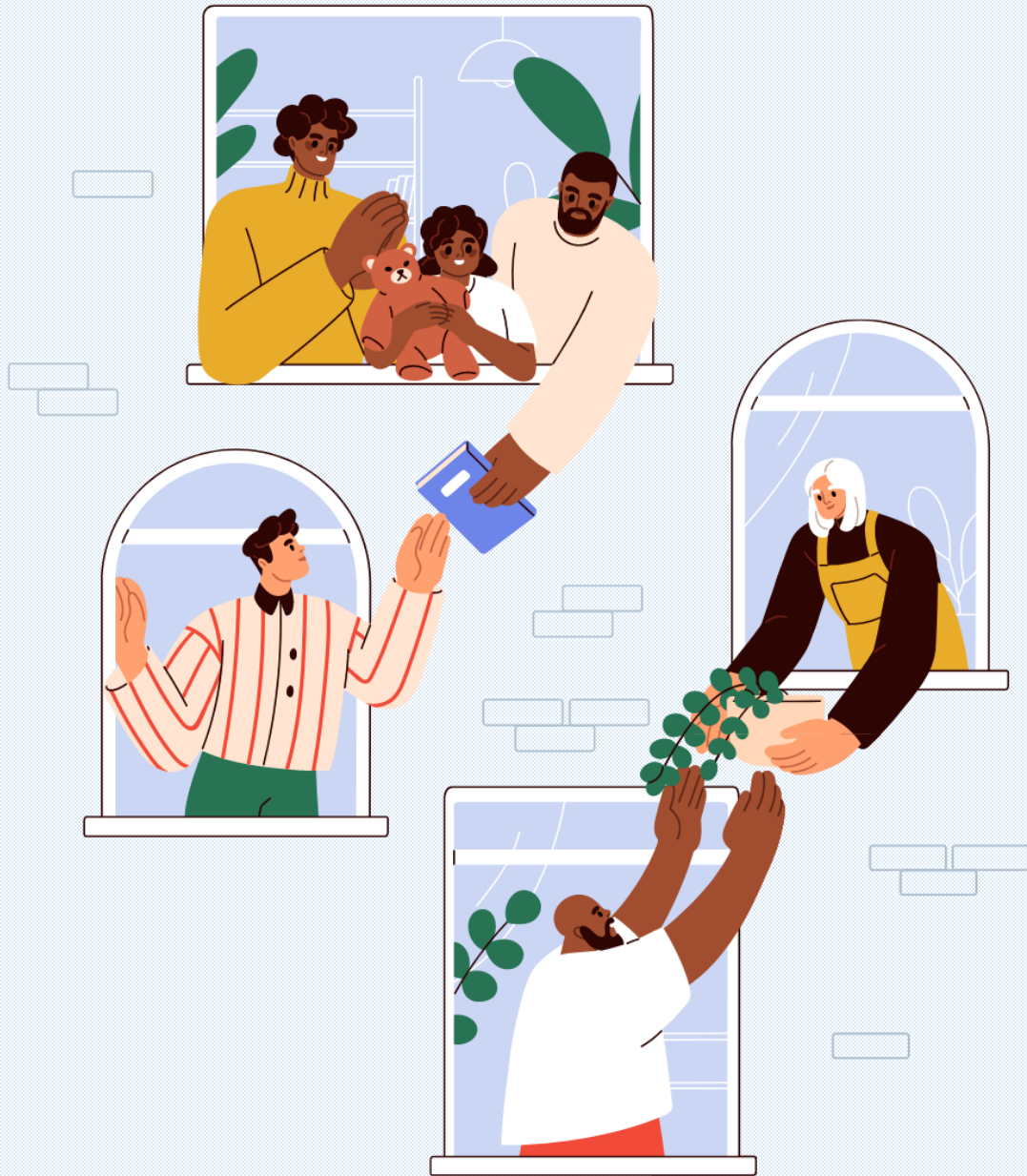




Language Access Testing

A New Tool for Evaluating
Government Agencies and Improving
Services for LEP Residents."



Introductions

Elias Cohn



- Equal Rights Center - Strategic Initiatives Specialist
- Develop civil rights investigation strategies outside of fair housing and disability access areas
- Manage language access testing investigations of government agencies and other service providers

Mission of the ERC

The Equal Rights Center (ERC) advances equal access, opportunity, and fair treatment so individuals and communities can thrive



What type of organization do you work for?



- a) Statewide Human Rights Agency
- b) City or County Human Rights Agency
- c) Other government agency
- d) Non-profit organization
- e) Other



My community...

- a) Has a language access law.
- b) Is considering a language access bill.
- c) Hopes to pass a language access bill in the future.



Objectives



- Understand language access testing
- Identify ways that language access testing can be used to further civil rights advocacy and enforcement
- Strategize regarding how language access testing could be beneficial in our local communities



Language Access

Language Access



- People with Limited English Proficiency (LEP) should have equal access to services, programs and activities as those who speak, read, and write English.



District Residents with Limited English Proficiency



- **19.1% of the households in DC reported primarily speaking a non-English language at home**

	2010	2019	2024
Total Population of DC	572,000	660,000	663,000
LEP Population in DC	24,000	34,000	45,000
LEP % of total Population in DC	4.2%	5.2%	6.8%

*Source: [Migration Policy Institute \(MPI\) tabulation of the U.S. Census Bureau's Decennial Censuses and 2010-2024 American Community Surveys](#)

Diversity of non-English languages spoken in DC households (2024)*



*Image source: [DC | Data USA](#)

Language Access Laws



- Federal laws,
 - Title VI of the Civil Rights Act of 1964
 - Section 1557 of the Affordable Care Act
- Local Language Access laws
 - In our service area, this includes the District of Columbia and Prince George's County, MD



DC Language Access Act



District residents with Limited English Proficiency can request a service from city government agencies and have a right to:

- Request and receive interpretation at no charge.
- Request and receive vital documents in their language at no charge.
- Make a complaint to the DC Office of Human Rights (DCOHR) if denied any service at a DC government agency.

Language Access Resources



- Telephonic Interpretation Services
 - Example: Language Line Solutions (LLS)
- Bilingual/Multilingual staff
- Professional interpretation services

Local Language Access Laws



- Requires various local government agencies to provide equivalent information and services regardless of whether an individual communicates in English

Laws may include additional provisions, such as:

- Enforcement,
- Compliance monitoring,
- Technical assistance, and
- Community engagement

By a show of hands...



If you live in a community with a language access law, does that law include...

- a) An enforcement provision?
- b) Compliance monitoring?
- c) Technical assistance?
- d) Community engagement?
- e) Other important provisions we haven't mentioned? Raise your hand if you want to share!





Language Access Testing

Civil Rights Testing



- Usually includes one or more people covertly engaging in a housing-related transaction or interaction
- Effective, objective, and credible investigative tool to collect data about discrimination in our communities



Civil Rights Testing



- Civil rights testing can include testing for discrimination or for other differences of treatment in interactions with various entities, including
 - Housing,
 - Employment,
 - Public accommodations,
 - Institutions of education, and
 - Government agencies.

Civil Rights Testing



Language Access Testing



- Bilingual, multilingual testers pose as individuals with Limited English Proficiency
- Testers contact an agency, program, or service to request information in another language and document their experiences

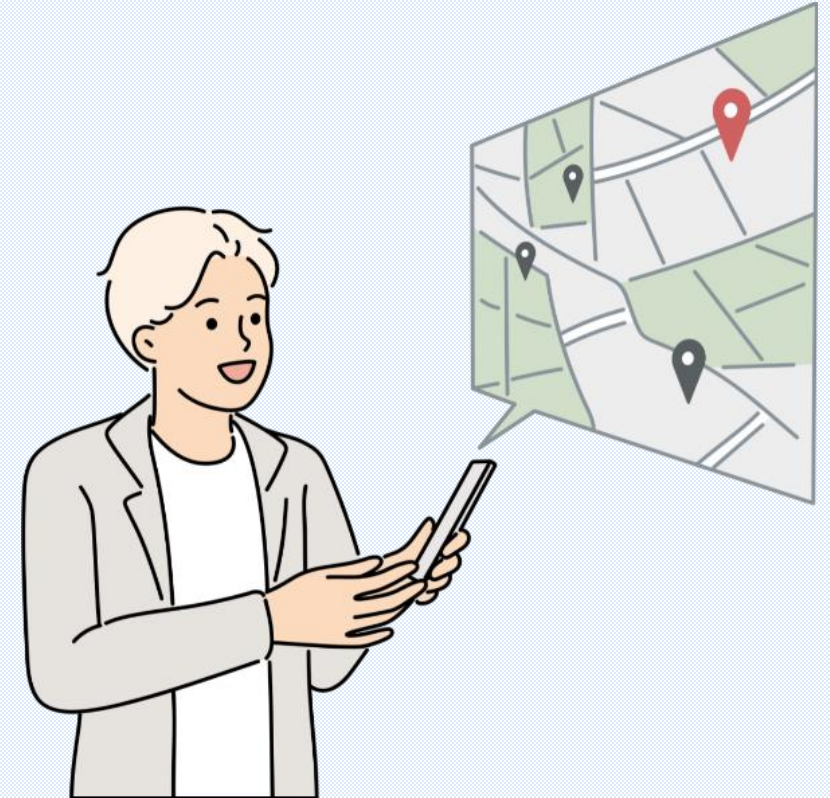


Language Access Testing



Language access can be conducted of a variety of entities, including:

- Government agencies,
- Housing providers and services,
- Hospitals and medical centers, and
- Other public accommodations,



By a show of hands...

- Has your agency ever conducted language access testing?



Language Access Testing



Testing can produce important data regarding language access compliance, including:

- Attempted interpretation rate
- Successful Interpretation rate
- Wait times
- Access to translated Documents
- Language Access Signage
- Navigation of automated phone systems
- Employee conduct
- Comparison to previous testing

Language Access Testing



- ERC language access testers speak:
 - Amharic
 - Arabic
 - Chinese (Mandarin)
 - French
 - Korean
 - Spanish
 - Vietnamese



Language Access Testing



Past ERC partnerships and language access investigations have included:

- ERC Investigation - Access to COVID-19 resources
- DC Office of Human Rights – DC Language Access Act Compliance
- Many Languages One Voice – access to vaccination services
- Columbia Legal Services – hospital testing in Washington State

“Navigating a Pandemic” 2020 Testing Report



In spring 2020, the ERC used matched pair testing to investigate whether individuals with limited English proficiency in the Washington, DC region could obtain information about COVID-19 testing.



“Navigating a Pandemic” 2020 Testing Report



- 37 phone tests
- During each phone test, 3 ERC testers called a target site:
 - one tester only spoke English,
 - one tester bilingual in English and Spanish posed as only being able to communicate in Spanish, and
 - one tester bilingual in English and another, less commonly spoken language, posed as only being able to communicate in that language.



“Navigating a Pandemic” Testing Methodology



- Bilingual testers, posing as LEP consumers, first communicated their need for language interpretation by stating “No English” and then their assigned language (eg., “No, English, Spanish”).
- The English-speaking testers and the bilingual testers who received language interpretation then stated that they were calling on behalf of a relative who was experiencing symptoms consistent with COVID-19, did not have a primary care provider, and wanted information about where to get tested for COVID-19.
- After each call, each tester submitted a detailed written report about their interaction. ERC test coordinators then closely analyzed test reports to determine the prevalence and nature of language access barriers.

“Navigating a Pandemic” Testing Results



- Non-English-speaking testers only received language interpretation in 65% of calls they made.
- In 21 out of the 74 calls (28%), an employee explicitly told the tester that they would not provide interpretation.

“This would not be a good setting for someone who does not speak English.”

“Navigating a Pandemic” Testing Results



In some cases, employees attempted to provide interpretation but were unsuccessful.

Examples included...

- the employee could not identify the caller's language,
- could not reach a telephonic interpretation service, and/or
- could not locate an available bilingual employee at the time the tester called.

“

Agent: “Would you mind calling back at 1:30 for a Spanish speaker?”

Tester: “Amharic.”

Agent: “Call back at 1:30 for Spanish.”

”

“Navigating a Pandemic” Testing Results



- In 28 out of the 37 sites tested (76%), testers had to navigate automated menus to speak to a live employee.
- 18 of these automated menus offered options only in English.
- 9 offered options in English and Spanish.
- 1 offered options in English, Spanish, and Amharic.

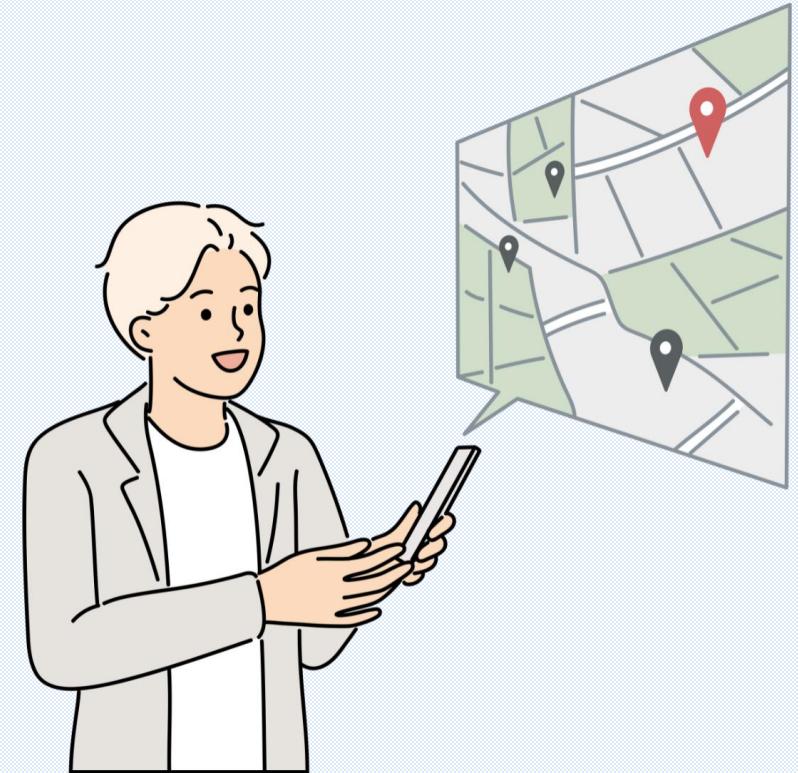


Using Language Access Testing Results

Language Access Testing



- Resource-effective way to proactively address language access barriers before individuals experience harm
- Provides a broader, more comprehensive picture of issues LEP residents are facing
- Removes the burden of individual victims of discrimination to bear the responsibility for reporting it



Language Access Testing



- Testing not only identifies whether a particular agency or program is not meeting its language access obligations but also pinpoints specific language access barriers that can be remedied and might otherwise be difficult to identify.



Other Barriers Identified by Testing



- Employees **refuse** to provide interpretation
- Employees are **unable** to provide interpretation
- Unnavigable phone trees
- Security checkpoints
- Availability of translated documents
- Issues with specific languages

How Can Testing Results Be Used?



Take a look at a sample language access report and discuss the following at your table:

- What information about compliance with the Language Access Act can you get from these reports?
- How would you investigate an agency after receiving this kind of report?
- If your agency accepts language access complaints from the public, how do these reports compare to complaints that your agency has received?

DC Language Access Act



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- Request and receive vital documents in their language at no charge.
- Make a complaint if denied any service at a DC government agency.

How Can Testing Results Be Used?



Civil rights testing is a valuable tool for:

- Educating the public
- Supporting policy advocacy
- Training businesses
- Enforcing the law

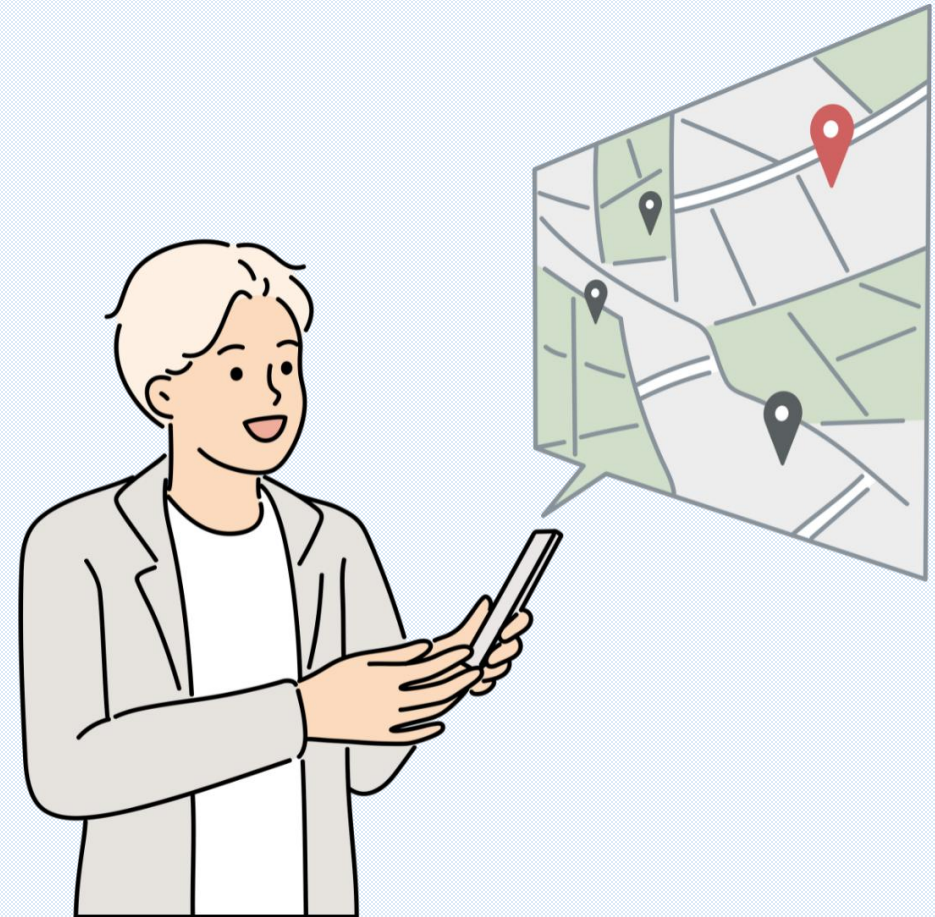


Language Access Testing: DC OHR

Since 2017, ERC has conducted **1,725 tests**, including

- **606** In-Person tests
- **1,119** Phone tests
- **30** different agencies
- **148** different subagencies, divisions, and contractors

in partnership with the DC Office of Human Rights, as part of OHR's compliance monitoring of the DC Language Access Act.



DC Language Access Compliance Reports

- The DC Office of Human Rights produces annual Language Access Compliance Reports.
- The report includes cases docketed under the law and provides language access compliance scorecards for 38 agencies with major public contact.



2024 DC Language Access Compliance Report



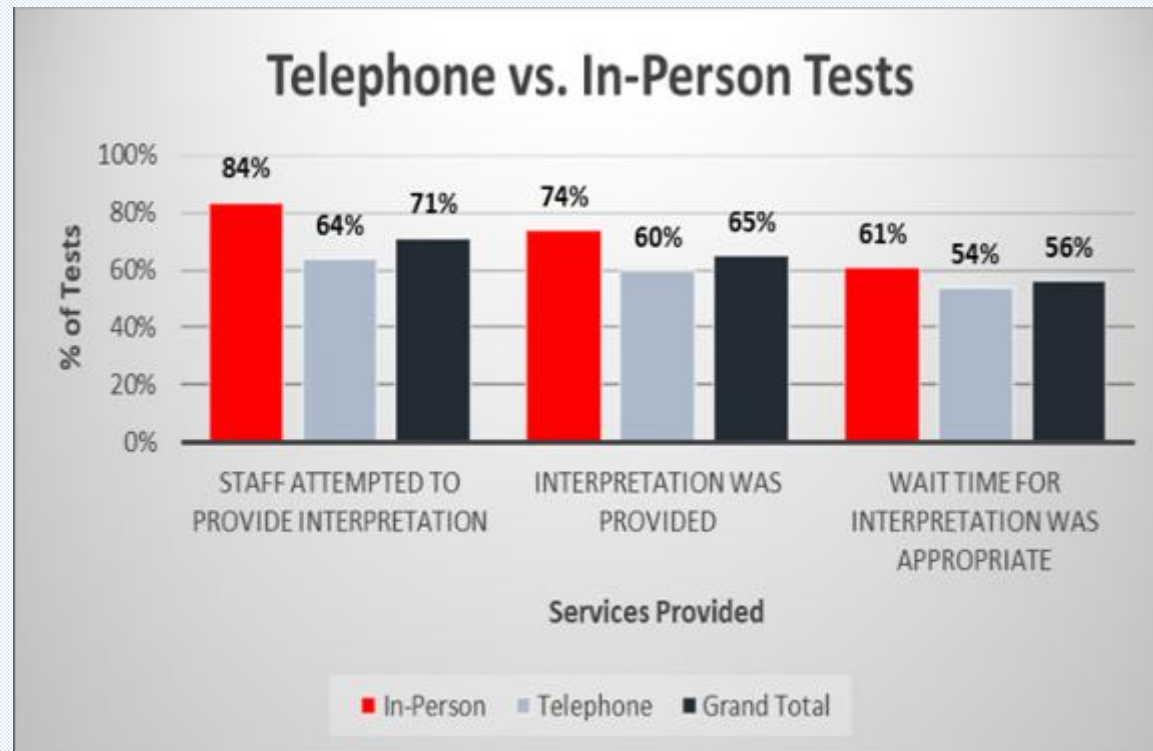
- In FY2024, OHR partnered with the ERC to conduct 102 telephone tests and 61 in-person tests to assess agency compliance with Language Access Act

Explanation of Interpretation Rates and Scores

Rubric for Scoring Phone and In-Person Tests	Possible Points ¹⁵
Did an agency employee attempt to provide access to interpretation services?	2
Did the tester receive information and/or referrals from a qualified interpreter in their test language in response to the scenario question?	2
Was the wait time for interpretation services appropriate? ¹⁶	2
Total Possible Score:	6

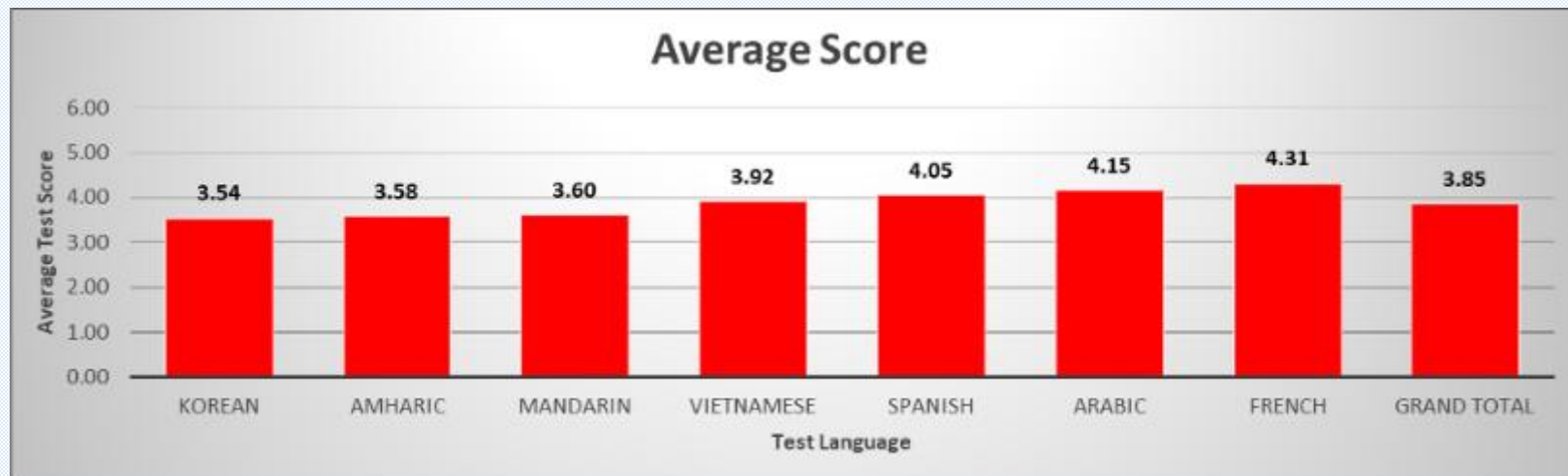
How long did a tester have to wait to speak with:	Bilingual Employee or In-person Interpreter	Language Line Solutions
In-person test	10 minutes or less	5 minutes or less
Phone test	7 minutes or less	5 minutes or less

2024 DC Language Access Compliance Report



[FY2024 Language Access Compliance Report from the DC Office of Human Rights](#)

2024 DC Language Access Compliance Report



[FY2024 Language Access Compliance Report from the DC Office of Human Rights](#)

2024 DC Language Access Compliance Report



Table 4.1: Agencies Ranked by Score

Name of Agency	Total Tests Conducted (# of Tests)	Total Tests in which agency provided interpretation (# of Tests)	Staff attempted to provide interpretation (% Tests)	Staff Successfully provided Interpretation (% Tests)	Wait Time for Interpretation Was Appropriate (% Tests)	AVERAGE Score (Points)
Department of Behavioral Health (DBH)	4	0	0%	0%	0%	0.00
Department of General Services (DGS)	4	0	25%	0%	0%	0.50
Department of Small and Local Business Development (DSLBD)	8	1	13%	13%	0%	0.50
Child & Family Services Agency (CFSA)	4	1	25%	25%	25%	1.50
Department of Parks and Recreation (DPR)	16	6	44%	38%	31%	2.25
Department of Aging and Community Living (DACL)	4	1	100%	25%	25%	3.00
Department of Human Services (DHS)	26	14	62%	54%	46%	3.23
District of Columbia Housing Authority (DCHA)	9	5	56%	56%	56%	3.33
Department of Health (DC HEALTH)	15	11	80%	73%	60%	4.27
Department of Healthcare Finance (DHCF)	7	5	71%	71%	71%	4.29
Department of Motor Vehicles (DMV)	7	5	100%	71%	57%	4.57

2024 DC Language Access Compliance Report



Average Field-Testing Scores

Agency	Acronym	FY 2024	FY 2023	FY 2022
Alcohol Beverage and Cannabis Administration	ABCA	5.50/6.00	2.00/6.00	3.33/6.00
Child & Family Services Agency	CFSA	1.50/6.00	2.00/6.00	0.57/6.00
Department of Aging and Community Living	DACL	3.00/6.00	N/A	5.33/6.00
Department of Behavioral Health	DBH	0.00/6.00	0.00/6.00	N/A
Department of Buildings (formerly the Department of Consumer and Regulatory Affairs)	DOB	5.63/6.00	N/A	N/A
Department of Corrections	DOC	N/A	N/A	6.00/6.00
Department of Licensing and Consumer Protection (formerly the Department of Consumer and Regulatory Affairs)	DLCP	5.73/6.00	4.80/6.00	3.56/6.00
Department of Health	DC HEALTH	4.27/6.00	2.55/6.00	3.45/6.00
District of Columbia Housing Authority	DCHA	3.33/6.00	2.67/6.00	2.00/6.00

Testing as a Public Advocacy Tool



- Encouraged policy and culture shifts to ensure language didn't serve as a public health barrier.
- Recommendations included:
 - Commit to a culture that values language access
 - Ensure that employees have the appropriate resources and training to provide effective language access
 - Consult with the experts



Access Denied: 2017 Report on Washington's Charity Care System



- Columbia Legal Services (CLS) in Washington state partnered with the ERC to do matched-pair language access testing
- Testing examined how hospitals responded when Spanish-speakers requested charity care information, compared to how they responded to English-speakers making the same request.

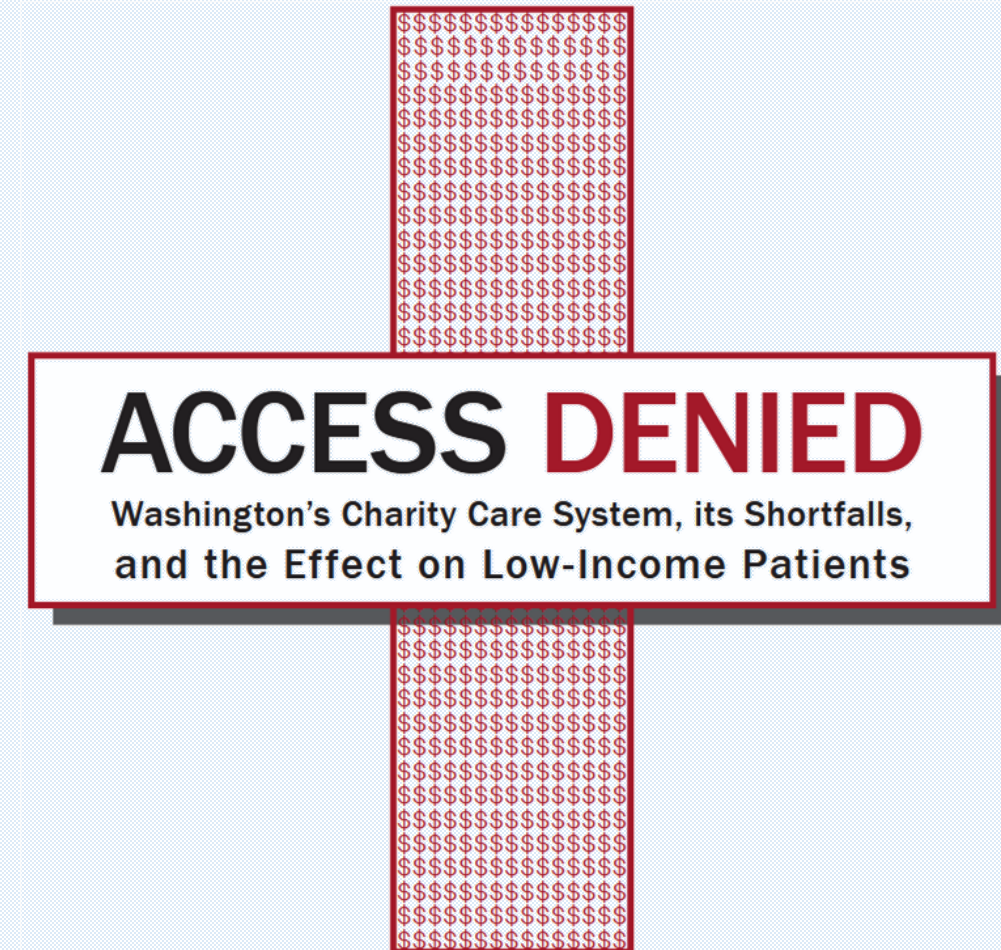
ACCESS DENIED

Washington's Charity Care System, its Shortfalls,
and the Effect on Low-Income Patients

Access Denied: 2017 Report on Washington's Charity Care System



- CLS released a report identifying language access barriers in hospitals based on ERC testing and CLS client experiences.
- The report outlined policy recommendations to fix identified language access barriers.
- CLS spearheaded a campaign to increase access to charity care and sent letters to 12 hospitals outlining report findings.



Using Testing Results



- Do you work at an agency that has conducted language access testing before?
- How has your agency utilized language access testing results?
- If your agency hasn't conducted language access testing before, how could you see it helping you to carry out your agency's mission?



Questions?



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