



REFUGEE
ADVOCACY **LAB**

LANGUAGE ACCESS POLICY: PRECEDENT AND POSSIBILITIES IN U.S. STATES, COUNTIES, AND CITIES





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Introduction

More than 21 million people speaking at least 350 languages across the United States are limited English proficient (or LEP), meaning they are not fluent in English. LEP individuals are invaluable members of our communities and represent, in many ways, the best of the United States: our diversity, our courage, and our perseverance.

For these 21 million people, language barriers can pose a substantial obstacle to accessing public services and resources, including emergency services, legal services, education, and health care. Language access helps bridge this gap. By connecting LEP individuals with the services and institutions they need to thrive, language access facilitates the inclusion, wellbeing, safety, and success of our communities.

Mandated by federal requirements and judicial precedent—including [Title VI of the Civil Rights Act](#), [Executive Order 13166](#), and [Lau v. Nichols](#), among others—language access is a fundamental aspect of civil rights and a prerequisite to functional public policy. Communities and local governments across the United States—from towns as small as Brighton in Michigan, to cities as large as New York City—have successfully implemented language access policies to make sure LEP individuals in their communities can access public services.

This document details a “Language Access Policy Menu,” which offers advocates a comprehensive analysis of language access policies, including their successes and failures, and suggests strategy and policy language best practices for implementing language access on the city, county, and state level. Whether policy recommendations or strategy highlights, the best practices available in this document were chosen for their measurable impact, inclusivity, and depth.

Successful language access policy and strategy is:

Inclusive:

- Ensures language access for all LEP individuals regardless of the frequency of their primary language in a particular geographic area or service population.
- Built with accommodations for LEP individuals with limited literacy, or whose primary language does not have a written form.
- Removes digital and arbitrary barriers for language access.
- Reflects the service needs of impacted communities.

Comprehensive:

- Defined within explicit, inclusionary, and technologically aware terms.

Impactful:

- Developed with clear implementation and enforcement strategies within policy language and practices.
- Accountable through data collection processes (i.e., tracking communities served) and public posting.

Editor's Note:

Throughout this document we refer to the Executive and Legislative Branches.

The Executive Branch of government is responsible for “executing” the law.. Executives include Governors, Mayors, and County Chairs. The executive branch has authority over government agencies such as emergency services– police departments, etc.– and other state agencies. Executives have many powers, one of which is the ability to issue an executive order– which directs state agencies or other organizations subject to the order to fulfill a certain policy.

The Legislative branch “legislates” – they create and vote on laws. Legislators include State Senators, City Councilmembers, and County Commissioners.

State-Level Language Access Policies

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State-level language access policies establish a clear context and administrative structure for language access. Through executive or legislative action, state-level policies connect LEP individuals with imperative state services and establish assurance, implementation, and supervisory protocols to ensure the efficacy and validity of language access. These policies are expressly beneficial in establishing language access policy apparatuses, ensuring funding, and mandating policy adherence.

We recommend pursuing state legislation or executive action if:

1. a state does not have existing language access policy or plan;
2. administrative oversight and technical expertise are required for language access implementation;
3. state agencies, counties, or other municipalities ubiquitously fail to offer language access services; or
4. additional funding is needed to support state-wide efforts.

As with all strategic advocacy considerations, it is important to match political dynamics and policy goals; very simply, local realities dictate language access conversations. Whether your state is at the early stages of broadening language access—where re-writing English-only policies might be the primary advocacy goal—or if your state is already actively providing language access, it is crucial to remember the validity and value of incremental change. As exemplified throughout this menu, language access is often built through successive attempts to expand policy consciousness and practice. Incremental wins structure an important political and discursive environment for future policy.

Executive Branch and State Agencies

- **Executive Orders** in states and territories including [Guam](#) and New York ([2021](#) & [2011](#)) have been utilized, through the administrative power of the executive branch, to
 - mandate language access plans for state agencies and establish guidelines for said plans;

- require the translation of vital documents and emergency information;
- compel state agencies to provide interpretation services; and
- affirm the rights of multilingual individuals and the immense value—both financial and social—that multilingual individuals contribute to the state.
- Several states, including Hawai`i, Illinois, Washington, have established state agencies, councils, and offices in support of, or responsible for, language access. These agencies vary in mandate and scope; however, each agency is dedicated to ensuring meaningful access to services, programs, and activities for LEP individuals.
- *Strategy & Language Spotlight*
 - **Strengths:**
 - **Utilizing the Power of the Executive:** Guam, Hawai`i, and New York, among others, have successfully utilized the administrative and directive power of the executive branch to establish innovative language access policies and programs. Lessons garnered in these states and territories—namely, the power of executive level language access policy and programs—can be applied elsewhere.
 - **Limitations:**
 - **Limiting Language Access to Frequent Languages:** New York’s two executive orders (2021 & 2011) fail to stipulate language access services for the entire LEP population. Focusing on the ten (2021) and six (2011) most frequent languages spoken by LEPs excludes LEP individuals who speak less frequently occurring or uncommon languages, including refugee communities. While services for commonly spoken languages may, and can, look different than services for less frequently spoken languages, federal guidelines require a plan be in place to provide services to LEP individuals who speak less frequent languages. With the instant availability and relative affordability of translation and interpretation services in nearly every language with modern technology, limiting LEP services due to the frequency of the required language is both arbitrary and obsolete. This, as evident throughout this document, is a continual issue in language access policy. Simply, **meaningful language access includes the entire LEP population, regardless of the frequency of their primary language.**

Legislative

- Language access is a **legislative priority** for multiple states and can be found in state codes across the nation. Some ‘best practices’ include:
 - **Mandating Language Access Plans:** Hawai`i’s HRS 321C, which requires state agencies to develop language access plans, provide oral interpretation, and translate vital documents. Logistically, HRS 321C establishes the Office of Language Access and the Language Access Advisory Council.
 - **Defining and Accounting for Reasonable Steps:** Maryland’s State Code, Section 10-1103, mandates state agencies, departments, and programs take reasonable steps to provide equal access to public services for individuals with limited English proficiency. An important note: defining reasonable steps is often a precarious policy/advocacy point. It is important that policy documents define explicitly the reasonable steps they ensure, especially in light of modern technological advancement.

- The Department of Justice issued policy guidance (the DOJ guidance)¹ to all agencies receiving federal funding, noting that the failure to provide meaningful access to services for LEP applicants may be discrimination on the basis of national origin. To that end, the DOJ set out a four-part balancing test for assessing meaningful access to a recipient's programs and activities by LEP persons:
 - The number or proportion of LEP individuals eligible to be served or likely to be encountered by the program or grantee
 - The frequency of contact of LEP individuals with the program or activity. Again, even if LEP individuals utilize a program or activity infrequently, agencies and programs should still be prepared to address what is required of them if an LEP individual seeks services under the program in question.
 - The nature and importance of the program– more affirmative steps must be taken in programs where language access is most crucial: i.e., the obligations of a hospital are different than a recreational program.
 - The resources available– an agency with limited resources does not have the same requirements for meaningful access as a better equipped organization. Agencies, despite their resources, are still required to provide language access that is proportionate to their means, especially given the proliferation of inexpensive technological advancements in translation.
- Language Access and Healthcare
 - Per federal laws including Section 1557 of the Affordable Care Act, the Hill-Burton Act, and the Emergency Medical Treatment and Active Labor Act, states are required to **link language access and the provision of health care**. In fact, every state addresses language access in relation to healthcare– insurance, hospitals, emergency services, etc.– for a complete list of state policies see the “Summary of State Law Requirements Addressing Language Needs in Health Care” from the National Health Law Program. Some examples include:
 - Arizona’s Administrative Code § R9-10-403 requires health care institutions to ensure that language barriers do not prevent each patient or patient’s representative from becoming aware of patient’s rights
 - Tennessee’s Code Ann. § 37-5-126(a) requires children’s mental health care be both culturally and linguistically competent.
 - Washington’s Governor’s Interagency Council on Health Disparities, which recommended the state adopt language access policies and plans.
 - Nevada’s S.B. 318, which is linked to, specifically, language access during the COVID-19 pandemic and, more broadly, language access in Nevada as a whole.
- *Strategy and Language Spotlight*
 - **Installing Implementation Measures:** California’s lengthy history of language access provision is documented in the state’s Dymally-Alatorre Bilingual Services Act. Originally created in 1973, the act has undergone several amendments, including the 2007 assurance of oral and written translation, the 2014 guidelines on documents for interpretation, and the 2012 definitions of bilingual employees. California’s continued process of amending and suturing language access policies and programs derives from the central difficulty in language access: implementation.

¹ Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient, 67 FR 41455-01;

- The lesson: **successful language access policy requires comprehensive implementation mechanisms and continual review.** Some of the more successful implementation mechanisms, as outlined throughout this document, include public accountability measures (i.e., public posting), text notifications of rights, including community partners, and establishing explicit systems of oversight, which include deadlines, budget reporting regulations, and technical oversight.
- **Limitations**
 - **Limiting Language Access to Languages Spoken by Available Staff is not Meaningful Access:** Florida’s Statute § 381.026(4)(b)(Z) mandates that LEP patients have the “right to be provided an interpreter when receiving medical services if the [healthcare] facility has a person readily available who can interpret on behalf of the patient.” The burden of providing language access services is on the institution, not the patient’s ability to speak a language the hospital happens to provide interpretation for. It is essential that legislation mandates language access services without “if” clause caveats or arbitrary restrictions.

County-Level Language Access Policies

County-level language access policies ensure that county services—including voter registration, election supervision, social programs, emergency services, tax collection, and administrative oversight—are accessible to LEP populations. These policies are particularly necessary in areas without city councils, i.e., unincorporated towns or rural centers. Policies on the county-level are best at collating services, directing county agencies to provide language access, and setting concrete regulations.

We recommend pursuing county-level policies if:

1. county services are an expressed need by LEP populations;
2. county-level targets are more amenable to language access policy, note the example from Suffolk County;
3. it is an election year (counties typically have oversight over registering voters and conducting elections); or
4. in municipalities where city policy is impossible (i.e., unincorporated cities) or improbable.

Executive Branch and State Agencies

- **Executive Orders** for county-wide language access have been utilized in Montgomery County (Maryland), King County (Washington), and Suffolk County (New York). These executive orders primarily address the translation of vital documents.
- Hennepin County (Minnesota) addresses language access through their Office of Multicultural Services, an established county government office dedicated to language access in the area.
- *Strategy & Language Spotlight:* Two counties in New York attempted to develop language access through executive orders—each exemplifying important strategic lessons for advocates and policymakers.

- **Strengths:**
 - **Tailoring Strategy to Local Political Realities:** Suffolk County’s Executive Order 10, while limited (i.e., requiring documents be translated only in the six most frequently spoken languages), was a significant policy achievement for a county whose previous elected County Executive espoused xenophobic views and sentiments, and implemented anti-immigrant policies. Suffolk County’s path to language access demonstrates **the importance of identifying political leaders**—County Executive Bellone was the key to shifting policy—**and potential**, even in challenging environments.
- **Limitations:**
 - **Vague and Insufficient Implementation and Accountability Measures:** Executive orders, as impactful as they may be, require sufficient implementation measures. A good example is Nassau County’s (New York) Executive Order 67. While a promising language access policy, Executive Order 67 only directed agencies to translate vital documents in the six most spoken languages (other than English) in Nassau County. After public pressure, Nassau County ameliorated deficiencies in Executive Order 67 with a new Order, Executive Order 72. Yet, the new order failed to materialize in substantive support for LEP individuals. Nassau County’s struggles to secure language access through Executive Orders prove **the necessity for policy to include specific implementation and accountability measures**—i.e., explicitly defining sufficient interpretation and translation techniques (simply, Google Translate is not enough), establishing community and internal oversight, and ensuring information is available publicly within a set timeframe.

Legislative

- Language Access Policies exist in several counties. Some examples include:
 - Requiring the county to assess LEP populations, provide interpreters and translators, develop oral and written language access services, and train staff to interact with LEPs, as seen in Orange County (California).
 - Committing to translation through language access plans, as seen in Jefferson County’s (Alabama) Office of Community Services and Workforce Development.
 - Resources and guidelines for employees to provide accessible and responsive language access services, as seen in Cook County (Illinois).
 - Committing to language access through the provision of multiple language access services, including a unified landing page (which can be found in the hyperlink), as seen in Multnomah County (Oregon).
- *Strategy & Language Spotlight*
 - **Strengths:**
 - **Including Technological Aids and Defining the Perimeters of Technology Usage:** Policies in Jefferson County (Alabama) and Multnomah County (Oregon) illustrate the practicality of utilizing internet/technology based resources for language access. Crucially, Jefferson County notes the limits of technological aids, “which may provide helpful, although perhaps not authoritative, translations.” When integrating technology in language access policies, it is important **to set clear guidelines on the use of technology and the frontiers of its usefulness**.

- **Defining Language Access Clearly:** Orange County (California), sets **clear and concrete definitions** of interpretation, language assistance services, LEP, vital documents, and, imperatively, meaningful access. By integrating concise standards into policy documents, policymakers, activists, and communities served can ensure the efficacy and validity of legislation and subsequent services.
- **Limitations:**
 - **Limiting Access to Frequently Spoken Languages:** Jefferson County's (Alabama) Office of Community Services and Workforce Development, while still provisioning some language access services, fails to include the entire LEP population. By setting arbitrary guidelines for the number of languages available in translation/interpretation or requiring a certain population of language speakers to provide language services, policymakers exclude critical constituents of the LEP population, including refugee communities. **It is imperative that policy mandates language access for LEP individuals regardless of the frequency of their spoken language or the percentage of the broader population they represent.**

City-Level Language Access Policies

City-level language access policies ensure local engagement, connect LEPs with city-level services and agencies, and facilitate the implementation of language access on a local level. City-level language access policies often focus on translating state and county policy to the local level, offering nuanced and tailored approaches to language access for individuals within their own communities. City-level language access policies are especially impactful in areas with high populations of LEPs and refugee community members, and metropolitan centers..

We recommend pursuing city level policies if:

1. existing state and county policies do not provide robust language access services on the local level;
2. cities in neighboring regions, with similar demographics, have successfully adopted language access policies (note the example from Brighton, Michigan); or
3. the city is home to a large LEP population (although it should be noted, the amount of LEP individuals in a city should not be a barrier to language access—all LEP individuals deserve language access).

Executive

- **Executive Orders**, in cities including Philadelphia, New York City, and Seattle, have mandated language access. The language of these orders includes creating:
 - language access plans;
 - systems of oversight;
 - establishing web portals with language access information; and
 - ensuring meaningful access to public programs.
- **Law Enforcement Agencies** across the United States have developed language access policies.

- Hazelton, Pennsylvania developed a Language Access Policy—in conjunction with the Department of Justice, the city of Hazelton, and legal counsel—to serve LEP members of their community. The policy, among other stipulations, requires mandatory language access instruction for Police Department employees.
- San Francisco, California mandates language access procedures fulfilled by a dedicated employee—the SFPD Language Access Liaison Officer.
- Reno, Nevada has a Limited English Proficiency Plan. Las Vegas addresses language access through Procedural Order 18-06.
- A resource guide from the DOJ is available for Law Enforcement.
- **Proclamations and initiatives** have also ensured language access at the city level. In West Valley City, Utah, for example, a 2014 mayoral proclamation established the West Valley City English Initiative.

Strategy & Language Spotlight

- **Strengths:**
 - **Ensuring Accountability and Functionality:** Language access implementation is often a continuous learning process. Seattle, for example, is in the course of updating its 2007 language access executive order to include more advisory/accountability measures including budget reporting, technical assistance, and oversight procedures. Seattle’s language access journey exhibits the importance of auditing current language access practices and updating policy/practices as necessary.
- **Limitations:**
 - **Vague or Missing Implementation Strategies:** The insufficient or inadequate implementation of language access measures fails both the mandate of language access policy and LEP communities. For example, while San Francisco’s Police Department requires officers to attend language access training, the training itself is actually only a 20-minute video. At its most fundamental core, **language access policies are only as impactful as their implementation strategies**. Ensuring the proper and sufficient implementation of language access policy requires specific policy language contingent on actionable deadlines, publicly available information, and proper evaluation.

Legislative

- Similar to state- and county- level legislative practices, several cities have established **language access policies and protocols**. Some examples include:
 - Mandating that information about municipal services, programs, and activities must be communicated to residents and visitors with LEP and/or who are deaf or hard-of-hearing through Anchorage, Alaska’s Policy and Procedure 16-6. This procedure also designates a Mayor’s Language Access Liaison, which facilitates Anchorage’s language access policy and city department’s language access plans on municipal websites.
 - Embedding language access in city administrative code in New York City, New York’s Local Law No.30 (2017). Among stipulating city agencies provide language access services and setting language access as a priority for the city, Local Law No.30 (2017) affirms the value of language access as “a tool to promote equity in economic opportunity, education, health, civic participation, and all other aspects of the life of the city.”

- Stipulating city employees in direct interaction with the public must be trained in language access policies and procedures for assisting LEPs in Houston Texas' [Article VI, Section 7a, City Charter of the City of Houston](#).
 - Similar legislation can be found in [Chapel Hill](#), [New Orleans](#), [Boston](#), [San Francisco](#), [Minneapolis \(see page 19\)](#), [Monterey Park \(see page 20\)](#).
- *Strategy & Language Spotlight*
 - **Strengths:**
 - **Pursuing Language Access in Small Municipalities:** Brighton, Michigan, a small city outside of Detroit, has a population of about 7,650 people. [Brighton](#) has a [comprehensive language access policy](#)—thus, in many ways, illustrating the bipartisanship of language access in communities. This, of course, is not always true. Language access is continually politicized as LEP communities often represent marginalized and disenfranchised populations. Yet, it is important to remember (as Brighton's policy exemplifies) **language access is a bipartisan policy**.
 - **Fostering Language Access in Neighboring Communities:** Brighton's language access policy mirrors language access policy in its neighboring city, Ferrysburg. Parallel city characteristics and synchronized language access policies in Brighton and Ferrysburg demonstrate **the infectious and replicable qualities of language access policy**.
 - **Ensuring Infrequently Spoken Languages Receive Equal Representation:** Saint Paul, Minnesota's [language access policy](#) crucially includes provisions for individuals whose primary language is not widely spoken. Ensuring inclusivity in language access policies supports refugees and the broader LEP population.
 - **Limitations:**
 - **Limiting Language Access to Frequently Spoken Languages:** Boston, Massachusetts' [language access policy](#), while including important measures to provide language access services to Boston's LEP population, focuses on the interpretation and translation of the city's five most commonly spoken languages other than English. With the ubiquity of easily accessible, accurate, and inexpensive translation and interpretation services through modern technology, cities should no longer limit translation and interpretation services.

Conclusion

By providing advocates with a detailed menu of the strengths and weaknesses of language access policies on state, county, and city levels, this document endeavors to supply advocates with tested strategies for securing language access in your communities. By borrowing the strengths and preventing the weaknesses of existing language access policies, advocates and policymakers can develop effective and comprehensive programs to serve their multilingual communities. To reiterate recommendations available throughout this document, successful language access policy and strategy is:

Inclusive:

- Ensures language access for all LEP individuals regardless of the frequency of their primary language in a particular geographic area or service population.
- Built with accommodations for LEP individuals with limited literacy, or whose primary language does not have a written form.
- Removes digital and arbitrary barriers for language access.
- Reflects the service needs of impacted communities.

Comprehensive:

- Defined within explicit, inclusionary, and technologically aware terms.

Impactful:

- Developed with clear implementation and enforcement strategies within policy language and practices.
- Accountable through data collection processes (i.e., tracking communities served) and public posting.

Through inclusive and comprehensive policy language and concrete implementation measures, we can make language access a reality for refugee communities and other LEP individuals in our communities.

For questions, please contact Annie Rose Healion at annie@refugeeadvocacylab.org.

Strategy "Cheat Sheet"

Confront the Narrative

Opposition Tactics & Myths

1. Language access is expensive.
2. Language access is not necessary.
3. Language access affects only a small portion of the population.

Suggested Response

1. With the use of low-cost and technology-based interpretation/translation services, the costs surrounding language access are easy to confront.
2. Not only is language access a federal mandate, but it is also an important way government agencies and service providers can recognize and serve their multilingual populations.
3. Even in areas with small LEP populations, language access promotes safety, government accountability, and equity for all—including LEP individuals and English proficient speakers alike.

Ensure Inclusivity

Opposition Tactics & Myths

1. Language access should be available for only the top-spoken languages in an area.
2. Language access is available only when a staff member is fluent in the requested language.
3. Language access is available only in written materials.

Suggested Response

1. Language access should be available to all—regardless of the frequency of their spoken language. Government bodies have a legal obligation to take meaningful steps to provide language access to all individuals, which, given technological resources, is increasingly easy to accomplish. 24/7 virtual interpretation/translation services are available via the Internet at little cost.
2. While hiring multilingual staff is a great way to ensure language access, the accessibility of services should not be contingent on the availability/skills of certain staff members.
3. Literacy is an important consideration in language access. LEP individuals may speak languages without written forms or lack the ability to read or write. Thus, translation-only policies fail to fully serve and reach LEP communities.

Safeguard Implementation & Promote Accountability

Opposition Tactics & Myths

1. Vague or missing implementation measures.
2. A lack of data about LEP populations and language access services.

Suggested Response

1. It is crucial that implementation measures are 'built into' policy. During the drafting phase, advocates can work with policymakers to ensure language access policies are effective by developing implementation and accountability measures including:
 - Public posting of language access plans and a number to call to file a complaint if language access services are not available or adequate
 - Community or stakeholder oversight
 - Auditing or reporting requirements to track the provision of services and their adequacy
2. For language access policy to be both accountable and functional, it is imperative that policies mandate data tracking and evidence procedures. By keeping track of the amount of LEP individuals in a community and the ways those individuals are served by language access policies, policymakers and advocates can tailor and adjust policy to ensure the needs of LEP populations are met.