

City of Beaverton Language Access Policy

A. Policy Statement

The City of Beaverton is dedicated to treating everyone with respect and dignity in the provision of city services regardless of English proficiency. In order to achieve this goal, reasonable steps will be taken to provide meaningful access for English Language Learners (ELLs)¹ to city information, programs, and services; ensure that staff are able to communicate effectively with ELLs; and ensure that the city meets federal requirements under Title VI of the Civil Rights Act of 1964. The City of Beaverton will conduct a regular review of the language access needs of its population, as well as update and monitor this policy and its implementation as needed.

Adopting a language access policy was an important step called for in the city's Diversity, Equity and Inclusion plan adopted by the City Council in January 2015. The city's volunteer-led Diversity Advisory Board prioritized the development of this policy as a critical early action the city should undertake to honor the community's vision for being a friendly, welcoming, and inclusive city. Enacting this policy is an important formal opportunity for Beaverton to demonstrate its commitment to implementing equitable practices.

B. Rationale for Action

Executive Order (EO) 13166, "Improving Access to Services for Persons with Limited English Proficiency," was created "to improve access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency..."

The basis for EO 13166 is Section 601 of Title VI of the Civil Rights Act of 1964, 42, U.S.C. 2000d, which provides that no person shall "on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." This indicates that differential treatment based on an individual's inability to speak, read, write, or understand English is a type of discrimination by national origin. This Executive Order applies to all state and local agencies which receive federal funds, thus including the City of Beaverton.

C. History & Background

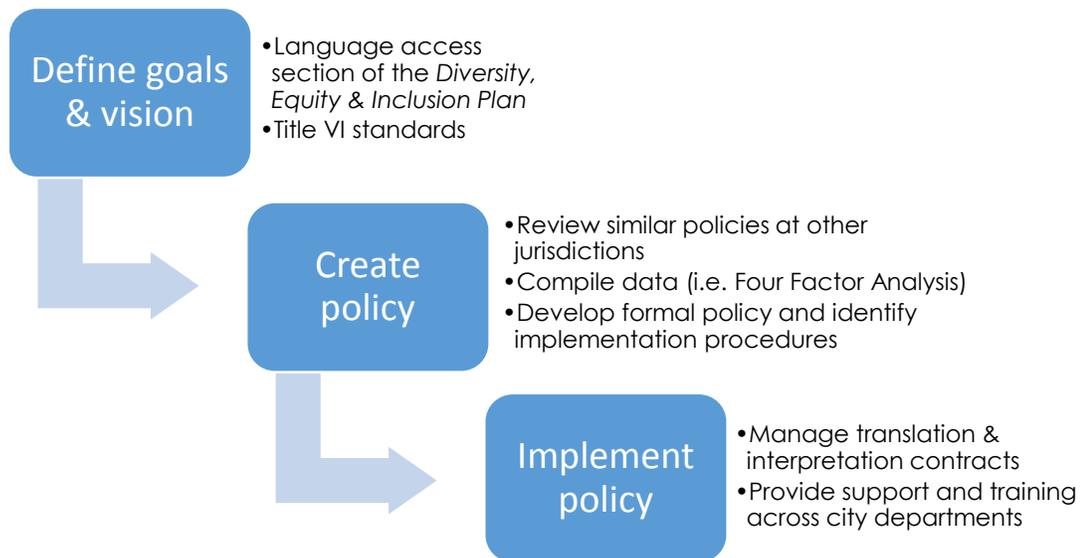
The demographic makeup of the City of Beaverton has diversified at a dramatic rate, bringing valuable contributions to the community fabric and a need for greater access to materials and services in other languages. Twenty-eight percent of Beaverton residents speak a language other than English at home, and one in eight are not fully fluent in English. Ninety-four different languages are spoken in the homes of Beaverton School District students.

¹ "English Language Learner (ELL)" is used throughout this document in place of "Limited English Proficient (LEP)" in order to emphasize people's strengths not deficiencies. LEP is the more standard federal terminology.

Language can be a significant barrier to accessing benefits and services, exercising basic rights, and complying with mandated responsibilities. As such, the city's Diversity Advisory Board (DAB) identified language access as one of eight priority goal areas for the city in the Diversity, Equity, and Inclusion Plan adopted by City Council in January 2015. The plan lists several concrete actions, including "adoption and implementation of a language access policy for the City of Beaverton, highlighting priority languages for those with limited English proficiency."

Currently, the city offers both interpretation and translation upon request and has contracted with private companies to provide these services. Qualified staff are eligible for premium pay for Spanish language fluency and a volunteer list of staff with comfort in other languages can be called upon when serving members of the public needing language assistance. Program materials are translated on a case-by-case basis.

D. Process



This process is supported by both the city's Cultural Inclusion Program – which works as a bridge between city government and historically underrepresented and underserved communities of color within the city – and the DAB. The DAB has an active language access subcommittee that has been involved in each step of the process to date, including: goal setting, review of similar policies and data, discussions on how to best identify community needs to inform the policy, etc.

E. Data – The “Four Factor Analysis”

The Four Factor Analysis is a federal requirement under Title VI and EO 13166 to determine community needs and measures to provide meaningful access for English Language Learners. After completing the analysis, the city is responsible for providing appropriate language assistance based on the findings. The analysis involves compiling and analyzing data on the following:

- Factor 1: The number or proportion of ELLs eligible to be served by the City of Beaverton;
- Factor 2: The frequency with which ELLs come in contact with the City of Beaverton;
- Factor 3: The nature/importance of the program, activity, or service provided by the City of Beaverton;
- Factor 4: The resource available and costs to the City of Beaverton associated with providing ELL services.

The city's Four Factor Analysis (see Appendix A) compiles data from American Community Survey (Census Bureau), Oregon Department of Education, Beaverton School District, and the Examining Racial Disparities in Beaverton (2014) report. The results were used to inform the creation of a tiered system prioritizing specific languages for translation and interpretation.

F. Implementation

In order to implement an effective language access policy, the following priority areas have been identified:

Funding – a dedicated line item that covers translation, interpretation, and staff training and is reviewed annually as part of the budget process

Implementation authority – the Cultural Inclusion Program will be responsible for: identifying qualified interpreters and translators to contract with, creating standards and expectations for use of translation and interpretation services, maintaining a list of translated documents, and tracking the budget

Complaint procedures – set up in accordance with Title VI, ensuring a contact person and published means for community members to report any Title VI complaints

Tracking– tracking by staff of contact with members of the public needing language assistance, languages spoken, and the type of help requested

Notice of language assistance services – posted signage at all “front-line” service staff areas, including those in the libraries, public works, the Griffith Drive building, and The Beaverton Building that indicate language assistance services are available

Staff training – mandatory training on policies and procedures, including: how staff are to respond to telephone calls or in-person requests in another language; how to track and record language preference information; how to access translation/interpretation services if necessary; how to use bilingual staff for in-house assistance; and how to process language-access complaints

Human resources support – consider expanding incentive pay to staff that speak priority languages other than Spanish; continue to expand recruitment outlets to announce jobs to more diverse, multilingual audiences; list bilingual premium pay in job announcements and promote multilingualism as an asset in hiring decisions; and

encourage city staff to improve their skills in other languages by supporting access to language classes

Oversight of policy and procedures – including the development of concrete performance measures, objectives, and benchmarks; periodic analysis of updated demographic data; and evaluation and revision of policy and implementation procedures

G. Definitions

Language Access – The city's effort to provide meaningful access to its services, programs, and activities by providing language assistance (i.e. interpretation and translation) when needed.

Translation – The conversion of written communication from one language to another in a written format.

Interpretation – The oral conversion of communication of a spoken message from one language to another.

English Language Learner (ELL) – A person who speaks a language (or languages) other than English as their primary language and is currently working on building their reading, writing, speaking and listening skills in English in order to emerge as bilinguals or multilinguals.

Meaningful Access – Federal standards require that organizations receiving federal funds ensure meaningful access to their services, programs, and activities despite language ability. An ELL has meaningful access when they:

- are given adequate information;
- can understand the services and benefits available;
- can receive the services for which they are eligible;
- can communicate the relevant circumstances of their situation to the service provider

Vital Documents – Vital documents refer to information or documents that are critical for accessing federal funded services or benefits, or are documents that are required by law. Documents that require a signature are considered vital. Vital documents include, but are not limited to the following:

- Consent and complaint forms
- Intake forms with the potential for important consequences
- Written notices of eligibility criteria, rights, denial, loss or decreases in benefits or services, or resulting from other hearings
- Notices advising the public of free language assistance
- Applications to participate in a recipient's program or activity
- Applications to receive benefits/services

Appendix A: Four-Factor Analysis for Beaverton

The Four Factor analysis is the first piece of a three-part federal requirement under Title VI and Executive Order 13166 to provide language assistance and ensure meaningful access for English Language Learners (ELLs). After completing the analysis, the city is responsible for adopting and implementing a language access policy. The analysis involves identifying data to describe the following:

- Factor 1: The number or proportion of ELLs eligible to be served by the City of Beaverton;
- Factor 2: The frequency with which ELLs come in contact with the City of Beaverton;
- Factor 3: The nature/importance of the program, activity, or service provided by the City of Beaverton;
- Factor 4: The resource available and costs to the City of Beaverton associated with providing ELL services.

It is important to note that the data available for this analysis is based primarily on native language *spoken* among English Language Learners; there is very little information available to describe English *literacy* among immigrant and refugee populations in Beaverton. While data on spoken language can help inform decisions regarding translation and interpretation, it will be important to keep in mind that the two are not completely interchangeable (i.e. some communities commonly speak a native language that they may not read or write). In all cases, it is expected that the material being translated and the translation itself are at an eighth-grade reading level.

This analysis also does not speak to effective communication with people who have visual, hearing, or speech impairments. Requirements for ensuring that the City communicates in a way that allows individuals with communication disabilities to understand and convey information are outlined in the Title II Americans with Disabilities Act (ADA). It is worth noting that there are contracts for both sign language interpretation and closed captioning services that are managed through the City Records office for residents that are deaf or hard of hearing.

Factor 1: The number or proportion of ELLs eligible to be served by the City of Beaverton.

- I. Source: **2009-2013 American Community Survey 5-Year Estimates**
(American Fact Finder, <http://factfinder.census.gov/>)

The following table lists the top 10 languages (after English) spoken by English Language Learners in Beaverton:

Language	Estimate	% ELL
Total population 5 years and over	85,685	
Speak English less than very well	10,252	12%
Spanish	10,904	
Speak English very well	6,149	
Speak English less than very well	4,755	44%
Korean	1,125	
Speak English very well	362	

Speak English less than very well	763	68%
Vietnamese	977	
Speak English very well	377	
Speak English less than very well	600	61%
Chinese	1,237	
Speak English very well	704	
Speak English less than very well	533	43%
Japanese	894	
Speak English very well	425	
Speak English less than very well	469	52%
Russian	751	
Speak English very well	393	
Speak English less than very well	358	48%
Persian	642	
Speak English very well	400	
Speak English less than very well	242	38%
Arabic	605	
Speak English very well	368	
Speak English less than very well	237	39%
Tagalog	419	
Speak English very well	185	
Speak English less than very well	234	56%
Cambodian	492	
Speak English very well	337	
Speak English less than very well	155	32%

Other (total speakers / speak English less than very well): African languages* 182 / 113; Hindi 369 / 14; Other Indic languages 1050 / 453.

*Census does not distinguish African languages; based on other sources, probably chiefly Somali

- II. Source: **Oregon Department of Education 2013-2014**
(www.ode.state.or.us/data/reportcard/reports.aspx)

The following table lists the percentage of youth English Language Learners in Beaverton, showing that an average of over a quarter of local school-aged children are ELLs:

Beaverton School District	Grades K-3	Grades 4-5	Grades 6-8	Grades 9-12
English Language Learners	26%	28%	27%	24%
# of different languages spoken	72	67	72	71

- III. Source: **Beaverton School District (BSD) Sept. 2015**
(BSD English Language Learners Education Department)

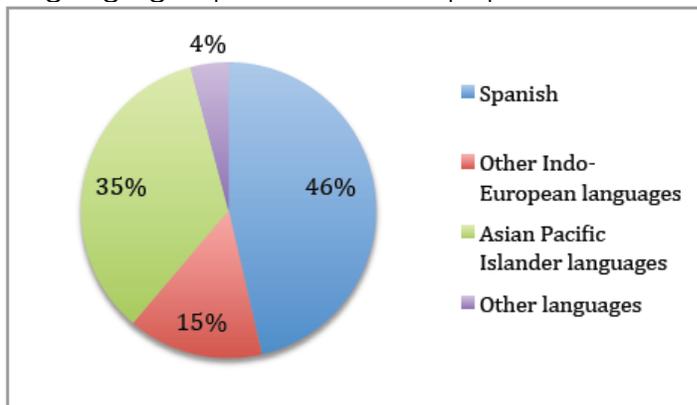
Ninety-four languages are spoken in the Beaverton School District and 31% of students speak a language other than English at home. The following table lists the top 20 languages spoken in the homes of students in the district:

Language	Numbers
English	28,086
Spanish	7,087
Chinese	742
Vietnamese	582
Arabic	553
Korean	500
Japanese	404
Telugu	304
Russian	220
Hindi	212

Language	Numbers
Tamil	194
Somali	165
Tagalog	133
Marathi	108
Bengali	104
Farsi	104
Romanian	88
Nepalese	78
Hebrew	75
Cambodian	71

IV. Source: **Examining Racial Disparities in Beaverton (report) June 2014**
<http://www.centertoadvanceracialequity.org/publications/>

Approximately 12.5% of the overall population in Beaverton were reported to speak English “less than very well,” with Spanish and Asian-Pacific Islander languages comprising over 80% of languages spoken by ELL individuals. The breakdown of overall language groups within the ELL population is shown below:



Summary

The four sources above describe the ELL population and the languages spoken in Beaverton. While the boundaries for the city of Beaverton and the Beaverton School District are not the same and thus a slight discrepancy may exist, this summary represents the best approximation with available data.

Based on this information, the following language tiers have been developed to respond to the language needs of ELL populations in Beaverton. These tiers are meant to guide written translation of vital documents and public communications materials that the City produces:

Tier 1 (Materials shall be translated): Spanish

Tier 2 (Translation recommended): Chinese, Vietnamese, Arabic, and Korean

Tier 3 (Translation encouraged): Japanese and Russian

The seven languages listed within the tiered system are those that were consistently represented among the top languages in multiple data sets above. The population size of Spanish speakers in Beaverton meets the threshold for a “safe harbor” language, commonly defined as “1,000 or more / more than 5% of the eligible population or beneficiaries of services”; therefore it has been placed in Tier 1. Safe harbor languages are those that are strongly prioritized for translation of vital documents and public communications materials.

The tiered system is meant to provide flexibility based on the target audience, geographic region, etc. Tiers 2 and 3 allow an individual program/department to adapt based on specific project goals and resources.

Factor 2: The frequency with which ELLs individuals come in contact with the City of Beaverton.

The City of Beaverton has not systematically collected data on the number of individuals or instances in which language assistance has been requested. However, with the high number of individuals reported to be ELLs the chance for contact is high, particularly in the provision of essential services and programs. Data collection standards will need to be a component of the city's language access policy and implementation strategy in order to obtain more concrete data moving forward.

That said, a survey of staff from June 2014 collected anecdotal information regarding contact with ELLs and language assistance provided across departments in the City of Beaverton. A selection of the most relevant data from that survey is presented here:

Department	% ELL Clients (Approx.)	Languages
Community/Economic Development	10%	Spanish, Russian, Persian, Farsi, Arabic, Pakistani, Korean, Chinese, Japanese, Vietnamese
Mayor's Office	17%	Spanish and API Languages, Russian
City Attorney's Office	7%	Spanish
Public Works	1-5%	Spanish, API Languages, Russian
Library – Youth Services	5-10%	Spanish, Chinese, Korean, Vietnamese, African languages
Library – Adult Services	30%	Spanish, Chinese, Korean
Library @ Murray Scholls	5%	Spanish, Russian, Arabic, Vietnamese, Chinese, Korean

Responses to contact with ELLs included: using another staff person to interpret, utilizing Language Line interpretive phone service, providing informational material in another language, doing their best to communicate, and sending the individual to another office in the city where they might be better served.

Identification of vital documents included: city directories, permit forms, applications, informational brochures, website information, program flyers, preparedness information,

agreement to mediate, signs on barricades, victim rights request form, letters of notice, utility billing, rules and procedures, and non-emergency reporting of issues in the city.

Factor 3: The nature/importance of the program, activity, or service provided by the City of Beaverton.

The City of Beaverton offers a range of programs and services including:

- Library Services
- Police Services
- Passports
- Business licenses
- Water utility
- Dispute Resolution/Mediation
- Permits
- Code Services
- Purchasing/Bids
- Court services
- Recycling & Garbage
- Community Gardens
- Emergency Preparedness
- Housing & business development
- Neighborhood Program
- Boards and Commissions
volunteer opportunities
- Cultural Inclusion
- Community Events
- Arts programming
- Road maintenance
- Non-profit small grants

Factor 4: The resources available and costs to the City of Beaverton associated with providing ELL services.

The City of Beaverton provides incentive pay for Spanish-speaking employees who pass a proficiency test issued by Human Resources and whose position requires them to use Spanish regularly, which is 4% above their base rate. This premium pay is part of the SEIU Chapter 198 Bargaining Agreement. Human Resources also maintains a volunteer interpreter list for staff who speak other languages and have offered to be called on for language assistance when needed. At the time of this report, this list includes 14 languages: Arabic, Bosnian, Czech, Hungarian, Portuguese, Russian, Serbo-Croatian, Spanish, Chinese (Cantonese, Mandarin, and Chowjow), Cambodian, Japanese, and Vietnamese.

The City has several open contracts for language interpretation and translation, and is working to centralize management of these contracts and funds spent into a single line item in the general fund budget. For the first time in Fiscal Year 2014-15, \$10,000 was incorporated for translation services under a central budget line in the Mayor's Office and allocated across several departments. These funds were used to translate several key city documents deemed to be a priority and have a longer shelf-life, including: the city business license application and requirements to open select types of businesses; sidewalk and tree cutting permit applications; the Diversity, Equity, and Inclusion Plan and city-wide Community Visioning survey; guidelines for community gardens; the Victim Advocates handbook; and more. For Fiscal Year 15-16, that line item was increased to \$15,000 and is being used to contract with two translation companies based in the area. (Note: library materials are generally translated through the Washington County Cooperative Library System contract, which is not reflected in the above amounts).

For language interpretation services, the City regularly contracts with two telephonic interpretation services (sometimes used for in-person interpreters for meetings as well) and a Spanish-English court interpreter. These services currently represent \$40,000 in the Fiscal Year 15-16 budget.