



CALIFORNIA STATE PERSONNEL BOARD

GRAY DAVIS, Governor

801 Capitol Mall • Sacramento, California 95814 • www.spb.ca.gov



DATE: February 3, 2003

TO: ALL STATE AGENCY AND DEPARTMENT DIRECTORS

SUBJECT: NEW REQUIREMENTS OF THE DYMALLY-ALATORRE BILINGUAL SERVICES ACT, GOVERNMENT CODE §§ 7290-7299.8.

NOTE: THIS NOTICE IS BEING RE-ISSUED WITH AN ATTACHMENT; IT WAS FIRST ISSUED JANUARY 24, 2003 WITHOUT AN ATTACHMENT. NO OTHER CHANGES HAVE BEEN MADE TO THE NOTICE.

AUTHORITY:

The Government Code §§ 7290-7299.8, known as the Dymally-Alatorre Bilingual Services Act (Act), were enacted in 1973 to identify specific requirements for state departments in order to provide access to services for non-English speaking persons. AB 3000, signed by Governor Davis became law effective January 1, 2003. This legislation amended the Act to require the State Personnel Board (SPB), as well as all state agencies, to adopt and implement new provisions and report specific information by October 1, 2003.

BACKGROUND:

The Dymally-Alatorre Bilingual Services Act requires state and local agencies to "provide for effective communication between all levels of government and the people of this state who are precluded from utilizing public services because of language barriers." The Act sets forth specific requirements for state agencies to ensure provision of information and services to the public in the languages of the non-English speaking person, hereinafter referred to as limited-English proficient (LEP). State departments are required to conduct a biennial language survey and report their findings to the SPB by March 31 of every even-numbered year. The Act further mandates that the SPB report state agencies' compliance with the Act to the Legislature.

NEW REQUIREMENTS:

In addition to the biennial language survey, the Act now requires state agencies to implement the following new requirements:

State Agencies:

1. Effective October 1, 2003, and every even-numbered year thereafter, each state agency will be required to conduct an assessment and develop and update an implementation plan that addresses all of the following:
 - Identifies one responsible person for overseeing implementation of the state agency's plan.
 - Describes procedures for identifying written materials that need to be translated.
 - Describes procedures for identifying language needs at local offices and assigning qualified bilingual staff.
 - Describes how the agency recruits qualified bilingual staff.
 - Identifies training the agency provides to its staff regarding the provision of services to LEP persons.
 - Provides a detailed description of how the agency plans to address any deficiencies in meeting the requirements of the Act.
 - Identifies procedures for accepting and resolving complaints of an alleged violation of the Act.
 - Describes how the agency complies with any federal or other state laws that require linguistically accessible services to the public.
 - Any other relevant information requested by the SPB.
2. In developing its implementation plan for 2003, state agencies may rely upon their 2002 language survey data.
3. Each department must submit its implementation plan to the SPB no later than October 1, 2003, and every even-numbered year thereafter.

State Personnel Board:

1. Review each plan to determine:
 - If the plan adequately addresses the identified deficiencies, and if not, to order the agency to supplement or make changes to the plan.
 - Require any agency determined to be deficient by the SPB, to report its progress in addressing the deficiencies, every six months.
2. If the SPB determines a state agency has not made reasonable progress towards complying with the Act, the SPB may issue orders that it deems appropriate to effectuate the purposes of the Act.
3. Review the results of agencies' implementation plans, compile the data, and provide a report to the Legislature every two years.

PROCEDURES FOR IMPLEMENTATION:

To facilitate implementation of recommended best practices and procedures for compliance with the Act, the SPB requested that state agencies report much of this new information in their 2001-02 biennial language survey package. Many state agencies voluntarily complied with the SPB's request. The amended Act allows state agencies to rely on their 2001-02 survey data to meet the 2003 implementation plan requirements.

The SPB is in the process of finalizing the language survey analysis and assessments for each state agency that participated in the 2001-02 language survey. By March 2003, the SPB will provide each state agency or department with an evaluation of its current efforts to comply with the Act and describe specific recommendations for enhancing its delivery of bilingual services. This information can be used to assist state departments in completing their implementation plans. Upon receipt, each department should review its language survey package, survey analysis and assessment, to determine whether or not it has complied with the new requirements of the Act. Departments that did not participate in, or were exempted from the 2001-02 language survey are still required to submit an implementation plan.

Additional Information:

The SPB's Bilingual Services Program (BSP) is responsible for working with state agencies in complying with the requirements of the Act. The BSP anticipates conducting an informational seminar in March 2003, to provide assistance to state agencies in completing their 2003 implementation plan for submission to the SPB no later than October 1, 2003.

The BSP staff is available to provide technical assistance to your department in complying with the Act. The attached listing provides information regarding the BSP analyst assigned to assist each state agency. If you have any questions regarding this policy memorandum or need clarification regarding your department's responsibilities to comply with these new requirements, please feel free to contact the BSP at (916) 651-9017 or TDD (916) 653-1353.

Karen Coffee, Chief
Merit Employment and Technical Resources Division

Attachment

**BILINGUAL SERVICES PROGRAM
ANALYST ASSIGNMENTS**

ER	Enrique Ramirez.... (916) 653-7178	IA	Ignacio Armenta.....(916) 651-6690
JE	Juanita Escutia..... (916) 651-8374	JLR	Juana Lopez-Rodriguez.....(916) 653-1721
RL	Rose Liu (916) 651-6718		General Information(916) 651-9017

DEPARTMENT	BSP ANALYST
Administrative Law, Office of	IA
African-American Museum	IA
Aging, Commission on	ER
Aging, Department of	ER
Agricultural Labor Relations Board	ER
Air Resources Board	RL
Alcohol and Drug Programs	JE
Alcoholic Beverage Control Appeals Board	JE
Alcoholic Beverage Control, Department of	JE
Alternative Energy & Advanced Transportation Financing Authority	RL
Arts Council, CA	IA
Boating And Waterways	RL
Building Standards Commission	IA
Business Transportation and Housing Agency	JLR
CA Environmental Protection Agency	JLR
CA Exposition And State Fair	ER
CALFED Bay-Delta Authority	RL
CA-Mexico Affairs, Office of	ER
Child Support Services, Department of	JE
Children and Families First Commission, CA	JE
Chiropractic Examiners, Board of	IA
Coachella Valley Mountains Conservancy	RL
Coastal Commission, CA	RL
Coastal Conservancy, CA	RL
Colorado River Board	RL
Community Colleges, CA	IA
Community Services & Development, Department of	JE
Conservation Corps, CA	ER
Conservation, Department of	ER
Consumer Affairs, Department of (Boards & Commissions)	IA
Consumer Power & Conservation Financing Authority, CA	RL
Corporations, Department of	IA
Corrections, Board of	ER
Corrections, Department of	ER
Criminal Justice Planning, Office of	ER
Debt & Investment Advisory Commission, CA	IA
Debt Limit Allocation Committee, CA	IA
Delta Protection Commission	RL
Developmental Disabilities, CA State Council on Area Board on Developmental Disabilities	JE
Developmental Services, Department of	JE

**BILINGUAL SERVICES PROGRAM
ANALYST ASSIGNMENTS**

DEPARTMENT	BSP ANALYST
Earthquake Authority, CA	RL
Economic Development, Commission for	IA
Education, Department of	RL
Educational Facilities Authority, CA	RL
Electricity Oversight Board	RL
Emergency Medical Services Authority	JE
Emergency Services, Office of	JE
Employment Development Department	RL
Energy & Resources Conservation & Development Commission, State	RL
Environmental Health Hazard Assessment, Office of	RL
Equalization, Board of	IA
Fair Employment and Housing Commission	RL
Fair Employment And Housing, Department of	RL
Fair Political Practices Commission	IA
Finance, Department of	IA
Financial Institutions, Department of	IA
Fire Marshall, Office of State	ER
Fish and Game, Department of	ER
Food and Agriculture, Department of Agricultural Associations	JE
Forestry And Fire Protection	ER
Forestry, Board of	ER
Franchise Tax Board	IA
Gambling Control Commission, CA	IA
General Services, Department of	JE
Governor's Advisory Committee on Child Care	JE
Health & Human Services Agency	JLR
Health & Human Services Agency Data Center	IA
Health Facilities Financing Authority, CA	JE
Health Services, Department of	JE
High-Speed Rail Authority, CA	ER
Highway Patrol, CA	ER
Horse Racing Board, CA	IA
Housing & Community Development, Department of	JE
Housing Finance Agency, CA	JE
Industrial Development Financing Advisory Commission, CA	IA
Industrial Relations, Department of State Compensation Insurance Fund	RL
Inspector General For Veterans Affairs	IA
Inspector General, Office of the	IA
Insurance, Department of	ER
Integrated Waste Management Board, CA	RL
Justice, Department of	JE
Labor & Workforce Development Agency	RL
Law Revision Commission, CA	IA

**BILINGUAL SERVICES PROGRAM
ANALYST ASSIGNMENTS**

DEPARTMENT	BSP ANALYST
Legislative Counsel, Bureau of	IA
Little Hoover Commission (State Government Organization & Economy, CA Commission on)	JE
Lottery Commission, CA State	IA
Managed Care, Department of	JE
Managed Risk Medical Insurance Board	JE
Mental Health, Department of	JE
Military Dept. - Office of the Adjutant General	IA
Mortgage Bond & Tax Credit Allocation Committee	IA
Motor Vehicles, Department of	ER
Native American Heritage Commission	IA
Parks And Recreation, Department of	JE
Peace Officer Standards & Training Correctional Peace Officer Standards & Training, Commission on	ER
Personnel Administration	RL
Personnel Board, State	RL
Pesticide Regulation, Department of	RL
Pilot Commissioners, Board of	IA
Pollution Control Financing Authority, CA	RL
Postsecondary Education Commission, CA	IA
Prison Industry Authority	ER
Prison Terms, Board of	ER
Private Postsecondary & Vocational Education, Bureau for	IA
Public Defender, Office of the State	IA
Public Employees' Retirement System	RL
Public Employment Relations Board	RL
Public Utilities Commission	ER
Real Estate Appraisers, Office of	JE
Real Estate, Department of	JE
Rehabilitation, Department of	JE
Resources Agency	JLR
Rivers & Mountains Conservancy, San Gabriel & Lower L.A.	RL
S.F. Bay Conservation & Development Commission	RL
San Joaquin River Conservancy	RL
Santa Monica Mountains Conservancy	RL
ScholarShare Investment Board	RL
School Finance Authority, CA	RL
Science Center, CA	IA
Secretary of State	JE
Seismic Safety Commission	RL
Social Services, Department of	JE
State & Consumer Services Agency	JLR
State Audits, Bureau of	IA
State Controller, Office of the	IA
State Lands Commission	RL

**BILINGUAL SERVICES PROGRAM
ANALYST ASSIGNMENTS**

DEPARTMENT	BSP ANALYST
State Library, CA	ER
State Mandates, Commission on	IA
Statewide Health Planning & Development, Office of	JE
Status of Women, CA Commission on the	JE
Stephen P. Teale Data Center	IA
Student Aid Commission	RL
Summer School for the Arts, CA State	RL
Tahoe Conservancy, CA	RL
Task Force Self Esteem & Social Responsibility	ER
Teacher Credentialing, CA Commission	RL
Teachers' Retirement System, State	RL
Technology, Trade & Commerce Agency	JLR
Toxic Substances Control, Department of	RL
Traffic Safety, Office of	ER
Transportation Commission, CA	ER
Transportation, Ca Department of	ER
Treasurer, Office of State	IA
Unemployment Insurance Appeals Board	RL
Urban Waterfront Area Restoration Financing Authority, CA	RL
Veterans Affairs, Department of	IA
Victim Compensation and Government Claims Board	IA
Water Resources Control Board, State	RL
Water Resources, Department of	RL
Workforce Investment Board, CA	RL
Youth and Adult Correctional Agency	JLR
Youth Authority, CA Department of the	ER
Youthful Offender Parole Board	ER