*Note: The state will take responsibility for translating the Immigration Affidavit. The poster for Equal Opportunity is the Law is translated into several languages and is available at <https://www.dol.gov/oasam/programs/crc/EOPosters.htm> If the language you need is not available, the state will take responsibility for having the poster translated.*

- c. Identifying the steps that are being taken to ensure these significant documents are made available in the languages identified in item #2 above.
  - d. Describing any other enhancements or additions to language assistance services that are being planned.
6. **Outreach Efforts:** In the LAP, specifically address each of the following items:
  - a. How is your local area providing outreach to potential LEP customers and to what LEP groups?
  - b. What plans does your local area have to increase outreach to LEP customers?
  - c. What partnerships and/or community resources is your local area accessing to serve LEP customers?
7. **Staff Training:** In the LAP, describe the training that has been or will be provided in which staff will be trained to the adherence and practice of the local LAP Plan. Please include the following considerations:
  - a. How do staff know where to access language assistance resources and language interpretation and translation services?
  - b. Have staff been informed about the exchange of interpretation services available among workforce staff statewide?
  - c. What steps do you plan to take, and by when, to make workforce area staff more aware of resources available?

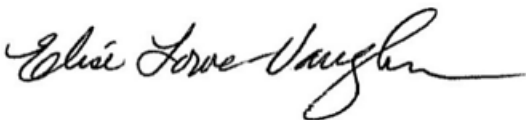
- d. Is language assistance training included as part of new employee orientations?
  - e. Are training related documents posted on in easily accessible location and/or on a well-publicized website?
8. **Documentation of Services:** In the LAP, describe the manner in which the local area will document the provision of language assistance services.
9. **Monitoring and Evaluation:** In the LAP,
- a. Identify the steps the local area will take to ensure and monitor compliance with the LAP
  - b. Include a copy of the LAP monitoring instrument
  - c. Describe the local area’s process for obtaining customer satisfaction data re: LAP services/training, etc. from stakeholders, customers, and employees
10. **LAP Coordinator:** In the LAP, identify the individual(s) assigned to oversee implementation of the local area’s LAP plan. Include name, title, and contact information.
11. **Submitting the Plan:** The Language Assistance Plan (or plan modification) is to be submitted electronically to the three Regional Liaisons as part of the annual local area compliance plan modification. See PGL # WIOA-2019-01 for complete instructions. **(The first new 2-year plan is due Monday, June 3, 2019, and the update to this plan will be due in June of 2020.)**
12. **Additional Resources for Completing and Implementing the LAP**
- a. The CDLE EO Officer is a training resource and has a network of resources including the National Association of State Workforce Agencies (NASWA) EO Officers. He can be contacted at [scott.bowers@state.co.us](mailto:scott.bowers@state.co.us)
  - b. The e-Colorado.org “Colorado Workforce Speaks” team room with LEP resources can still be accessed, but the information in the team has not been updated in several years. The most current information can be found on any of the active internet links that reside within the team room.

V. **IMPLEMENTATION DATE:**

Upon receipt of this Policy Guidance Letter.

VI. **INQUIRIES:**

Please direct any inquiries to your Regional Liaison at Workforce Development Programs.



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