

California State Auditor

B U R E A U O F S T A T E A U D I T S

Dymally-Alatorre Bilingual Services Act:

*State and Local Governments Could Do More to
Address Their Clients' Needs for Bilingual Services*



November 1999
99110

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99110

The Governor of California
President pro Tempore of the Senate
Speaker of the Assembly
State Capitol
Sacramento, California 95814

Dear Governor and Legislative Leaders:

As requested by the Joint Legislative Audit Committee, the Bureau of State Audits presents its audit report concerning state and local agencies' compliance with the Dymally-Alatorre Bilingual Services Act (act).

This report concludes that some state agencies have not fully complied with the act; therefore, they cannot ensure that they provide equitable services to clients who require bilingual assistance. Specifically, we noted that 8 of the 10 state agencies we audited have not established procedures to periodically assess their need to provide bilingual services to their clients. Further, only 1 of the 10 agencies translates materials explaining services into languages spoken by a substantial number of the individuals it serves. In addition, we noted that the State Personnel Board, which provides technical assistance to state agencies and compiles a report for the Legislature about the status of bilingual services state agencies provide, could do more to fulfill its responsibilities under the act. Finally, although local agencies are exercising their discretion allowed under the act, the bilingual services they provide may not be meeting their clients' language needs.

Respectfully submitted,

KURT R. SJOBERG
State Auditor

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SUMMARY

Audit Highlights . . .

Our review of state and local agencies' compliance with the Dymally-Alatorre Bilingual Services Act (act) revealed:

- State agencies have not fully complied with certain provisions of the act.*
- Most state agencies were not aware of their responsibility to translate certain materials explaining services.*
- The State Personnel Board (SPB) does not fully analyze and process data state agencies collect regarding bilingual services.*
- The SPB could provide better technical assistance to state agencies.*

At the local level:

- Agencies do not offer services in some languages and offer limited services in others.*
- Most local agencies base their assessment of need on informal observations.*
- County health departments are more likely to recognize and provide bilingual services than other local agencies.*

RESULTS IN BRIEF

Some state agencies have not fully complied with certain provisions of the Dymally-Alatorre Bilingual Services Act (act); therefore, they cannot ensure that they provide equitable services to people who require bilingual assistance. The act requires that, when state and local agencies serve a “substantial number of non-English-speaking people,” they must employ a “sufficient number of qualified bilingual staff in public contact positions” and translate documents explaining available services into their clients’ languages. Although state agencies provide bilingual services, 8 of the 10 state agencies we audited have not established procedures to regularly assess their need to provide such services to their clients. They base their assessments on the results of a language survey conducted more than three years ago. While the results of the survey may have identified the agencies’ needs at the time, they may not accurately reflect the agencies’ current need to provide bilingual services.

In addition, most state agencies we audited were not aware of their responsibility to translate materials explaining services into languages spoken by a substantial number of the people they serve. Only 2 of the 10 agencies we audited were aware of this requirement. Moreover, only 1 agency translates these materials into the languages of those individuals who make up 5 percent or more of the population it serves, as the act requires.

The State Personnel Board (SPB) could do more to fulfill its responsibilities under the act. It compiles data that state agencies collect from field offices throughout the state and prepares a report for the Legislature, but it does not fully analyze and process this information. Furthermore, the SPB report does not clearly present the state agencies’ ability to meet the language needs of clients in their field offices.

The SPB also could provide better technical assistance when statewide language surveys are conducted. For example, it receives corrective action plans from state agencies that have identified bilingual staffing deficiencies, but it neither evaluates the adequacy of these plans nor follows up on their implementation.

Although local agencies must adhere to the act, they have discretion in defining a “substantial number of non-English-speaking people” and the extent of bilingual services they will provide. We surveyed administrators and department managers in 50 cities and counties throughout California to determine the types of bilingual services local agencies offer and the languages in which they provide services. Most use a variety of resources, including staff, interpreters, and translated pamphlets and brochures that explain the available services. However, we found that 53 city and county departments have identified a need to provide bilingual staff and translated materials in 33 languages, yet they do not offer any bilingual services for 19 of these languages and provide only limited services for the remaining 14 languages.

Although these local agencies are exercising their discretion allowed under the act, their bilingual services may not be meeting their clients’ language needs. Furthermore, because some departments are not providing necessary bilingual services, some clients may not be receiving government services to which they are entitled.

Our survey also revealed that the extent of bilingual services varies widely among cities and counties and even among different departments in those cities and counties. Nearly all departments in our sample are responsible for developing their own policies, assessing the need to provide bilingual services, and identifying the type of services they will provide. Most department managers also reported that they often base their assessment of their clients’ bilingual needs on informal observations made by staff about the languages their clients speak. Moreover, two-thirds of the administrators and department managers reported that they assess the need to provide bilingual services “when needed” or that their assessments are “ongoing” rather than at specific periodic intervals.

Most respondents reported that they recruit bilingual individuals for positions that have contact with the general public. Fewer reported that they train their employees on technical terms, procedures, and other resources that are available to non-English-speaking clients. Only a few administrators and department managers indicated they have received complaints about a lack of bilingual staff or translated documents.

Finally, we found that health departments have more extensive bilingual resources and services than do other departments. County health departments are more likely than other departments to assess the need for bilingual services on a regular basis, recognize the need for a greater number of languages, and have a wider array of resources to meet those needs. Still, we found that health departments can make improvements, such as translating materials explaining available services into the languages of clients who do not speak English.

RECOMMENDATIONS

State agencies should become more proactive in implementing certain provisions of the act. They should develop procedures to conduct their own periodic assessment of their clients' language needs, rather than relying on the biennial language survey. Further, each state agency should delegate the responsibility for monitoring its compliance with the act and implementing its corrective action plans to a specific unit or employee on a continuous basis.

The SPB should perform these activities, as the act requires:

- Inform state agencies that the act requires translation of certain publications into the language spoken by a substantial number of the people they serve.
- Ensure that state agencies report all information they collect during the biennial surveys, including expected vacancies in public contact positions for the coming year.

The SPB also should assist state agencies in implementing the act by assuming a leadership role and conducting some activities that, while not specifically required, could improve the performance of state agencies and the overall quality of the State's bilingual program. Specifically, the SPB should:

- Inform state agencies that they are required to comply with the act even when statewide language surveys are not conducted.
- Establish practices for evaluating the adequacy of corrective action plans and for monitoring their implementation.

- Revise its training program for survey coordinators to include guidance on how to identify all provisions of the act that apply to state agencies.
- Revise the format of the statewide language survey report to include additional information that would present a more representative picture of the bilingual resources available at each agency.
- Revise the contents of the statewide language survey report to present information in a more useful way.
- Serve as a resource coordinator for state agencies.

To ensure that their constituents who do not speak English receive information about the services they provide, local agencies should consider translating materials explaining available services into the languages spoken by a substantial number of their clients.

To more fully assess their clients' language needs, local agencies should consider using formal assessment methods to track the languages their clients speak and consider assessing the needs on a regular basis.

To ensure that complaints about a lack of bilingual staffing and translated materials are addressed, local agencies should consider developing and using formal complaint processes.

AGENCY COMMENTS

The SPB and four of the state agencies we audited generally concurred with our conclusions and recommendations. The California Highway Patrol and the California Environmental Protection Agency also generally concurred with our conclusions but offered clarifying information. The remaining five agencies chose not to respond to the audit. ■

INTRODUCTION

BACKGROUND

The Dymally-Alatorre Bilingual Services Act (act), enacted in 1973, provides for effective communication between the State’s residents and state, county, and municipal governments. The act is intended to ensure that individuals who do not speak or write English are not prevented from using public services because of language barriers. The act addresses two factors that concerned the Legislature when it was enacted. First, the Legislature found that a substantial portion of California’s population could not effectively communicate with their government because they spoke a different language. Second, state and local agencies frequently were unable to communicate with people requiring their services. Because of these two factors, non-English-speaking individuals were being denied rights and benefits to which they were entitled.

The act requires state and local agencies to ensure that they provide information and services in the various languages of their constituents. Specifically, when state and local agencies serve a “substantial number of non-English-speaking people,” they must:

- Employ a “sufficient number of qualified bilingual staff in public contact positions.”
- Translate documents explaining available services into the languages of their constituents.

Qualified bilingual staff members are employees who have passed written or oral examinations that certify their ability to speak, write, and understand another language. Public contact positions are those determined by a state or local agency in which employees meet, contact, and deal with the public while performing the agency’s function.

The Distinction Between State and Local Agencies

In defining how its requirements are to be met, the act distinguishes between state and local agencies. The act establishes specific legal mandates for state agencies, but allows local agencies discretion in establishing the level and extent of bilingual services they provide.

For state agencies, the act defines a “substantial number of non-English-speaking people” as consisting of 5 percent or more of the people served by any local office or facility of a state agency. The 5 percent or more standard also is used to determine those non-English languages, at a minimum, for which state agencies must provide bilingual services. The standard is not intended to prohibit an office from providing bilingual services for languages spoken by less than 5 percent of the constituents.

For state agencies, the act also defines a “sufficient number of qualified bilingual persons in public contact positions” as the number of employees required to provide constituents who do not speak English with the same level of service as that available to constituents who do speak English. Also, the act allows state agencies to contract for telephone-based interpretation services in addition to employing bilingual persons.

In contrast, the act authorizes local agencies to define what constitutes a “substantial number of non-English-speaking persons” for the purposes of determining which languages to provide assistance in. The act also allows local agencies to determine what is a “sufficient number of qualified bilingual persons” to employ in public contact positions or as interpreters available to assist those in public contact positions. As a result, the act does not require local agencies to provide an equal level of services to their constituents who do speak English and those who do not speak English.

State and Local Agencies Must Translate Written Materials Explaining Services

The act provides state agencies with guidelines for translating written materials into other languages. Materials explaining services must be translated into any language meeting the 5 percent or more standard. In addition, notice of the availability of translated materials explaining services must be given in English and in the languages of the translated materials. However, the act

explicitly states that these provisions must not be interpreted as a requirement to provide verbatim translations of any materials provided in English by a state agency.

For local agencies, written materials that explain services must be translated into non-English languages spoken by a substantial number of persons served by the agency. Notices that translated materials are available must be given in English and in the languages of the translated material. However, the determination of when these written materials are necessary is left to the local agency's discretion.

State Agencies Conduct Biennial Language Surveys

The act clearly defines how state agencies must implement it. It requires the State Personnel Board (SPB) to inform state agencies of their responsibilities under the act, provide technical assistance to them if requested, and oversee a statewide language survey. The SPB may exempt from the survey state agencies that do not provide services and information to the public or have consistently received such limited contact with the non-English-speaking public that they have not been required to employ bilingual staff.

The act further requires state agencies to conduct the survey to determine the level of bilingual needs and the staffing that exists to meet those needs. Although the survey initially was required annually, in 1990 the act was amended to require that the survey be conducted every two years. During a two-week survey period, state agencies must identify:

- The number of public contact positions in each field office.
- The number of bilingual employees in public contact positions and the other languages they speak.
- The number of people served by each office who do not speak English, identified by the specific language they speak, and each language's percentage of the total.
- The number of anticipated vacancies in public contact positions for the coming year.
- Whether contracted telephone-based interpreters are used to serve any language needs of the agency's clients.

Each state agency collects the survey information from its field offices, summarizes its results, and forwards this summary to the SPB. The SPB then compiles a statewide language survey report and submits it to the Legislature.

The Act Sets Certain Limitations

The act does not assign responsibility for its enforcement, nor does it impose penalties for noncompliance. It also provides no additional state funding to state or local agencies to execute its provisions. Agencies must use existing local, state, or federal funds to implement the act. Further, state and local agencies may not dismiss employees to carry out the act. They need only fulfill the bilingual staff requirement by filling public contact positions made vacant through retirement or normal attrition. Finally, the act does not apply to school districts, county boards of education, offices of county school superintendents, or the State Compensation Insurance Fund.

SCOPE AND METHODOLOGY

The Joint Legislative Audit Committee asked the Bureau of State Audits to determine whether state and local government agencies comply with the act. Specifically, we were to determine whether the SPB fulfills its responsibilities and assess the effectiveness of the mechanisms it has established to monitor compliance with the act. In addition, we were to evaluate the reliability of the information reported at a sample of agencies and determine whether agencies accurately report the data they collect regarding the demand for bilingual services in their respective field offices. Finally, we were to assess whether state and local agencies have complied with the act by implementing programs or services.

To determine how the SPB fulfills its responsibilities and to assess the effectiveness of the mechanisms it has established to monitor compliance with the act, we interviewed key SPB staff members. We also asked staff members at some state agencies how the SPB fulfills its responsibilities under the act. In addition, we reviewed the SPB's policies and procedures for administering the biennial statewide language survey. We examined its most recent survey report to determine whether it accurately and adequately summarizes the survey results. Finally, we assessed whether the SPB adequately evaluated the corrective action plans submitted by state agencies after the most recent survey.

We selected a sample of 10 state agencies that had reported deficiencies in the most recent survey to determine how they fulfill their responsibilities to comply with the act. We then interviewed agency staff members about the policies and procedures they had implemented to administer the act. We examined the agencies' corrective action plans and evaluated the adequacy of the actions they have taken. We also visited three field offices of two state agencies to determine whether they were implementing their agencies' policies and procedures.

The act requires state agencies to report certain information in the statewide language surveys. To assess the reliability of the information and to determine whether the agencies had accurately reported their need for language assistance, we reviewed the data 10 state agencies reported to the SPB for the most recent survey. We then determined whether the SPB had included all the required information in its survey report. Finally, we evaluated whether the information the SPB reported paints an accurate picture of the agencies' needs to provide language assistance.

To evaluate how local agencies have fulfilled their responsibilities, we surveyed a cross-section of 50 cities and counties throughout the State. We based our selection on population data from the U.S. Census and the California Department of Finance. In addition, we considered data from the California Department of Education regarding students with limited proficiency in English. We then sent surveys to 50 administrators and 100 department managers: one administrator and two department managers in each of the 50 cities and counties. Forty-two administrators responded to our survey. Two departments provided responses from different internal divisions, so we received 105 department responses. Appendix A lists who was sent the surveys and who responded. Appendices B and C identify the survey results from the city and county administrators and department managers, respectively. To verify the accuracy of their responses, we visited the administrators and department managers in five cities and counties and validated the documentation they had to support their responses.

Using the responses to our survey, we determined what impact, if any, the act has on the level and extent of bilingual services that local agencies provide. We also identified the approach the cities and counties use to provide bilingual services. We determined how they assess the need for bilingual services and

the types of resources they use to provide language assistance to their clients. We also analyzed those instances in which department managers indicated they had identified a need to provide language assistance yet had not fully addressed that need. Finally, we compared the responses from county health departments with those of other departments to determine if a related state law governing bilingual assistance has an impact on the bilingual services health departments provide to their clients. ■

CHAPTER 1

State Agencies Should Increase Their Efforts to Eliminate Language Barriers When Providing Public Services

CHAPTER SUMMARY

The Dymally-Alatorre Bilingual Services Act (act) requires every state agency that furnishes information or renders services to a substantial number of individuals who do not speak English to provide certain bilingual services. These services ensure that non-English-speaking individuals are not excluded from receiving services because of a language barrier. Although state agencies provide bilingual services as required by the act, we found that 8 of the 10 agencies we audited lack a formal means of periodically assessing the languages in which they need to provide such services. Instead, they based their assessment of the need on information gathered during the last biennial survey conducted in fiscal year 1995-96. Because the results may no longer accurately reflect the bilingual services needed, state agencies cannot ensure that the services they provide are appropriate and meet their clients' needs.

The act also requires state agencies to translate materials explaining services into languages spoken by a substantial number, defined as 5 percent or more, of the people they serve. However, only 2 of the 10 agencies we audited were aware of this requirement, and only 1 agency actually translates such materials to the extent required. The state agencies' lack of awareness of their responsibilities under the act may prevent certain individuals from receiving adequate language assistance while seeking public services.

The act designates the State Personnel Board (SPB) as the agency responsible for compiling survey results, submitting a report to the Legislature, and providing technical assistance to state agencies upon request. Although the SPB compiles and reports survey results to the Legislature, it does not fully analyze and process the information. It simply acts as a channel for the information, passing it from state agencies to the Legislature. Furthermore, the SPB's statewide language survey report summarizes survey data by

department rather than by field offices located throughout the State. As a result, the needs of residents served at each field office are lost in the aggregate information provided to the Legislature.

The report also does not give a clear picture of the state agencies' ability to meet the language needs of clients in their respective field offices. It does not accurately depict bilingual resources available throughout the State because it focuses on the agencies' certified bilingual staffing conditions and excludes other important information, such as the extent to which agencies contract for certain bilingual services.

Finally, although the SPB appropriately provides technical assistance whenever statewide language surveys are conducted, it could provide support at other times as well. For example, the SPB requires state agencies to develop and submit corrective action plans to address any bilingual staffing deficiencies identified through the survey. However, it neither evaluates such plans nor follows up on their implementation. If it reviewed the corrective action plans, the SPB could assist state agencies by suggesting strategies or practices that would help them resolve their deficiencies and provide appropriate bilingual services.

STATE AGENCIES ARE NOT COMPLYING WITH CERTAIN PROVISIONS OF THE ACT

State agencies have not fully complied with certain provisions of the act, and they have adopted a passive approach to implementing the act. The agencies' failure to periodically assess the languages for which they need to provide bilingual services and their reliance on language surveys conducted nearly four years ago exemplifies this approach. Eight of the 10 state agencies we audited have not established procedures to periodically assess their ability to provide bilingual services to their clients who need them. As a result, the resources provided to clients who do not speak English may not be sufficient to ensure that those individuals can communicate with their government and receive public services to which they are entitled.

To conduct the language survey, state agencies must identify the number of staff members

State Agencies Audited and Those That Do Not Periodically Assess Their Bilingual Services

- **Department of Motor Vehicles**
- Department of Forestry and Fire Protection
- **California Highway Patrol**
- **Department of Health Services**
- Department of Social Services
- **Unemployment Insurance Appeals Board**
- **Department of Aging**
- **Department of Toxic Substances Control**
- **California Department of Corrections**
- **Department of Housing and Community Development**

assigned to public contact positions. With the aid of a language identification sheet that the SPB developed, these employees identify and record the primary language of the people they serve over a period of two nonconsecutive weeks. They document all public contacts related to services or information provided in person, over the telephone, or through written correspondence. Each agency then summarizes the survey results department-wide and by unit or field office and submits its results to the SPB. State agencies also use these summaries to identify field offices that serve a substantial number of people who speak languages other than English and to determine whether these field offices have a sufficient number of qualified bilingual staff members to satisfy the language needs.

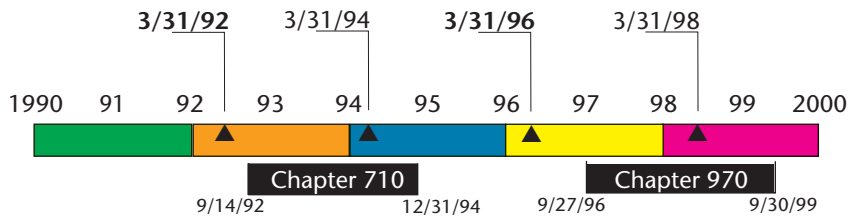
In addition to their survey results, state agencies must report to the SPB information about their alternative bilingual resources. These resources include written materials the state agency has translated into other languages, available interpreting services, and contracted telephone-based interpreters.

Beginning with 1992, the act has required state agencies to conduct a survey every two years. If these surveys were conducted as frequently as the act requires, they may be sufficient to determine whether enough bilingual services are being provided. However, subsequent legislation temporarily relieved state agencies from their responsibility to conduct the survey.

Chapter 710, Statutes of 1992, and Chapter 970, Statutes of 1996, effective September 14, 1992, through December 31, 1994, and September 27, 1996, through September 30, 1999, respectively, relieved the SPB of its reporting requirements under the act. Because state agencies collect the information necessary for the SPB to prepare the report, they were also relieved of the requirement to conduct the survey. Consequently, the most recent statewide language survey covers fiscal year 1995-96. Had the moratoriums not been in effect, state agencies would have been required to complete four surveys during the past nine years. However, as indicated in Figure 1, only two surveys were conducted.

FIGURE 1

State Agencies Have Conducted Two Language Surveys in the Last Nine Years



- ▲ The deadline for state agencies to submit survey results to the State Personnel Board is March 31 of even-numbered years.
- Moratoriums in effect. State agencies were not required to conduct biennial surveys during this period.

Although state agencies were temporarily excused from their surveying responsibility, they were not exempt from other provisions of the act. One provision requires state agencies to employ a sufficient number of qualified bilingual staff members in public contact positions when they serve a substantial number of people who cannot communicate effectively in English. To comply with this requirement, state agencies must identify the languages spoken by the population they serve at each of their field offices and determine whether a substantial number of the people they serve speak these languages. Yet, our review of practices at 10 state agencies revealed that 8 of them failed to use alternative methods to assess their need to provide bilingual services during the moratoriums. As a result, their efforts to provide such services may be based on potentially obsolete data.

A comparison of the fiscal year 1995-96 and 1991-92 statewide language survey reports shows a significant statewide increase in the demand for bilingual services in certain languages during the period between the two surveys. For example, the number of public contacts reported with people who speak Indian, Russian, Punjabi, and Samoan increased 302.7 percent, 281.6 percent, 130.6 percent, and 123.3 percent, respectively, in the fiscal year 1995-96 survey over those reported in the fiscal year 1991-92 survey. Such increases suggest the need for formal, regular assessments.

Moreover, the California Department of Education (CDE) conducts annual counts of students with limited proficiency in English enrolled in California public schools. Based on these counts, CDE prepared a language census report covering the school years 1993 through 1998. In this report, for the years 1995 and 1996, CDE identified 54 languages spoken by California students enrolled in kindergarten through 12th grade. Six of those 54 languages were not spoken by any of the students in a survey conducted two years earlier. In light of this continuous growth in the linguistic diversity of California's population, state agencies that do not conduct regular assessments of the need for bilingual services cannot ensure that their services are sufficient to meet their clients' needs.

In light of California's growing diversity, state agencies that do not regularly assess the need to provide bilingual services cannot ensure they meet their clients' needs.

State agencies that furnish materials explaining services, or that give oral or written notice of the availability of such materials in English, also must provide similar materials or notices in the languages spoken by a substantial number, defined as 5 percent or more, of the people they serve. However, only 2 of the 10 agencies we audited were aware of this requirement, and only 1 has formal procedures to determine which materials it should translate into other languages. The remaining 9 agencies translate certain materials based on informal assessments of need made by management at each division or field office. Without formal procedures, state agencies cannot ensure that they have translated those materials required by the act.

Some agencies experience extraordinary amounts of public contact through their normal course of business on a daily basis. In such situations, an informal approach to determining the need to translate written materials is neither prudent nor justified. The lack of formal internal practices hinders the agencies' ability to provide equitable services to residents with limited or no English proficiency.

For instance, in its survey results for fiscal year 1995-96, the Department of Motor Vehicles (DMV) reported a total of 2,248,937 public contacts in five days. Of these contacts, 421,291 were with individuals unable to communicate in English. Yet, rather than translating materials based on needs identified through the survey, the DMV expects field office managers to observe the population they serve and communicate their needs for translated materials to the DMV unit responsible for supplying such materials. This informal approach is inadequate because some field office managers may

not do what DMV expects. For example, we noted that even though a field office manager had identified through the survey a need to provide services in Korean, Armenian, and Russian, he had not requested translated materials explaining services in those languages.

Only 3 of 10 state agencies have procedures to monitor plans to correct bilingual program deficiencies.

Finally, state agencies do not always have personnel monitoring their bilingual program on a continuous basis. Instead, they rely on the SPB to inform them about their legal requirements each time a survey is conducted. Although the SPB asks state agencies to assign a survey coordinator when they conduct the biennial survey, the coordinators typically perform these duties on a temporary basis. For example, only 3 of the 10 state agencies we audited had procedures to continuously monitor the implementation of corrective action plans designed to address their program deficiencies. As a result, the agencies cannot ensure that their corrective action plans are implemented and that they are taking appropriate steps to provide bilingual services to their clients who need such services.

The language survey report for fiscal year 1995-96 indicates that, during a two-week period, 44,966 people may not have received certain services because state agencies did not have certified bilingual staff members to assist them. Providing inadequate bilingual assistance can have many effects—individuals may not understand why benefits such as unemployment insurance have been denied to them; they may not be able to fill out an application to obtain a California identification card or driver’s license; or they may not understand their medical treatments or be able to make critical decisions related to medical procedures.

THE SPB COULD BOOST THE EFFECTIVENESS OF THE BILINGUAL PROGRAM

Given its responsibilities under the act, the SPB could easily assume a leadership role in implementing the State’s bilingual program. The act assigns these four functions to the SPB:

- Provide forms for state agencies to conduct biennial language surveys, compile biennial survey results, and report survey results to the Legislature.
- Provide technical assistance upon state agencies’ request.

- Inform state agencies of their responsibilities under the act.
- Exempt state agencies that meet certain criteria from participating in biennial language surveys.

The SPB, instead of taking on the much-needed leadership of the State’s bilingual program, merely coordinates the biennial language surveys. In this capacity, the SPB has developed survey instructions and forms that it distributes to state agencies whenever it directs them to conduct the language surveys. The SPB identifies state agencies that are required to conduct the surveys, asks each state agency to assign a survey coordinator, and offers training for these coordinators. The survey coordinators act as liaisons between state agencies and the SPB throughout the survey process, and they collect and summarize survey results for their respective departments. The survey coordinators submit their departments’ survey results to the SPB. The SPB compiles and summarizes those results and reports them to the Legislature.

The SPB Report Lacks Substance and Meaning

The SPB’s report has little value for policy makers. The SPB did not thoroughly analyze information collected by state agencies during the latest survey. Rather, it acted merely as a conduit of information between state agencies and the Legislature. As a result, the survey report fails to present a complete and accurate picture of the State’s bilingual program.

The SPB summarizes survey results in the aggregate for each state agency, thus hindering the survey’s usefulness. State agencies have field offices located throughout the State so they can effectively serve the public. During the two-week survey period, each field office records the number of persons requiring bilingual assistance and the primary languages those individuals speak. The field offices report the results of the survey to their respective departments, which forwards the results to the SPB. When survey results are presented by field offices, one can easily determine regions where bilingual needs are not being met. However, the results for each field office are lost when the results are aggregated by department. Therefore, if the SPB were to summarize and present survey data by field office rather than by department, it could more accurately depict the language needs of residents in certain areas of the State. Furthermore, data

Because it summarizes data by department, the SPB report does not accurately depict language needs of residents in certain areas of the State.

presented in this way would more completely represent the state agencies' ability to meet their clients' language needs in the respective field offices.

In addition, the SPB does not always properly convey the information it presents in the summary report. For example, the report includes a table titled "Departments with Translated Publications." According to the SPB, the table is intended to show the languages for which departments provide some translated publications. The table identifies state agencies that have translated materials and the languages in which translated materials are available. However, the table does not indicate the number and types of documents available in each language. This might lead readers to the mistaken conclusion that all translated materials are available in all the languages listed.

For example, the table indicates that the Department of Health Services (DHS) has translated materials into 12 languages. DHS informed us that it has 331 translated documents, 171 of which are forms, such as applications or questionnaires used to determine eligibility for a program, notices of action, and consent forms for some medical procedures. The remaining 160 translated documents are informational publications. The table in the SPB report indicates that DHS has translated materials in both Spanish and Hmong. However, we found that 169 forms and 155 publications are available in Spanish, while only 5 forms and 11 publications are translated into Hmong. Without clarifying language in the table or the body of the report, readers easily can assume that departments translate all their forms and publications, rather than a small sample, into the languages identified in the table.

The SPB Formula to Calculate the Number of Certified Bilingual Staff Needed at CDF

- Divide the number of contacts in Spanish by the total number of public contacts during the two-week period.
(15/52 = 29 percent)
- Multiply the existing number of public contact positions by the percentage of contacts in Spanish.
(508 x 0.29 = 147)

The formula that state agencies use to annualize the results of their two-week survey also sometimes skews results. For example, one unit at the California Department of Forestry and Fire Protection (CDF) had 508 public contact positions and experienced 52 public contacts during the two-week survey period. Of these contacts, 15 (29 percent) were in Spanish. According to the formula that the SPB developed, CDF was required to have 147 certified bilingual employees in the unit to serve those clients. Furthermore, CDF used the survey results to project that the unit would

have 375 public contacts with Spanish-speaking clients. Employing 147 bilingual employees to serve an average of three Spanish-speaking people per employee is not reasonable.

The survey report also lacks important information about alternative bilingual resources that state agencies can use. When the SPB asks state agencies to conduct a language survey, it also requires them to analyze the survey results and prepare a corrective action plan to address any bilingual staffing deficiencies. The corrective action plan must indicate alternative resources that state agencies will use to provide bilingual services when they cannot hire additional bilingual staff members because no vacancies are projected.

The SPB does not include this information in the report summary it submits to the Legislature, even though it is readily available. Instead, the report focuses almost exclusively on the state agencies' level of certified bilingual staff members available to serve the public. As a result, the SPB report does not fairly present the state agencies' ability to provide appropriate service to people who require bilingual assistance. As Table 1 shows, state agencies have a variety of resources available to serve non-English-speaking individuals. The magnitude of these resources varies among the state agencies we audited.

The SPB report does not fairly present the state agencies' ability to provide appropriate service to people who require bilingual assistance.

Finally, the survey report excludes certain information that state agencies must submit to the SPB. It does not include information about the number of vacancies in public contact positions that state agencies anticipate during the year after the survey. This information is important to determine an agency's ability to correct bilingual staffing deficiencies. Although the SPB instructs state agencies to submit such information, none of the state agencies audited did so. Furthermore, the checklist that the SPB developed to verify that state agencies submit complete information does not address this requirement. As a result, the report summary that the SPB submits to the Legislature does not contain all the elements the act requires.

TABLE 1

Bilingual Resources Available at State Agencies Audited

Bilingual Service	California Highway Patrol	Department of Forestry and Fire Protection	California Department of Corrections	Department of Motor Vehicles	Department of Health Services	Department of Toxic Substances Control	Department of Social Services	Unemployment Insurance Appeals Board	Department of Housing and Community Development	California Department of Aging
Certified bilingual staff	•	•	•	•	•	•	•	•	•	•
Translated materials (forms and publications)	•	•	•	•	•	•	•	•	•	•
Non-certified bilingual staff	•	•	•	•	•	•	•	•	•	•
In-house translators				•			•			
Contracted interpreters				•	•	•	•	•		
Contracted telephone-based interpreters	•	•		•		•	•	•		
Contracted translators				•		•	•			

The SPB Should Provide Continuous Technical Support

Although it provides appropriate technical assistance when agencies request it, the SPB has primarily provided such guidance during the required language surveys. According to the SPB, this support is limited to four-hour training sessions for state agency survey coordinators. Although the SPB encourages survey coordinators to attend these training sessions, participation is voluntary. During the training sessions, survey coordinators learn how to conduct the survey, how to complete the survey forms, and how to report the results. In addition, the SPB has assigned staff members to answer agencies' questions about the act, but the few inquiries it receives are usually related to the survey process and occur mostly during the survey period. Furthermore, the SPB's role of technical assistant has been minimal in recent years because state agencies have been temporarily relieved of their responsibility to conduct the survey.

The SPB has an excellent opportunity to increase the level of assistance it provides to state agencies by reviewing the corrective action plans they submit and by monitoring the implementation of those plans. Although the act does not specifically require state agencies to prepare corrective action plans, it does require state agencies to collect any information the SPB deems appropriate when they conduct the surveys. The SPB asks that state agencies analyze their survey results and determine whether they have any deficiencies in the number of qualified bilingual staff.

According to the SPB, bilingual staffing deficiencies occur when survey results indicate that the number of bilingual employees in public contact positions is not sufficient to provide the same level of service to non-English-speaking people as to English-speaking people seeking the same public services. The SPB asks state agencies with identified deficiencies to develop and submit an action plan specifying how the agencies will resolve their deficiencies. However, the SPB neither evaluates the plans nor monitors their implementation. According to the SPB, limited staffing resources prevent it from performing these functions.

Because the SPB does not review the corrective action plans, it cannot ensure that state agencies are taking appropriate steps to provide bilingual services. For example, the corrective action

While SPB asks state agencies to develop corrective action plans, it neither evaluates nor monitors their implementation.

plan for the California Department of Corrections addressed only 11 of the 89 bilingual staffing deficiencies identified in the survey.

Finally, the SPB does not always ensure that state agencies with identified deficiencies submit a corrective action plan. For example, it could not produce the corrective action plan for the California Student Aid Commission (CSAC). The SPB has developed a checklist to determine whether state agencies submit information, including corrective action plans. However, the file for CSAC did not contain the checklist nor did it indicate whether CSAC had requested an extension or if the corrective action plan had ever been received. We contacted the survey coordinator at CSAC to request a copy of the corrective action plan, but CSAC staff members could not locate the plan and were unable to determine whether one had been prepared.

Although the SPB complies with most of its responsibilities under the act, it is in a unique position to do much more because the act does not prevent the SPB from assuming a greater role. The SPB has the potential to influence the performance and effectiveness of the State's bilingual program in a positive way. The SPB is aware of this potential and has informed us that limited staffing has prevented it from dedicating more resources to this effort. It is seeking funding for a full-time analyst position to assume its responsibilities under the act, and it has developed a budget change proposal for this purpose.

CONCLUSION

State agencies are not providing adequate bilingual services to residents who cannot communicate effectively in English. Furthermore, the summary report the SPB submits to the Legislature does not accurately represent the state agencies' need to provide bilingual services and their ability to meet those needs. The report also presents information that lacks substance and meaning. Overall, the failure of state agencies to identify their responsibilities under the act, coupled with the lack of leadership or meaningful oversight from the SPB, are the major factors that prevent people with limited or no English proficiency from receiving adequate bilingual services as the act requires. The lack of adequate bilingual assistance may in turn cause people to be denied rights and benefits to which they are entitled.

RECOMMENDATIONS

State agencies should adopt a more proactive approach to implementing certain provisions of the act. They should develop procedures to conduct regular assessments of their clients' language needs. Although the biennial language survey, if conducted, may be sufficient for some departments, it is not sufficient for those with field offices in locales with shifting population patterns. Thus, each state agency should delegate the responsibility for monitoring its compliance with the act and implementing its corrective action plans to a specific unit or employee on a continuous basis.

The SPB should perform these activities, as the act requires:

- Inform state agencies that the act requires translation of certain publications into the language spoken by a substantial number of the people they serve.
- Ensure that state agencies report all information they collect during the biennial surveys, including expected vacancies in public contact positions for the coming year.

The SPB should assist state agencies by assuming a leadership role and conducting some activities that, while not specifically required by the act, could improve the performance of state agencies and, consequently, the quality of the State's bilingual program. Specifically, the SPB should:

- Inform state agencies that they are required to comply with the act even when statewide language surveys are not conducted.
- Establish practices for evaluating the adequacy of corrective action plans and for monitoring their implementation.
- Revise its training program for survey coordinators to include guidance on how to identify all the provisions applicable to state agencies.
- Revise the format of the statewide language survey report to include additional information that would present a more representative picture of the bilingual resources available at each agency. For example, the summary report could include

the number of qualified non-certified bilingual staff members available to assist clients; whether agencies have contracts with third parties who provide interpreting, translating, or over-the-phone interpreting services; and the number of expected vacancies or assignments in public contact positions.

- Revise the contents of the statewide language survey report to present information in a way that would be more useful to the reader. For example, the report would more completely depict bilingual needs and resources in certain regions of the State if the SPB presented the results at the field office level, including only those offices with identified deficiencies.
- Serve as resource coordinator to state agencies. For example, if a certain agency needs to translate forms or publications but does not have the capability to do so in-house, the SPB could provide information about contractors or other state agencies that could provide translation services as needed. ■

CHAPTER 2

Local Agencies Could Do More to Fully Address Their Clients' Bilingual Needs

CHAPTER SUMMARY

Our survey of local agency administrators and department managers in 50 cities and counties throughout California found that most use a variety of resources to provide bilingual services, but many are not fully addressing their clients' bilingual needs. We found that most agencies have bilingual staff members or telephone interpreters to communicate with clients who do not speak English, but significantly fewer have materials explaining services translated into the languages spoken by their clients. In addition, according to their own assessments, 53 local departments have identified needs to provide bilingual assistance and translated documents in 33 languages, yet they do not offer any bilingual services in 19 of those languages and provide only limited services for the remaining 14 languages. Although these local agencies are exercising their discretion under the Dymally-Alatorre Bilingual Services Act (act), the fact that some clients' needs for bilingual services are not being met means they may not be receiving government services to which they are entitled.

Our survey also revealed that the act has a limited impact on the level and extent of bilingual services that local agencies provide. Fewer than half the administrators and department managers we surveyed in cities and counties throughout California were aware of the act, yet all who responded indicated they provide some type of bilingual services to residents. In addition, several administrators and department managers we visited reported that they provide services in an effort to meet their clients' language needs rather than to comply with the act.

We also found that the extent of bilingual services the local agencies provide varies widely among cities and counties and even among different departments in those cities and counties. Nearly all departments within the cities and counties we surveyed are responsible for developing their own policies,

assessing the need to provide bilingual services, and identifying the type of services they will provide. Most reported that they use an informal approach to assess their clients' language needs, often basing their assessment on informal observations made by staff members. Moreover, approximately two-thirds of the officials and departments reported that they assess the need to provide bilingual services at indefinite points in time, such as "when needed" or on an "ongoing" basis, rather than at regular intervals.

Most respondents reported that they recruit bilingual individuals for positions that have contact with the general public. However, fewer of them indicated that they provide training to those employees regarding technical terms, procedures, and other resources available to non-English-speaking clients. In addition, only a few administrators and department managers said they have received complaints about a lack of bilingual staff or translated documents. We contacted several community-based organizations in areas where the respondents reported no such complaints, and only one of these organizations told us it had received complaints about a lack of bilingual staff or translated materials. As a result, it appears that few constituents in certain areas of the State have lodged complaints with local agencies about a lack of bilingual services.

Finally, we found that health departments have more extensive bilingual programs than do other departments. In particular, our analysis revealed that county health departments are more likely than other departments to assess needs on a regular basis, recognize needs in a greater number of languages, and have a wider array of resources to meet those needs. Still, we found that health departments can make improvements, such as translating materials explaining available services into the languages of their clients who do not speak English.

MANY DEPARTMENTS HAVE NOT FULLY ADDRESSED THE NEED FOR BILINGUAL SERVICES

The act allows local agencies discretion in establishing the level and extent of the bilingual services they provide to non-English-speaking people, so the city and county departments we surveyed are not violating it. However, the bilingual services they provide to their clients may not fully address the language needs of those clients. We considered that

departments are fully addressing their identified language needs when they reported having bilingual staff members, telephone-based interpreters, and translated pamphlets or brochures explaining the available services in those languages. Using this definition, we found that 42 of the 105 departments we surveyed fully address their language needs.

Most departments reported that they have bilingual staff members or telephone-based interpreters who can communicate with clients who do not speak English. However, significantly fewer of them reported having translated documents explaining the available services into the languages spoken by their clients. For example, 32 departments have identified a need to provide services to clients who speak Vietnamese, yet only 15 have translated into Vietnamese written materials describing the services they offer. Although personnel in these departments can explain the available services to their Vietnamese-speaking clients, the pamphlets and brochures are in English rather than Vietnamese. Thus, clients who speak only Vietnamese are not able to read about the services available to them and may not make fully informed decisions about the services that answer their particular needs.

Fifty-three city and county departments identified 33 languages for which their clients' needs are not being fully addressed.

In addition, according to their own assessments, 53 city and county departments have identified 33 languages for which clients' needs for bilingual services are not being fully addressed. As Table 2 shows, 19 departments reported that they have not fully addressed the bilingual needs of their Spanish-speaking clients, while 16 departments do not have both bilingual staff and translated materials for their clients who speak Tagalog.

Table 2 also shows that the departments identified 19 languages for which they do not furnish any bilingual assistance. For example, four departments reported that they do not provide bilingual services to clients who speak Hmong. The number of languages for which departments fail to provide any bilingual services to their clients, even though the number of clients speaking those languages warrant such services, ranged from 1 to 12. Eight departments were deficient in more than one language. For example, the Yolo County Health Department identified six languages for which it has no staff, interpreters, and translated pamphlets to describe available services to its clients. Thus, individuals seeking medical treatment who speak only one of those languages may not receive the medical care they need because of the language barriers.

TABLE 2**Languages for Which Local Departments Have Not Fully Addressed Identified Needs**

Identified Language	Number of Local Departments With Identified Language Needs	
	Not Addressed	Partially Addressed
Amharic		1
Arabic		2
Armenian	1	5
Cambodian	2	9
Chinese—Cantonese	2	11
Chinese—Mandarin	3	10
Farsi	1	7
Filipino	1	12
French		4
German		4
Greek		1
Hebrew		3
Hindustani		2
Hmong	4	7
Italian		3
Japanese		5
Korean	1	9
Lahu	1	
Laotian	4	8
Mien	3	1
Nuer		1
Oromo		1
Polish		3
Portuguese		2
Punjabi	1	5
Russian	2	10
Samoan	1	4
Serbo-Croatian		4
Sign Language	7	
Spanish	1	19
Tagalog	1	16
Thai	2	5
Vietnamese	4	15

LOCAL AGENCIES USE AN INFORMAL, VARIED APPROACH TO BILINGUAL SERVICES

To determine the level and extent of bilingual services that local agencies provide to constituents in their jurisdictions, we surveyed city and county administrators and department managers in 50 cities and counties throughout the State. We analyzed the survey results to determine, among other things, whether the act has had an influence on the services that local agencies provide to clients who speak little or no English. We determined the approach that most local agencies use to provide bilingual services to their clients. We also determined the types of resources that administrators and department managers use most often to provide those services and whether the use of certain resources has met clients' needs. The following sections discuss our analysis of the survey results.

Local Awareness of the Act Plays a Limited Role in Assessing Bilingual Needs

Our survey revealed that the act has a limited impact on the level and extent of bilingual services that local agencies provide to constituents. Of the 42 administrators and 105 department managers who responded, 20 (48 percent) of the administrators and 26 (25 percent) of the department managers were aware of the act.

Cities and counties we visited told us they provide bilingual services to meet constituents' needs rather than to comply with the act.

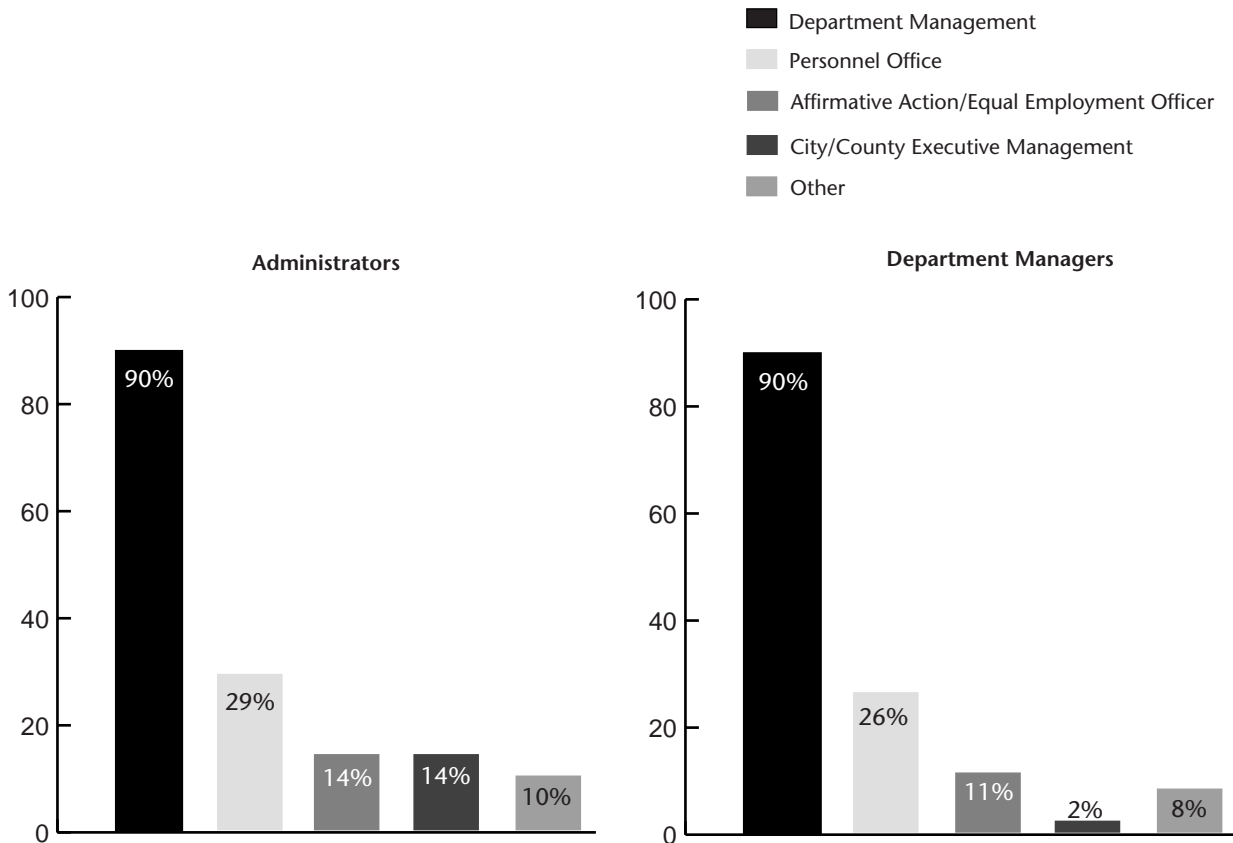
Despite this lack of awareness, all the respondents indicated that they provide some type of bilingual services to their non-English-speaking clients. Moreover, despite having no knowledge of the act, a few departments use numerous methods and resources to provide services that address the needs of clients who do not speak English. In addition, administrators and managers in the cities and counties we visited told us they provide bilingual services in an effort to meet their constituents' needs rather than to comply with the act. For example, an official of the San Francisco Department of Public Health said that the department's policies and procedures are set up to comply with the act yet it has developed a more comprehensive plan to respond to the needs of the city's diverse cultural population.

Assessment of Need to Provide Bilingual Services Is Typically Informal and Determined at the Department Level

Most city and county administrators and department managers reported that they use an informal approach to assess the needs of their clients who do not speak English. Of the 42 city and county administrators who responded, 35 (83 percent) reported that individual departments develop their own polices for assessing the need and determining the types of bilingual services they will provide. Furthermore, 90 percent of the 42 administrators and 105 department managers reported that department management is primarily or partially responsible for assessing the need for bilingual staff. In some instances, a department’s personnel office assesses the need to provide certain bilingual services. Figure 2 shows who the respondents believe is responsible for assessing their city’s or county’s need for bilingual staff.

FIGURE 2

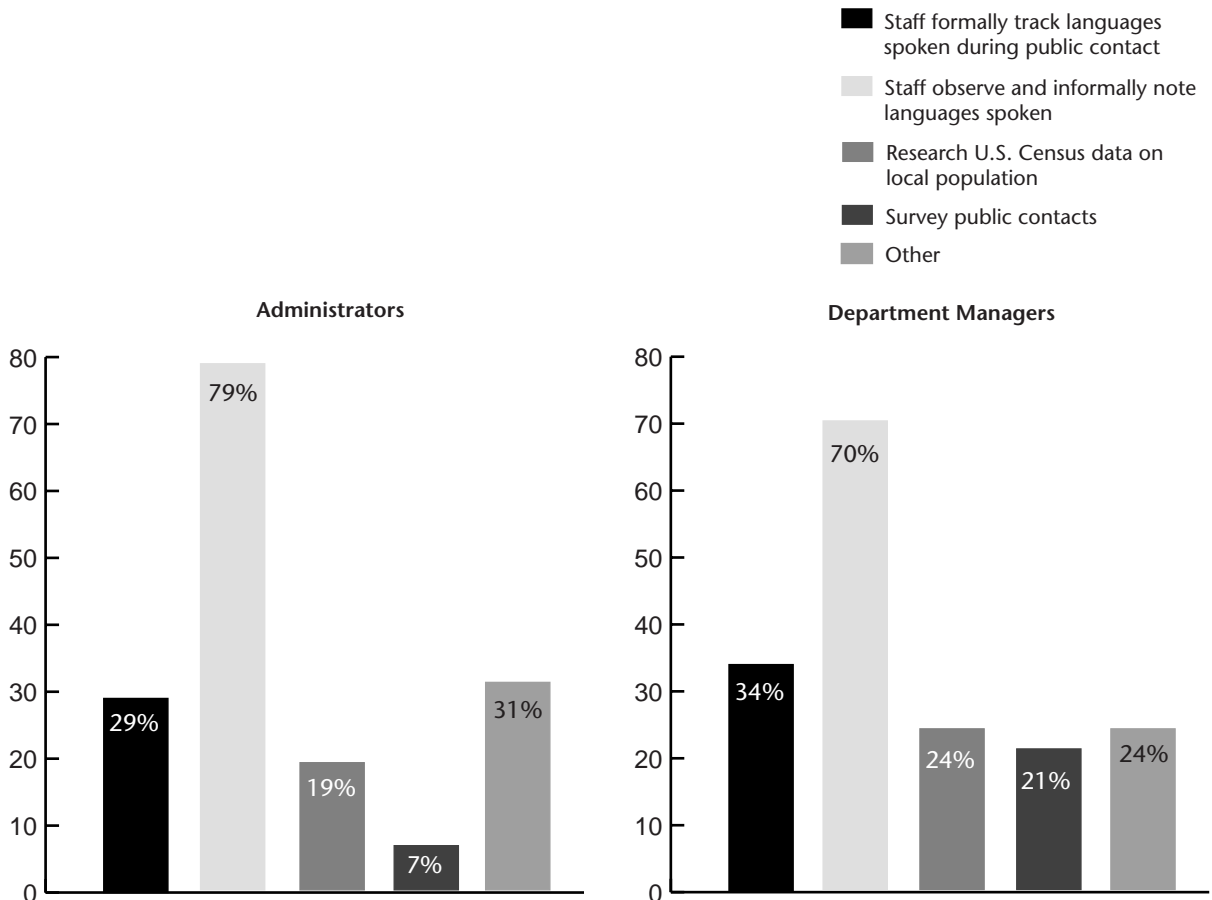
Who Is Responsible for Assessing the City’s or County’s Need for Bilingual Staff?



We asked administrators and department managers how they determine whether to offer information and services in languages other than English. As Figure 3 indicates, rather than using formal assessment methods, such as tracking the languages spoken by their clients, 79 percent of the administrators and 70 percent of the department managers reported that they rely primarily on informal observations made by their staff. Furthermore, we found that approximately one-third of the administrators and department managers rely on the informal observations as their only method of assessing bilingual needs.

FIGURE 3

Administrators and Department Managers Rely Most Often on Informal Observations to Gauge Their Bilingual Needs



Most administrators and managers reported that the frequency of their assessments are informal as well. Although we offered in our survey specific periodic intervals—monthly, quarterly, and annually—for assessing the need for bilingual services, two-thirds of the administrators and department managers indicated they do not assess needs on a regular basis. Most often, the respondents indicated that the assessments occur “as needed” or as an “ongoing” process.

In addition, because individual departments develop their own policies for assessing needs and determining the bilingual services they will provide to their clients, the level and extent of services varies between departments within the same city or county. For example, the San Diego Police Department reported that it has staff available to provide services in 21 languages, while the staff at the San Diego Fire Department can provide services in only 3 languages.

Local Agencies Use a Variety of Resources to Provide Bilingual Services

The respondents reported using a variety of resources to provide services that satisfy their clients’ bilingual needs. Administrators and department managers most often use three resources: certified bilingual staff, in-house translators, and translated brochures and pamphlets. Other resources include contracts with outside interpreters and agreements with community-based organizations for client referrals.

In addition, 71 percent of the administrators and 77 percent of the department managers reported they maintain an updated list of employees available to serve as translators. Further, 46 department managers indicated that they contract with outside telephone-based interpreters to provide bilingual services. More than half of these reported that they contract with the AT&T Language Line to provide bilingual services. The language line provides interpreters for as many as 140 languages for a monthly fee and an additional usage cost ranging from \$2.20 to \$4.50 per minute, depending on the time of day the call takes place and what language is interpreted.

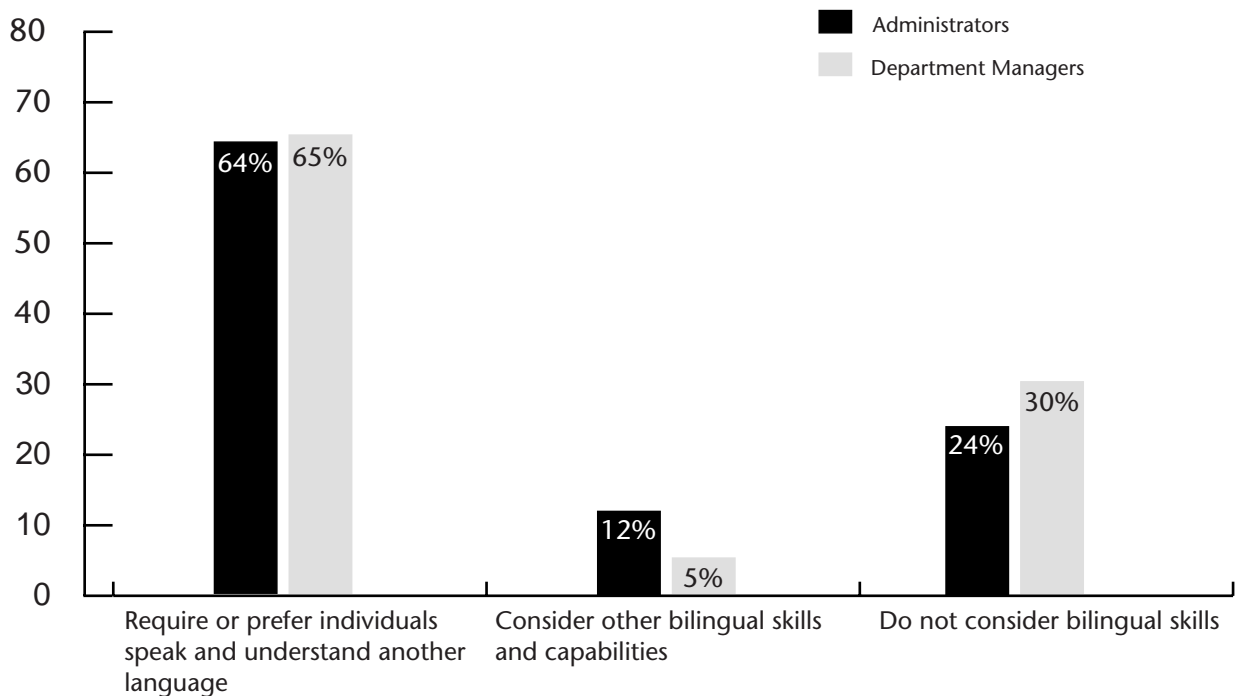
Although Most Local Agencies Recruit and Provide Additional Pay for Bilingual Employees, Fewer Provide Relevant Training

To address their bilingual staffing needs, most of the cities and counties we surveyed provide bilingual employees with a pay differential for use of their bilingual skills. For example, salaried

bilingual employees of Los Angeles County receive an additional \$40 each pay period, and hourly bilingual employees receive an additional 46 cents per hour. Furthermore, 79 percent of the administrators and 73 percent of the department managers said they specifically recruit bilingual individuals for public contact positions. In addition, when recruiting for certain positions, departments list bilingual skills as either a requirement or a preference. For example, the Los Angeles County Department of Children and Family Services requires that certain children’s social workers speak and read Spanish. Stanislaus County requires that some eligibility workers in its community services agency be fluent in a second language. As Figure 4 indicates, nearly two-thirds of the administrators and department managers reported that they require or prefer that individuals who work in public contact positions speak and understand another language.

FIGURE 4

Most Administrators and Department Managers Require or Prefer to Fill Public Contact Positions With Bilingual Individuals



Although they recruit individuals with bilingual skills, the departments we surveyed do not necessarily provide training to those employees who assist non-English-speaking clients. When we questioned department managers about the training they give to their public contact staff and supervisors, 62 (59 percent) indicated that they do not instruct staff members on how to explain technical terms and procedures to people who speak little or no English. Moreover, 34 (32 percent) do not inform public contact staff about other resources available to their clients who do not speak English.

Few Local Agencies Have Received Complaints

Only 5 (12 percent) of the city and county administrators and 18 (17 percent) of the department managers who responded to our survey reported that they have received complaints about a lack of bilingual staff or of pamphlets explaining services in languages other than English. Of those, most of the administrators and department managers said they handled the complaints internally, generally by increasing their recruitment of bilingual individuals and translating additional documents.

Since most of the local agencies indicated that they have not received any complaints, we inquired about the complaint process used by the 10 departments we visited. Four departments do not have a formal process that would capture complaints about a lack of bilingual staff and translated documents. Without a formal complaint process, local agencies may not hear or address complaints about the lack of bilingual staff or translated materials.

When we called community-based organizations in several of the cities and counties where the administrators and department managers reported they had not received complaints, only one organization told us it had received complaints about the lack of bilingual services. This organization further told us it had not reported these complaints to the local agencies involved. Thus, it appears that in certain areas of the State few constituents have lodged complaints about a lack of bilingual services with local agencies.

Only one community-based organization told us it received complaints about lack of bilingual services.

County Health Departments Have More Extensive Bilingual Programs, But There Is Room for Improvement

The Health and Safety Code establishes specific guidelines and provisions for providing assistance to patients with language communication barriers.

We compared the extent of bilingual resources and services that county health departments reportedly provide with those reported by other departments, and we found that the health departments have more extensive programs. Another state law governs bilingual assistance at general acute care hospitals, which in some instances are part of county health departments. This law, Section 1259 of the Health and Safety Code, establishes specific guidelines and compliance provisions for providing bilingual assistance to patients with language or communication barriers. For example, it requires each hospital to provide assistance to patients who speak a language that 5 percent of the hospital's patients or the area's residents speak. In addition, it requires hospitals to conspicuously post information advising patients and their families of the availability of interpreters and indicating where patients may file complaints about problems with interpreters. Moreover, the law requires the hospitals to review standardized forms, documents, and informational materials given to patients when they are admitted to determine the need for translation into other languages. Failure to comply with this law must be reported to the Department of Health Services, the hospitals' licensing authority.

Our analysis revealed that county health departments are more likely than other departments to:

- Assess needs on a regular basis.
- Recognize needs in a greater number of languages.
- Have a wider array of resources to meet those needs.

We found that county health departments are twice as likely to annually assess their clients' bilingual needs. In addition, more than half the health departments use formal methods to track the languages spoken by their clients, while less than a quarter of the other departments use formal methods. County health departments also identified a need to provide services in more languages than did other departments. Finally, the health departments also use more resources to address their clients' needs. For example, 92 percent of the county health departments reported they use certified bilingual staff, whereas only 64 percent of the other departments reported their use.

However, we found that the county health departments can still make improvements. For example, 36 (92 percent) of the 39 health departments indicated they have translated pamphlets and brochures explaining services available to some of their non-English-speaking clients. Despite this, 20 (51 percent) identified client needs in one or more languages for which they do not have translated materials explaining the available services. In a medical environment, translated forms and brochures are important to ensure that patients clearly understand their rights, procedures performed on them, and services available to them. Without information about services in a language they understand, some of the department's clients may be unaware that they are eligible for the services.

CONCLUSION

Most of the local agency administrators and department managers we surveyed reported using an informal approach and a variety of resources to provide bilingual services to their constituents. However, the agencies are not fully addressing the needs of their clients who do not speak English. We found that 53 city and county departments do not offer any bilingual services for 19 languages and provide only limited services for another 14 languages. As a result, some clients at these departments may not be receiving government services to which they would otherwise be entitled.

Moreover, although most cities and counties reported that they recruit and provide additional pay for their bilingual employees, fewer provide training to their employees who assist non-English-speaking clients. Finally, we found that county health departments have more extensive bilingual services than other departments we surveyed, yet they can still make improvements.

RECOMMENDATIONS

To ensure that their constituents who do not speak English receive information about available services, local agencies should consider translating materials explaining their services into the languages spoken by a substantial number of their clients.

To more fully assess their clients' language needs, local agencies should consider using formal assessment methods to track the languages their clients speak and consider assessing the needs on a regular basis.

To ensure that complaints are addressed about a lack of bilingual staff and translated materials explaining available services, local agencies should consider developing and using formal complaint processes that would capture such complaints.

We conducted this review under the authority vested in the California State Auditor by Section 8543 et seq. of the California Government Code and according to generally accepted government auditing standards. We limited our review to those areas specified in the audit scope section of this report.

Respectfully submitted,



KURT R. SJOBERG
State Auditor

Date: November 18, 1999

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APPENDIX A

List of Local Agencies Surveyed

County/City and Local Agency	Responded to Survey?	
	Yes	No
1 Alameda County		
County Administrator	•	
Health Care Services Agency	•	
Social Services Agency	•	
2 Colusa County		
Board of Supervisors	•	
Health and Human Services Department	•	
Sheriff Department	•	
3 Contra Costa County		
County Administrator	•	
Health Services Department	•	
Social Services Department	•	
4 Fresno County		
County Administrative Office	•	
Department of Community Health	•	
Public Defender	•	
5 Glenn County		
Board of Supervisors	•	
Health Services Department	•	
Social Services Department	•	
6 Imperial County		
County Administrator	•	
Public Health Department	•	
Sheriff Department	•	
7 Kern County		
County Administrative Office	•	
Department of Public Health	•	
Resource Management Agency	•	
8 Kings County		
County Administrative Office		•
Public Health Department	•	
Human Services Agency	•	
9 Los Angeles County		
Chief Administrative Office	•	
Department of Health Services	•	
Department of Children and Family Services	•	

County/City and Local Agency	Responded to Survey?	
	Yes	No
10 Madera County		
County Administrative Office	•	
Public Health Department	•	
Sheriff Department	•	
11 Merced County		
County Administrative Office	•	
Department of Public Health	•	
Human Services Agency	•	
12 Monterey County		
County Administrative Office	•	
Public Health Department	•	
Sheriff Department	•	
13 Orange County		
County Executive Office	•	
Health Care Agency	•	
Public Defender	•	
14 Riverside County		
County Executive Office	•	
Health Services Agency	•	
Department of Community Action	•	
15 San Benito County		
County Administrative Office	•	
Health and Human Services Agency	•	
Department of Community Services and Workforce Development	•	
16 San Bernardino County		
County Administrative Office	•	
Department of Public Health	•	
Office of the Public Defender	•	
17 San Diego County		
Chief Administrative Officer	•	
Health and Human Services Agency	•	
Department of Housing and Community Development	•	
18 San Francisco City and County		
City Administrator	•	
Department of Public Health	•	
Rent Board	•	
19 San Joaquin County		
County Administrator	•	
Health Care Services		•
Employment and Economic Development Department	•	

County/City and Local Agency	Responded to Survey?	
	Yes	No
20 San Mateo County		
County Manager—Clerk of the Board	•	
Health Services Agency	•	
Human Services Agency	•	
21 Santa Barbara County		
County Administrator	•	
Public Health Department	•	
Office of the Treasurer—Tax Collector	•	
22 Santa Clara County		
County Executive Office		•
Santa Clara Valley Health and Hospital System	•	
Finance Agency	•	
23 Santa Cruz County		
County Administrative Office	•	
Health Services Agency	•	
Treasurer—Tax Collector		•
24 Solano County		
County Administrator	•	
Health and Social Services Department	•	
Tax Collector—Clerk Department	•	
25 Stanislaus County		
Chief Executive Office	•	
Health Services Agency	•	
Department of Planning and Community Development	•	
26 Sutter County		
County Administrator	•	
Human Services Department	•	
Community Services Department	•	
27 Tulare County		
County Administrative Office	•	
Health and Human Services Agency	•	
Sheriff Department	•	
28 Ventura County		
Chief Administrative Office		•
Health Care Agency	•	
Treasurer—Tax Collector’s Office	•	
29 Yolo County		
County Administrative Office	•	
Health Department	•	
Public Defender	•	

County/City and Local Agency	Responded to Survey?	
	Yes	No
30 Yuba County		
County Administrator	•	
Human Services Agency	•	
Community Development Department	•	
31 City of Chico		
City Administration Department	•	
Police Department	•	
Community Development Department	•	
32 City of Fresno		
City Manager		•
Police Department		•
Parks, Recreation, and Community Services Department		•
33 City of Glendale		
City Manager		•
Police Department	•	
Parks, Recreation, and Community Services Division	•	
34 City of Los Angeles		
City Administrative Office	•	
Police Department	•	
Department of Building and Safety	•	
35 City of Marysville		
City Administrative Office	•	
Police Department	•	
Fire Department		•
36 City of Merced		
City Manager	•	
Police Department	•	
Recreation and Parks Department	•	
37 City of Napa		
City Manager's Office	•	
Police Department	•	
Fire Department	•	
38 City of Oakland		
City Manager		•
Police Department	•	
Community and Economic Development Agency	•	

County/City and Local Agency	Responded to Survey?	
	Yes	No
39 City of Ontario		
City Manager		•
Police Department	•	
Community Services Department	•	
40 City of Redding		
City Manager	•	
Police Department	•	
Fire Department	•	
41 City of Riverside		
City Manager		•
Police Department	•	
Planning Department	•	
42 City of Roseville		
City Manager	•	
Police Department	•	
Community Development Department	•	
43 City of Sacramento		
City Manager	•	
Police Department	•	
Neighborhood/Planning Development Services Department	•	
44 City of San Diego		
City Manager's Office	•	
Police Department	•	
Fire Department	•	
45 City of San Jose		
City Manager's Office	•	
Police Department	•	
Department of Planning, Building, and Code Enforcement	•	
46 City of San Luis Obispo		
City Administrative Office	•	
Police Department	•	
Community Development Department	•	
47 City of Santa Ana		
City Manager	•	
Police Department	•	
Planning and Building Agency	•	

County/City and Local Agency	Responded to Survey?	
	Yes	No
48 City of Santa Rosa		
City Manager	•	
Police Department	•	
Fire Department	•	
49 City of Stockton		
City Manager	•	
Police Department	•	
Parks and Recreation Department	•	
50 City of Visalia		
City Manager	•	
Police Department	•	
Fire Department	•	

APPENDIX B

Results of the Survey Sent to Local Administrators

We received responses from 42 city and county administrators. For some questions, administrators could check more than one option; therefore, numbers and percentages on those questions total more than 42 responses and 100 percent, respectively.

- 1) Were you aware of the Dymally-Alatorre Bilingual Services Act before receiving this survey?
20 (48%) Yes
22 (52%) No
- 2) Is there a city- or countywide policy for providing bilingual services to residents?
18 (43%) Yes
24 (57%) No
- 3) What other policies does the city/county have to ensure that non-English-speaking residents receive information and services that are available to them?
- 4) What types of funding are specifically provided for bilingual staff and programs? Please check all that apply and include the approximate amount for fiscal year 1998-99.
13 (31%) City/county funds specifically designated for bilingual services
14 (33%) As-needed from other city/county general funds
5 (12%) Federal
3 (7%) State
3 (7%) Other
14 (33%) No funding
- 5) Do individual departments develop their own policies on bilingual needs?
35 (83%) Yes
7 (17%) No
- 6) Who is responsible for assessing the city/county's need for bilingual staff?
38 (90%) Individual department management
12 (29%) Personnel office
6 (14%) Affirmative action/equal employment officer
6 (14%) City/county executive management
4 (10%) Other

- 7) How does the city/county determine whether to offer information and services in languages other than English? Please check all that apply.
- 12 (29%) During public contact, staff formally track languages spoken by residents.
 - 33 (79%) Staff observe and informally note languages spoken.
 - 8 (19%) The city/county researches U.S. Census data on the local population.
 - 3 (7%) The city/county surveys public contacts.
 - 13 (31%) Other
- 8) How often are bilingual needs assessed?
- | | | | |
|---------|----------|----------|-----------|
| 0 (0%) | Monthly | 0 (0%) | Quarterly |
| 6 (14%) | Annually | 39 (93%) | Other |
- 9) Which of the following resources does the city/county use to meet bilingual needs? Please check all that apply.
- 3 (7%) A centralized bilingual services unit
 - 30 (71%) Certified bilingual staff (positions are selectively certified as bilingual)
 - 31 (74%) In-house translators
 - 11 (26%) In-house telephone-based interpreters
 - 27 (64%) In-house examinations for bilingual certification
 - 26 (62%) Contracts with outside interpreters
 - 13 (31%) Contracts with outside telephone-based interpreters
 - 4 (10%) Interagency agreements for bilingual services
 - 9 (21%) Agreements with local community-based organizations for client referrals
 - 32 (76%) Translated brochures/pamphlets describing services available to the public
 - 22 (52%) Translated forms
 - 4 (10%) Other
- 10) If the city/county contracts with third parties for certain services, how does it ensure contractors meet the language needs of clients? Please check all that apply.
- 16 (38%) Bilingual requirements are outlined in the contract.
 - 11 (26%) City/county staff are assigned to monitor the contractor.
 - 3 (7%) The contractor is required to notify clients of their right to receive bilingual assistance.
 - 3 (7%) The contractor is required to report the languages clients speak in its regular status reports to the city/county.
 - 13 (31%) Other
- 11) Do bilingual employees receive a pay differential?
- 33 (79%) Yes
 - 9 (21%) No
- 12) Does the city/county require bilingual skills for some public contact positions (i.e., selectively certify public contact positions)?
- 33 (79%) Yes
 - 9 (21%) No

- 13) Does the city/county specifically recruit bilingual individuals for public contact positions?
- 33 (79%) Yes
 - 9 (21%) No
- 14) Which of the following is included in the job descriptions for public contact positions? Please check all that apply.
- 23 (55%) Must be able to speak and understand a specific language other than English.
 - 7 (17%) Must be able to speak and understand a second language other than English.
 - 12 (29%) Prefer the ability to speak and understand a specific language other than English.
 - 9 (21%) Prefer the ability to speak and understand a second language other than English.
 - 11 (26%) Other bilingual attributes/capabilities.
 - 11 (26%) None of the above.
- 15) Who certifies the bilingual abilities of employees? Please check all that apply.
- 31 (74%) Personnel department
 - 0 (0%) Affirmative action/equal employment opportunity office (if separate from personnel department)
 - 7 (17%) Testing administered by state or federal agency
 - 3 (7%) Educational institution
 - 14 (33%) Other
- 16) Does the city/county maintain an updated list of employees available to serve as translators?
- 30 (71%) Yes
 - 12 (29%) No
- 17) Has the city/county received complaints about a lack of bilingual staff or of pamphlets explaining government services in languages other than English?
- 5 (12%) Yes
 - 37 (88%) No
- 18) If you answered yes to the previous question, how have you addressed these complaints?
- 0 (0%) No action taken.
 - 4 (10%) Complaint handled within the city/county.
 - 0 (0%) Complaint referred to an outside agency, such as a community-based organization.
- 19) If the Bureau of State Audits visited your agency, could you provide documentation supporting your answers above?
- 42 (100%) Yes
 - 0 (0%) No

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APPENDIX C

Results of the Survey Sent to Local Department Managers

We received responses from 105 city and county department managers. For some questions, department managers could check more than one option; therefore, numbers and percentages on those questions total more than 105 responses and 100 percent, respectively.

- 1) Were you aware of the Dymally-Alatorre Bilingual Services Act before receiving this survey?
26 (25%) Yes
79 (79%) No

- 2) Who is responsible for assessing the department's need for bilingual staff?
95 (90%) Department management
27 (26%) Personnel office
12 (11%) Affirmative action/equal employment officer
2 (2%) City/county executive management
8 (8%) Other

- 3) How does your department determine whether to offer information and services in languages other than English? Please check all that apply.
36 (34%) During public contact, staff formally track languages spoken by residents.
74 (70%) Staff observe and informally note languages spoken.
25 (24%) The department researches U.S. Census data on the local population.
22 (21%) The department surveys public contacts.
25 (24%) Other

- 4) How often are bilingual needs assessed?
7 (7%) Monthly 4 (4%) Quarterly
32 (30%) Annually 71 (68%) Other

Continued on the next page

- 5) Which of the following resources does the department use to meet bilingual needs? Please check all that apply.
- 10 (10%) A centralized bilingual services unit
 - 78 (74%) Certified bilingual staff (positions are selectively certified as bilingual)
 - 74 (70%) In-house translators
 - 30 (29%) In-house telephone-based interpreters
 - 37 (35%) In-house examination for bilingual certifications
 - 41 (39%) Contracts with outside interpreters
 - 46 (44%) Contracts with outside telephone-based interpreters
 - 11 (10%) Interagency agreements for bilingual services
 - 20 (19%) Agreements with local community-based organizations for client referrals
 - 75 (71%) Translated brochures/pamphlets describing services available to the public
 - 52 (50%) Translated forms
 - 22 (21%) Other
- 6) If the department contracts with third parties for certain services, how does it ensure contractors meet the language needs of clients? Please check all that apply.
- 29 (28%) Bilingual requirements are outlined in the contract.
 - 31 (30%) Department staff are assigned to monitor the contractor.
 - 9 (9%) The contractor is required to notify clients of their right to receive bilingual assistance.
 - 8 (8%) The contractor is required to report the languages clients speak in its regular status reports to the department.
 - 25 (24%) Other

Continued on the next page

7) For each of the languages below, please mark the box(es) that apply. If residents in your jurisdiction/your clients speak languages that are not listed, please include them in the section labeled "Other" and mark the appropriate boxes.

	Primary language of 5 percent or more of clients the department provides services to (check all that apply)		Department has identified a need to provide bilingual services in this language (check all that apply)		Bilingual staff or phone help is available for this language (check all that apply)		Pamphlets/brochures explaining services are available in this language (check all that apply)	
Arabic	1	1%	4	4%	29	28%	3	3%
Armenian	5	5%	7	7%	32	30%	2	2%
Cambodian	10	10%	18	17%	36	34%	14	13%
Chinese (Cantonese)	10	10%	21	20%	42	40%	11	10%
Chinese (Mandarin)	8	8%	19	18%	43	41%	9	9%
Farsi	5	5%	10	10%	35	33%	3	3%
Filipino	5	5%	14	13%	35	33%	2	2%
French	0	0%	4	4%	34	32%	1	1%
German	0	0%	4	4%	33	31%	1	1%
Greek	0	0%	1	1%	28	27%	0	0%
Hebrew	1	1%	3	3%	27	26%	0	0%
Hindustani	1	1%	2	2%	25	24%	0	0%
Hmong	22	21%	26	25%	41	39%	19	18%
Indian	0	0%	0	0%	24	23%	0	0%
Italian	1	1%	3	3%	30	29%	0	0%
Japanese	1	1%	5	5%	31	30%	3	3%
Korean	5	5%	13	12%	37	35%	5	5%
Laotian	17	16%	23	22%	37	35%	15	14%
Pakistani	1	1%	2	2%	27	26%	2	2%
Polish	0	0%	3	3%	27	26%	0	0%
Portuguese	0	0%	3	3%	31	30%	1	1%
Punjabi	5	5%	7	7%	35	33%	2	2%
Russian	5	5%	16	15%	36	34%	6	6%
Samoan	1	1%	5	5%	29	28%	0	0%
Serbo-Croatian	0	0%	5	5%	27	26%	1	1%
Sign Language	3	3%	17	16%	25	24%	2	2%
Spanish	92	88%	92	88%	98	93%	79	75%
Tagalog	8	8%	19	18%	44	42%	4	4%
Thai	2	2%	7	7%	28	27%	4	4%
Vietnamese	17	16%	32	30%	46	44%	19	18%

Continued on the next page

Other Languages

	Primary language of 5 percent or more of clients the department provides services to (check all that apply)	Department has identified a need to provide bilingual services in this language (check all that apply)	Bilingual staff or phone help is available for this language (check all that apply)	Pamphlets/brochures explaining services are available in this language (check all that apply)
Afghan			1 1%	
Amharic		1 1%	5 5%	
Dari			2 2%	
Gujerati			1 1%	
Hindi			1 1%	
Ilocano			3 3%	
Kapang			1 1%	
Kiswahily			1 1%	
Lahu		1 1%		
Malay			1 1%	
Mien	1 1%	5 5%	4 4%	1 1%
Nuer		1 1%	1 1%	
Oromo		1 1%	1 1%	
Pashto			1 1%	
Slovak			1 1%	
Somali		2 2%	2 2%	2 2%
Urdu			1 1%	
Yoruba			1 1%	

Continued on the next page

- 8) Does the department specifically recruit bilingual individuals for public contact positions?
- 77 (73%) Yes
28 (27%) No
- 9) Which of the following is included in the job descriptions for public contact positions? Please check all that apply.
- 45 (43%) Must be able to speak and understand a specific language other than English.
15 (14%) Must be able to speak and understand a second language other than English.
32 (30%) Prefer the ability to speak and understand a specific language other than English.
18 (17%) Prefer the ability to speak and understand a second language other than English.
21 (20%) Other bilingual attributes/capabilities.
30 (29%) None of the above.
- 10) What training is given to public contact staff and their supervisors? Please check all that apply.
- 43 (41%) Instruction in explaining technical terms and procedures to non-English-speaking clients.
71 (68%) Informing staff about other resources available to non-English-speaking clients.
32 (30%) Communications training for business settings provided by internal or outside source.
38 (36%) Training in developing problem-resolution skills.
4 (4%) Advanced language training.
1 (1%) Courses to qualify as a court-certified interpreter.
- 11) Does the department maintain an updated list of department employees available to serve as translators?
- 81 (77%) Yes
24 (23%) No
- 12) Has the department received complaints about a lack of bilingual staff or of pamphlets explaining department services in languages other than English?
- 18 (17%) Yes
87 (83%) No
- 13) If you answered yes to the previous question, how have you addressed these complaints?
- 2 (2%) No action taken.
16 (15%) Complaint handled within the department.
1 (1%) Complaint referred to an outside agency, such as a community-based organization.
- 14) If the Bureau of State Audits visited your agency, could you provide documentation supporting your answers above?
- 101 (96%) Yes
4 (4%) No

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Agency's comments provided as text only.

State and Consumer Services Agency
Office of the Secretary
915 Capitol Mall, Suite 200
Sacramento, Ca 95814

November 8, 1999

Kurt R. Sjoberg, State Auditor
Bureau of State Audits
555 Capitol Mall, Suite 300
Sacramento, California 95814

Dear Mr. Sjoberg:

Subject: AUDIT REPORT NO. 99110- WHILE STATE AND LOCAL
GOVERNMENTS PROVIDE BILINGUAL SERVICES, MORE SHOULD
BE DONE TO FULLY ADDRESS THE LANGUAGE NEEDS OF THEIR
CLIENTS

Enclosed is our response prepared by the State Personnel Board to the Bureau of State Audits' Report No. 99110 entitled "While State and Local Governments Provide Bilingual Services, More Should be done to Fully Address the Language Needs of Their Clients." A copy of the response on a diskette is also included.

If you have any questions or need additional information, please contact me at 653-2636.

Sincerely,

(Signed by: Aileen Adams)

Aileen Adams
Secretary

Enclosures

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Agency's comments provided as text only.

California State Personnel Board
801 Capitol Mall
Sacramento, California 95814

MEMORANDUM

Date: November 8, 1999

To: Kurt R. Sjoberg, State Auditor
Bureau of State Audits
660 J Street, Suite 300
Sacramento, CA 95814

From: State Personnel Board
Executive Office

Subject: RESPONSE TO AUDIT REPORT

This is in response to your draft audit report entitled, "Dymally-Alatorre Bilingual Services Act: While State and Local Governments Provide Bilingual Services, More Should Be Done to Fully Address the Language Needs of Their Clients." We appreciate having an opportunity to review and to respond to that portion of the report pertaining to the State Personnel Board (SPB).

Your report concludes that SPB has fulfilled its responsibilities, and you offer a series of recommendations to further enhance the value and effectiveness of the State Bilingual Services Program. Your report also acknowledges that SPB has limited resources to implement the provisions of the Act and many of the recommendations contained in the report. In fact, the State budgets no resources to SPB to implement the provisions of the Act. The SPB is attempting to rectify this problem through the current budget process. Your audit and recommendations should be helpful to us to acquire resources for this important program. As resources are provided, the SPB will implement your recommendations.

I thank you for the opportunity to provide input on your report.

(Signed by: Walter Vaughn)

Walter Vaughn
Executive Officer
(916) 653-1028

Agency's comments provided as text only.

State Personnel Board Response
To The Bureau of State Audits Recommendations

The Board agrees with the recommendations in the Bureau of State Audits Report and is seeking resources through the current budget process to implement all of the recommendations.

The following recommendations can be implemented with current resources:

Inform state agencies that the act requires translation of certain publications into the language spoken by a substantial number of the people they serve.

Inform state agencies they are required to comply with the act even when statewide language surveys are not conducted.

Revise its training program for survey coordinators to include guidance on how to access the act and identify all of the provisions applicable to state agencies.

Response:

The Board currently informs departmental bilingual service coordinators of these requirements during our training program. We will continue to provide this information as well as annually notify departmental directors in writing of these requirements beginning January 2000.

The following recommendations require additional staff resources:

Establish practices for evaluating the adequacy of corrective action plans and for monitoring their implementation.

Revise the format of the statewide language survey report to include additional information that would present a more representative picture of the bilingual resources available at each agency.

Revise the contents of the statewide language survey report to present information in a way that would be more useful to the reader.

Serve as a resource coordinator for state agencies.

Ensure that state agencies report all information they collect during the biennial surveys, including expected vacancies in public contact positions for the coming year.

Response:

The Board is requesting additional resources, that if authorized in the 2000-2001 Budget will allow us to address these recommendations.

Agency's comments provided as text only.

Business, Transportation and Housing Agency
980 9th Street, Suite 2450
Sacramento, 95814-2719

November 9, 1999

KURT R. SJOBERG, State Auditor
Bureau of State Audits
555 Capitol Mall, Suite 300
Sacramento, CA 95814

Dear Mr. Sjoberg:

I am pleased to respond to your draft report entitled, *Dymally-Alatorre Bilingual Services Act: "While State and Local Governments Provide Bilingual Services, More Should Be Done to Fully Address the Language Needs of Their Clients."* As Governor Gray Davis' appointed Chair of the State Diversity Task Force and the California Census 2000 Campaign, I know firsthand the importance of state agencies providing adequate bilingual services to their clientele and all Californians.

I agree that state agencies should adopt a more proactive approach to implementing certain provisions of the act, and that there must be a central state agency charged to provide this leadership. The State Personnel Board is the appropriate agency to continuously monitor state agencies' compliance with the act.

All 12 departments reporting to the Business, Transportation and Housing Agency, including the three sampled in your audit are committed to providing the necessary level of bilingual services to their clients. The Department of Motor Vehicles (DMV), the Department of Housing and Community Development (HCD), and the California Highway Patrol (CHP), who were included in your survey, and were asked to respond to your report (see their attached responses), will all be conducting language surveys this fiscal year. In fact, the HCD intends to repeat the survey process again in fiscal year 2000/2001. Also, as surveyed in your audit, the DMV is only one of a few state agencies that provide all the necessary bilingual resources to serve their non-English-speaking clients.

Mr. Sjoberg, State Auditor
Dymally-Alatorre Bilingual Services Act
Page 2

While the Act requires state agencies to translate materials explaining services into languages spoken by a substantial number, defined as 5 percent or more, of the people they serve, the CHP for years has practiced a policy of assessing the need for bilingual positions when 2.5 percent of the total number of people served by their agency cannot communicate effectively in English.

All three agencies also have assigned the responsibility to continuously monitor department compliance with the act, and implement corrective action plans to a specific unit within their organization.

Providing Californians with a fair and accessible environment to conduct their business with state agencies is a current goal of this administration. I look forward to ensuring this goal is met.

Sincerely,

(Signed by: Maria Contreras-Sweet)

MARIA CONTRERAS-SWEET
Secretary

Attachments

Agency's comments provided as text only.

Department of California Highway Patrol
P. O. Box 942898
Sacramento, CA 94298-0001

November 5, 1999

File No.: 015.A09948

Ms. Maria Contreras-Sweet, Secretary
Business, Transportation & Housing Agency
980 9th Street, Suite 2450
Sacramento, CA 94814-2719

Dear Ms. Contreras-Sweet:

I have reviewed the draft copy of the Summary and Chapter One of the report, entitled "While State and Local Governments Provide Bilingual Services, More Should Be Done to Fully Address the Language Needs of Their Clients." The California Highway Patrol (CHP) respectfully submits to Agency additional information that will help clarify some of the concerns brought about by this report.

This portion of the Bureau of State Audits' report recommends the following: "State agencies should adopt a more proactive approach to implementing certain provisions of the act. They should develop procedures to conduct their own periodic assessment of the language needs of their clients, rather than relying on the biennial language survey. Further, each state agency needs to delegate the responsibility for monitoring its compliance with the act and implementing its corrective action plans to a specific unit or employee on a continuous basis."

The Legislature issued a moratorium that was enacted in 1992 and reenacted in 1996. This moratorium temporarily relieved agencies from conducting language surveys and the requirement that the State Personnel Board (SPB) provide a report to the Legislature. The SPB administers the Language Survey process, provides training and gives direction to departments on when a survey shall be conducted. The SPB identifies what elements and information are required to be collected and provided to them. Due to the Legislature's moratorium, SPB has not directed departments to conduct a survey until recently. The SPB provided this training on October 26, 1999. The California Highway Patrol (CHP) will be conducting language surveys the weeks of December 13, 1999 and January 10, 2000. Our report is due to SPB by May 15, 2000. With the resumption of the language survey process by SPB, the issue of agencies conducting additional assessments is unnecessary as the normal biennial survey will adequately identify changing demographics. Furthermore, for agencies with offices throughout the state, such as CHP, we know of no alternative means to effectively assess the bilingual staffing needs in each office other than through a survey of public contacts.

①*

*California State Auditor's comments appear on page 63.

During the moratorium, however, the CHP established new Inspection Facility commands and authorized bilingual positions for those commands based on anticipated needs. Additionally, we have continued to certify people for bilingual pay purposes to encourage services to the limited and non-English-speaking public. We also have made exceptions to our bilingual staffing formula when special needs existed and approved bilingual staff for specific commands. Our CHP Academy provides Spanish language training as a requirement for all Cadets as a proactive approach to communicating with Spanish-speaking individuals, and enhancing officer safety.

The Dymally-Alatorre Bilingual Services Act defines a “substantial number of non-English-speaking people” as any group of individuals with limited or no English proficiency who constitute at least 5 percent of the total number of people the agency serves. Although the Act requires bilingual services at a 5 percent contact rate, the CHP for years has established a policy of assessing the need for bilingual positions when 2.5 percent of the total number of people served by our agency cannot communicate effectively in English.

Under another provision of the Act, state agencies that furnish material explaining services, or that give oral or written notice of the availability of such material in English, must also provide similar materials or notices in the languages spoken by a substantial number (defined as 5 percent or more) of the people they serve. The CHP does have essential materials and forms translated into Spanish. Additionally, the Department recently completed an in-depth assessment of its EI Protector Program which was created several years ago to address traffic safety issues within the limited or non-English-speaking Hispanic community. As a result of this assessment, the Department has just approved establishment of a Community Outreach Program in our Professional Standards Division. This program is currently under development, will be headed by a manager, and includes members of the EI Protector Program and other staff. Together, they will assess the needs of translating essential documents into Spanish as well as other languages. Also, as an alternative bilingual resource, the CHP uses translation and interpretation services through a contract with OMNI Interpreting and Translating Network for all non-emergency contacts. We have a toll-free number exclusively for the California Highway Patrol which is accessible 24 hours a day, 365 days a year. Written translation of foreign language correspondence or documents is also available through OMNI. During the 98/99 fiscal year, use of these services totaled \$205,906. Translations for emergency contacts are provided by the Department of General Services’ contract with AT&T.

The mission of the California Highway Patrol is to ensure safety and provide service to the public as they utilize the highway transportation system and to assist local government during emergencies when requested. As part of this mission, the CHP has and will continue to ensure provisions of information and services to the public, in the language of the non-English-speaking person.

I hope this information helps clarify some of the concerns identified by the Bureau of State Audits’ report. If you have any further questions, please call me at (916) 657-7152.

Sincerely,

(Signed by: D.O. Helmick)

D. O. HELMICK
Commissioner

COMMENTS

California State Auditor's Comments on the Response From the California Highway Patrol

To provide clarity and perspective, we are commenting on the California Highway Patrol's (CHP) response to our audit report. The following number corresponds to the number we have placed in the CHP's response.

- ① While we agree that resumption of the language survey process will assist state agencies in determining the need to provide bilingual services, the extent of the surveys is limited. Specifically, the language surveys occur once every two years and represent only two weeks of data state agencies collect. Furthermore, as discussed in our report, because legislation temporarily halted the language surveys, only two were conducted during the past nine years. Therefore, to make better determinations about the need to provide bilingual services, more timely and continuous mechanisms are necessary. Finally, CHP's concern that there is no alternative means to effectively assess bilingual staffing needs other than through a survey of public contacts is shortsighted. By merely conducting the survey more frequently state agencies will have additional information, thus allowing them to effectively assess the bilingual staffing needs in their offices.

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Agency's comments provided as text only.

Department of Housing and Community Development
Office of the Director
P. O. Box 952051
Sacramento, CA 94252-2051
(916) 445-4775
FAX (916) 324-5107

November 5, 1999

MEMORANDUM FOR: Maria Contreras-Sweet, Secretary
Business, Transportation and Housing Agency

FROM: Judy Nevis, Acting Director

SUBJECT: Response to Bilingual Services Audit

This is the Department of Housing and Community Development's (HCD) response to recommendations made in the report prepared by the Bureau of State Audits entitled "While State and Local Governments Provide Bilingual Services, More Should Be Done to Fully Address the Language Needs of Their Clients".

Recommendation:

State agencies should adopt a more proactive approach to implementing certain provisions of the act. They should develop procedures to conduct their own periodic assessment of the language needs of their clients, rather than relying on the biennial language survey.

Eight of the 10 state agencies audited have not established procedures to periodically assess their need to provide bilingual services to their clients.

Response:

We concur. HCD has historically relied upon the State Personnel Board (SPB) to provide instruction and oversight in the conduct of bilingual surveys and assessment of data gathered in the surveys. In fact, HCD made several contacts with the SPB in late 1997 regarding the biennial survey and was advised by SPB staff to await instruction from the SPB before commencing the conduct of the survey. Instructions to begin the survey process were not provided until this year. Under the guidelines provided by the SPB, the Department has developed procedures and begun the 1999/2000 survey process. In addition, to validate the results and determine the need for possible service improvements, HCD will repeat the survey in 2000/2001 and may continue the process on an annual basis. It is agreed that more timely and continuous survey mechanisms may allow HCD to make better determinations regarding the provision of bilingual materials to its non-English speaking customers.

Recommendation:

Each state agency needs to delegate the responsibility for monitoring its compliance with the act and implementing its corrective action plans to a specific unit or employee on a continuous basis.

Response:

We concur. HCD has only recently centralized responsibility for the development of processes and conduct of the biennial language survey within its Equal Employment Opportunity office. It is anticipated that having a singular source responsible for the bilingual program will ensure the timeliness of the mandated surveys as well as the implementation of any necessary changes based upon the results of such surveys on an on-going basis.

I am committed to the provision of adequate bilingual services to all HCD customers, and feel certain the centralization of program responsibility will ensure greater awareness and oversight of the requirements for this mandate. If you have any questions regarding HCD's bilingual program, please feel free to contact me.

Agency's comments provided as text only.

Office of the Director
Department of Motor Vehicles
P.O. BOX 932328
Sacramento, CA 94232-3280

November 8, 1999

Maria Contreras-Sweet, Secretary
Business, Transportation and Housing Agency
980 9th Street, Suite 2450
Sacramento, California 95814-2719

Dear Secretary Contreras-Sweet:

In response to the draft report, entitled "While State and Local Governments Provide Bilingual Services, More Should Be Done to Fully Address the Language Needs of Their Clients," the Department of Motor Vehicles (DMV) would like to provide the following comments.

DMV strives to excel in the services it provides all Californians, including the non-English speaking. Overall, we believe DMV is among the leaders in carrying out the spirit of the Dymally-Alatorre Bilingual Services Act. Divisions with public contact positions are supported by the Communication Programs Division and Administrative Services Division, specifically the Human Resources Branch, to meet the requirements of the Bilingual Services Plan. As noted in Table 1 of the report, DMV provides bilingual services in many different ways. Further, DMV has been proactive in meeting the needs of our non-English speaking clientele through the following activities:

- DMV produces over 250 forms in a variety of languages, and the Driver License Exam is available in 33 different languages.
- The department has approximately 1,700 certified bilingual employees who speak a variety of languages to assist our non-English speaking customers.
- All DMV unit managers are encouraged to alert department administration when they perceive a language need is not being met. Additionally, some public contact units constantly track the languages of their customers to document the need for additional bilingual staff and services.
- Language requirements are specified in DMV's job opportunity bulletins when non-English speaking customers' needs are identified in a particular office location. The individuals hired for these vacancies must possess the specified language skills.
- The department maintains active lists of bilingual staff and interpreters, who can be called upon to handle bilingual communication as needed.

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- DMV has regularly participated in the Statewide Biennial Language Survey and has been responsive to its findings. DMV is currently preparing to conduct the 1999-2000 survey.

While we believe DMV's existing bilingual service efforts are noteworthy, we look forward to the publication of your final report and intend to continue to explore improvements in our bilingual services.

Thank you for the opportunity to comment on this report.

Sincerely,

(Signed by: Ed Snyder)

ED SNYDER
Acting Director

Agency's comments provided as text only.

California Environmental Protection Agency
555 Capitol Mall, Suite 525
Sacramento, California 95814

November 8, 1999

Kurt R. Sjoberg
State Auditor
Bureau of State Audits
555 Capitol Mall, Suite 300
Sacramento, California 95814

Dear Mr. Sjoberg:

Thank you for the opportunity to review the draft report entitled "While State and Local Governments Provide Bilingual Services, More Should be Done to Fully Address the Language Needs of Their Clients" dated November 2, 1999. This report addresses how State agencies are addressing their obligations under the Dymally-Alatorre Bilingual Services Act. In developing the report, the Department of Toxic Substances Control (DTSC) was audited for its handling of translation/interpretation services. As you know, DTSC is a part of the California Environmental Protection Agency, and I have asked DTSC management to review and comment on the draft report. Their comments are included in this letter.

In summary, the report concluded that eight out of the 10 State agencies audited (including DTSC) have not established procedures to periodically assess the need to provide bilingual services to their clients. In fact, DTSC does assess this need on an ongoing basis for the bulk of its clients via its Office of Public Participation. In communities where DTSC is conducting remedial cleanup of hazardous waste or reviewing the status of a permit, both statute and policy require DTSC to conduct an assessment which includes an evaluation of language needs. This process is a formal process, requiring DTSC to interview community leaders, residents, landowners and business owners to determine if they or others require translation/interpretation services. Additionally, throughout the process, DTSC staff members continue to evaluate this need. On a great number of its projects – particularly in the Los Angeles and Bay Area regions – DTSC translates its informational materials, and provides interpretation at community meetings and other face-to-face interactions. It is not unusual for DTSC to send a fact sheet that is translated into more than one language.

①*

*California State Auditor's comments appear on page 71.

Kurt R. Sjoberg
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② The report found DTSC in compliance with the Act; however it was noted that field staff are unfamiliar with specific requirements. Typically, departments conduct the biannual survey at the direction of the State Personnel Board (SPB). For the past four years, SPB has not provided this direction. However, it recently notified departments of this requirement, and DTSC's Personnel Office staff will be attending a SPB briefing addressing the 1999-2000 survey and compliance with the Act.

③ The vast majority of public contact occurs in DTSC regional offices as opposed to Headquarters. Each of the regional offices maintains a listing of language proficiencies available from existing staff so that the non-English speaking public can be served. In a recent informal survey, it was confirmed that sufficient language capability was available in each DTSC office to address language requirements exceeding the 5% threshold.

I hope these clarifications assist you in your evaluation of efforts made by DTSC in meeting the needs of customers who have translation/interpretation needs.

Sincerely,

(Signed by: Winston H. Hickox)

Winston H. Hickox
Agency Secretary

COMMENTS

California State Auditor's Comments on the Response From the California Environmental Protection Agency

To provide clarity and perspective, we are commenting on the California Environmental Protection Agency's (agency) response to our audit report. The following numbers correspond to the numbers we have placed in the agency's response.

- ① Although the Department of Toxic Substances Control (DTSC) has formal procedures to conduct evaluations of language needs whenever it conducts cleanups of hazardous waste and when it reviews the status of permits, the Dymally-Alatorre Bilingual Services Act (act) requires state agencies to have sufficient staff in public contact positions. Therefore, while we are pleased to see that DTSC has a process to evaluate language needs when conducting a remedial cleanup, the department needs to ensure that it can provide information and services in the various languages of constituents that visit its regional offices.
- ② As stated on page 14, although legislation temporarily halted the language surveys, it did not relieve state agencies of the responsibility to collect data necessary to ensure they provide appropriate bilingual services. Furthermore, in light of California's growing diversity, it is important for state agencies to take a more proactive approach in the implementation of the act rather than relying solely on the State Personnel Board for guidance.
- ③ At the time our audit was conducted, DTSC had not performed its informal survey of bilingual needs.

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Agency's comments provided as text only.

Department of Corrections

Date: November 8, 1999

To: Kurt R. Sjoberg
State Auditor
Bureau of State Audits

SUBJECT: RESPONSE TO THE STATE AUDIT OF CALIFORNIA DEPARTMENT OF
CORRECTIONS BILINGUAL PROGRAM

This is in response to the draft audit report entitled "Dymally-Alatorre Bilingual Services Act." The California Department of Corrections (CDC) is committed to administering the provisions of the Dymally-Alatorre Bilingual Services Act. The State Auditor found that CDC's bilingual program has not received the centralized attention it deserves. We are, nevertheless, striving to meet the bilingual services needs of the public.

The CDC makes a concerted effort to eliminate language barriers between the Department and its clients and is largely successful in doing so. The vast majority of our clients are our inmates and parolees. A separate report for these clients was prepared as part of our 1995 survey to the State Personnel Board, which indicated we have more than met the requirements. The remainder of our clients consists, overwhelmingly, of the family members of our inmates and parolees, and very few other members of the public.

The 1995 survey focused on employees who are certified bilingual and who are in public contact positions. While most of our certified employees are not permanently assigned to public contact positions, a sufficient number is always available to provide interpretation when it is needed. For example, the survey indicates that the California Institution for Men (CIM) should have 26 employees in public contact positions who are certified in Spanish. During the survey period, CIM had 10 such employees and, therefore, a deficiency of 16 was reported. However, in reality, CIM had a total of 37 employees who were certified bilingual in Spanish. They were just not in public contact positions.

Regardless of the reported deficiency, a sufficient number of bilingual employees is available to provide interpretation. In an informal survey of the institutions in July 1999, we found this to be typical throughout the institutions. Although there was no centralized follow-up process, we found that the individual institution and program staff were able to provide the needed interpretive services, and in a way that allows flexibility for the variety of language needs we encounter.

I would point out that Government Code Section 7299 states that the provisions of the Dymally-Alatorre Bilingual Services Act shall be implemented to the extent that funding is available. The CDC is an organization with 45,000 employees servicing the needs of 160,000 inmates and 110,000 parolees. We received no additional resources to administer this program, which represents a significant workload. Further activities in this program will continue to be evaluated by CDC.

(Signed by: Steve Cambra for)

C.A. Terhune
Director
Department of Corrections

Agency's comments provided as text only.

Department of Social Services
744 P Street
Sacramento, California 95814

November 8, 1999

Mr. Kurt R. Sjoberg, State Auditor
Bureau of State Audits
555 Capitol Mall, Suite 300
Sacramento, CA 95814

Dear Mr. Sjoberg:

SUBJECT: BUREAU OF STATE AUDITS (BSA) REPORT ENTITLED "WHILE STATE AND LOCAL GOVERNMENTS PROVIDE BILINGUAL SERVICES, MORE SHOULD BE DONE TO FULLY ADDRESS THE LANGUAGE NEEDS OF THEIR CLIENTS" BSA AUDIT 99110

The Secretary, Health and Human Services Agency, has requested our Department respond to the findings contained in the above-mentioned BSA audit report.

We are pleased by the information contained in your report on our Department's language translation services. Although our Department appears to be in compliance with the Dymally-Alatorre Bilingual Services Act (DABSA), we are constantly striving to improve our language services in meeting the needs of our diverse clientele. Your recommendations will further assist us in improving those services. For more than 20 years, our specialized Language Translation Services section has been providing quality translations and other related services for the Department. As we enter into the new century, we will continue to monitor our compliance with the DABSA on an ongoing basis to ensure that we are meeting the language needs of our clients.

If you have any questions, please call me at 657-2598.

Sincerely,

(Signed by: Anne Bersinger for)

RITA SAENZ
Director

cc: Members of the Legislature
Office of the Lieutenant Governor
Attorney General
State Controller
Legislative Analyst
Assembly Office of Research
Senate Office of Research
Assembly Majority/Minority Consultants
Senate Majority/Minority Consultants
Capitol Press Corps