



REPORT TO THE GOVERNOR AND THE LEGISLATURE

STATEWIDE LANGUAGE SURVEY AND IMPLEMENTATION PLAN

2005-2006

Prepared by the

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I. INTRODUCTION

A. Executive Summary

This report to the Governor and the Legislature has been prepared by the State Personnel Board (SPB) pursuant to Government Code Section 7299.6. The data presented is vital to executives in each State agency, department, board, and commission in planning the delivery of services to the Limited-English Proficient (LEP) population of California. The number of Californians age five and over who speak a language other than English increased from 12.4 million in 2000 to 14.4 million in 2006. Approximately 42.5 percent of Californians speak a language other than English in the home. The fastest growing LEP group is the Hispanic population. The primary reason for these demographic changes is immigration; more immigrants come to California than to any other state. In 2006, California was home to 27 percent of the nation's foreign-born population (U.S. Census Bureau, 2006).

This report summarizes the 2005-2006 Language Survey results and subsequent Implementation Plans that document how each State agency plans to address unmet bilingual needs. Some of the findings presented in Section II.B and Section III.B are highlighted below.

- A total of 4,503,788 public contacts were recorded during a two-week survey period. This represents a decrease of 1,441,759 (24 percent) public contacts under those reported in the 2003-2004 Language Survey.
- There are 7,280 certified bilingual positions allocated within the 103 reporting State agencies. This is a 1,065 (13 percent) position decrease over those reported in the 2003-2004 Language Survey.
- The number of non-English languages identified during the survey period was 98. This is a decrease of 27 non-English languages from those reported in the 2003-2004 Language Survey.
- The number of certified bilingual position deficiencies decreased by 114, from 936 in 2003-2004, to 822 in 2005-2006. The greatest bilingual position deficiencies are in:
 - Spanish: 690 (84%)
 - Vietnamese: 25 (3%)
 - Tagalog: 20 (2%)
 - Cantonese: 15 (2%)
 - Mandarin: 11 (1%)
 - American Sign Language: 1 (1%)

- Of the 39 State agencies that reported unmet LEP needs during the 2005-2006 Statewide Language Survey, 28 of the State agencies accounted for 90 percent of the deficiencies.

The number of unmet bilingual needs identified in this report illustrates the need for continued commitment and resources to ensure that all Californians have equal access to State services.

B. Background

The 1973 Dymally-Alatorre Bilingual Services Act (Act) requires that every State agency that is directly involved in providing public services employ bilingual employees or have established bilingual resources when a substantial portion of its clients are LEP. In 1977, the Legislature added to the Act a section which mandates that materials explaining services in English be translated into non-English languages spoken by a substantial number of the LEP serviced population. Another important addition was the definition of “substantial” at 5 percent of the service population of any local office or facility of a State agency. This set the standard for determining the number of bilingual contacts required to mandate the establishment of bilingual positions. In 2002, the Legislature added to the Act a section which requires State agencies to document procedures for identifying language needs as well as plans to address deficiencies and complaints in providing service to their LEP clients.

The Act defines “public contact position” and establishes State agencies’ authority to determine which positions interact with the public in the performance of the State agency’s functions. A general description of public contact services provided by State agencies include: casework services; administrative, formal, and informal hearings; criminal and civil investigations; institutional services to students, patients, residents, and inmates; licensing and certification of individuals; or any other position where the primary job responsibility consists of meeting, contacting, and dealing with the public.

The SPB is required to inform State agencies of their responsibilities under the Act and provide technical assistance. State agencies are required to conduct a biennial survey of each of their local offices and report to the SPB the number of bilingual employees in public contact positions including the language in which they are certified, number of bilingual staffing needs, and number and percentage of LEP clients served by the State agency.

The Act specifically exempts from its provisions the State Compensation Insurance Fund (SCIF). In addition, the SPB has authority to grant exemptions to State agencies that employ the equivalent of 25 or fewer regular, full-time employees in public contact positions and to those State agencies that substantiate that they consistently have fewer than a substantial number of contacts with LEP clients.

II. LANGUAGE SURVEY

This section provides a high-level overview of the process employed by the SPB and State agencies to gather the 2005-2006 Language Survey data and an overview of findings based on the compiled results.

A. Procedures

The SPB developed a set of standardized procedures in order to facilitate completion of the 2005-2006 Language Survey by participating State agencies. The following discussion provides an overview of the process.

- **Train Departmental Coordinators:** The SPB developed and provided training to State agencies on the survey process and the Automated Language Survey On-line System used to report survey results.
- **Train Public Contact Employees:** Each State agency that received training from the SPB provided guidance to all public contact employees in their State agency.
- **Conduct Language Survey:** Each State agency administered the survey over a two-week survey period between the months of May and September. The survey collected demographic information from all public contacts.
- **Compile and Submit the Results:** State agency employees compiled the results from their offices and submitted them to the SPB through the Automated Language Survey On-line System no later than October 1.

Upon completion of this process, the SPB compiled all results in order to gain insight into the statewide level of service provided to California's LEP population and to help State agencies identify deficiencies to address in their Implementation Plans.

B. Findings

The major findings of the 2005-2006 Statewide Language Survey are as follows:

1. Public Contacts

A total of 4,503,788 public contacts were reported from the 103 State agencies. Of these contacts, 633,595 or 14 percent were from persons who were identified as LEP. Spanish continues to be the dominant non-English language with 526,342 or 12 percent of the contacts. The other languages with a predominant number of contacts include:

- Vietnamese: 14,118 (0.31%)
- Cantonese: 12,097 (0.27%)
- Mandarin: 11,933 (0.26%)
- Tagalog: 11,833 (0.26%)
- American Sign Language: 10,270 (0.23%)

Table 1 - Public Contact Statistics

	2001-2002	2003-2004	2005-2006
No. of English Contacts	4,781,518 (84%)	5,041,827 (85%)	3,870,193 (86%)
No. of Non-English Contacts	884,804 (16%)	903,720 (15%)	633,595 (14%)
Total No. of Public Contacts	5,666,322	5,945,547	4,503,788

While the total number of public contacts decreased in 2005-2006 from the previous reporting period, the ratio of English to non-English contacts remained approximately the same.

2. Public Contact Positions

A public contact position is defined as “a position that emphasizes the ability to meet, contact and deal with the public in the performance of the State agency’s functions.” There were a total of 50,551 public contact positions reported from the 103 participating State agencies. Of these positions, 7,280 or 14 percent were certified as bilingual in one or more non-English languages.

The Act defines a bilingual person as “a person who is proficient in both the English language and the foreign language to be used.” It also requires the employment of “qualified bilingual persons” in public contact positions. The Act defines “qualified” or “proficient,” as someone who is certified as proficient in the foreign language by passing a fluency examination administered by either the SPB or other approved testing authority.

The majority of the certified bilingual positions are held by Spanish-speaking employees (5,930 or 81 percent) followed by employees certified in Tagalog (250 or 3.5 percent), Vietnamese (190 or 2.6 percent), American Sign Language (136 or 1.9 percent), Cantonese (125 or 1.7 percent), and Mandarin (84 or 1.2 percent). The remaining bilingual positions (564 or 7.7 percent) are held by employees that speak other non-English languages. The 7,280 certified bilingual public contact positions are a decrease of 1,065 positions (13 percent) from the 8,345 positions reported in the 2003-2004 Language Survey.

In addition to certified bilingual positions, many State agencies employ non-certified bilingual employees. Non-certified employees have not met the criteria or completed the process of becoming certified but are providing service in public contact positions to LEP clients. For the 2005-2006 Language Survey, there were 5,056 (10 percent) non-certified bilingual employees serving in public contact positions.

Table 2 - Public Contact Positions Statistics

	2001-2002	2003-2004	2005-2006
No. of English-Only and Non-Certified Bilingual Public Contact Positions	57,100 (87%)	50,809 (86%)	43,271 (86%)
No. of Certified Bilingual Public Contact Positions	8,467 (13%)	8,345 (14%)	7,280 (14%)
Total No. of Public Contact Positions	65,567	59,154	50,551

3. Bilingual Position Deficiencies

A total of 822 certified bilingual contact position deficiencies were identified throughout 39 State agencies during the 2005-2006 survey period. This indicates a net decrease of 114 certified bilingual contact position deficiencies from the 936 reported in the 2003-2004 Language Survey Report.

Languages with the greatest identified deficiencies (approximately one percent or more of the total) are presented below.

Table 3 - Identified Language Deficiencies

	2003-2004	2005-2006
Spanish	815 (87%)	690 (84%)
Vietnamese	7 (1%)	25 (3%)
Tagalog	27 (3%)	20 (2%)
Cantonese	11 (1%)	15 (2%)
Mandarin	9 (1%)	11 (1%)
American Sign Language	7 (1%)	6 (1%)
All other languages	61 (6%)	55 (7%)

While some State agencies are experiencing deficiencies, 64 (62 percent) reported no deficiencies and are meeting the requirements of the Act.

As previously stated, agencies use non-certified bilingual staff to serve LEP clients. If all non-certified bilingual staff were to become certified, the number of deficiencies reported could decrease by as much as 326 (44 percent) positions.

The SPB identified 244 instances where identified deficiencies represented less than half of a position to meet compliance. Deficiencies smaller than half of a position present a challenge for State agencies to address by recruitment of

bilingual staff. However, these deficiencies can be addressed utilizing other means such as telephone interpreter services.

Detailed reports of each State agency's unit-by-unit public contacts, certified bilingual staffing, and unmet bilingual staffing needs are available for public review at the SPB.

III. IMPLEMENTATION PLANS

This section summarizes the process employed to gather Implementation Plans from State agencies with deficiencies identified in the 2005-2006 Language Survey and presents an overview of the findings contained in the plans.

A. Procedures

Each State agency must complete and submit an Implementation Plan to the SPB no later than October 1 of odd numbered years. Whereas the language survey collected demographic information related to public contacts, the Implementation Plan gathers information related to the services provided to LEP clients by the State agency and how the State agency addresses deficiencies identified in the Language Survey.

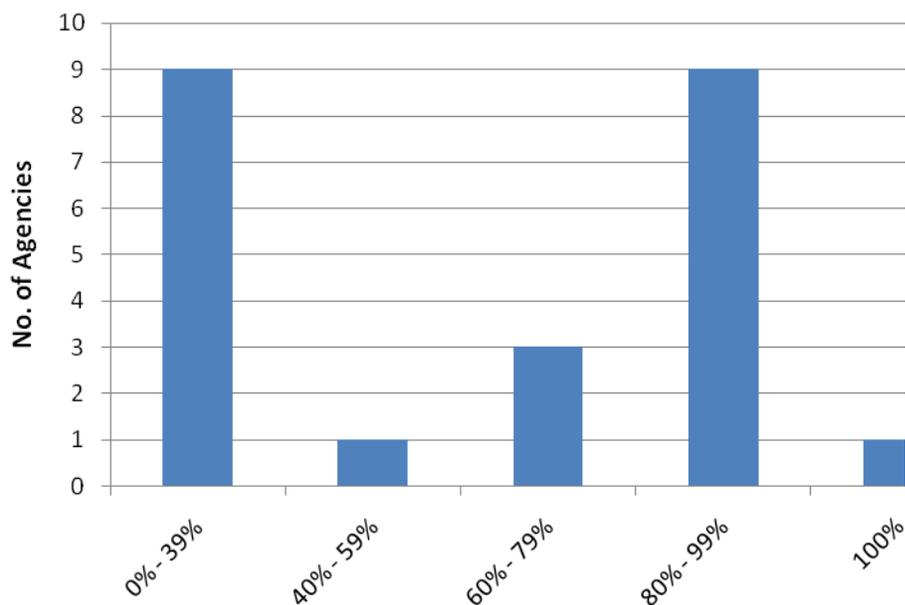
B. Findings

Of the 39 State agencies that reported unmet LEP needs during the 2005-2006 Statewide Language Survey, 28 of the State agencies accounted for 90 percent of the deficiencies. The findings contained in this section summarize the information contained in Implementation Plans submitted by the 28 State agencies.

The major findings of the 2005-2006 Statewide Language Survey and Implementation Plans are as follows:

1. Translated Materials

The following figure represents the percentage of documents translated into non-English languages that met the 5 percent threshold during the last survey period.

Figure 1 – Percentage of Documents Translated

Once documents are translated, it is important to let both public contact staff and the LEP public know that these documents are available for their use.

Approximately 46 percent of these State agencies maintain a master listing of their translated materials that is updated on a regular basis, and is made accessible to their public contact employees. State agencies utilize several alternatives to inform their LEP public about the availability of translated materials to ensure they are readily accessible.

- 83 percent maintain copies of translated materials in local offices.
- 74 percent place translated materials on the State agency's Internet Web site.
- 74 percent mail or provide information to the LEP public, upon request, or when a need is identified by departmental employees.
- 57 percent have signs or posters translated into non-English languages that are prominently displayed in State agencies' local offices that are accessible to the public.
- 57 percent employ a toll-free "Hot Line" telephone number available for the LEP public that is answered by bilingual employees and interpreters, or has available messages recorded in non-English languages.
- 57 percent disseminate information to the LEP public at community outreach and/or public service events.
- 52 percent disseminate translated documents to local governments, community organizations, contractors and/or other private and public entities that serve the LEP populations.

- 26 percent publicize in foreign language media (e.g., newspapers, radio, television).

State agencies use a variety of methods to determine whether their translated materials adequately meet the needs of their LEP clients.

- 92 percent solicit feedback from their public contact employees.
- 81 percent rely on requests from the LEP public.
- 73 percent utilize the frequency of requests for interpreter assistance.
- 65 percent use all three of these methods.

However, only 27 percent of these State agencies have written procedures that document how to identify which of their materials require translation.

2. Procedures for Identifying Language Needs and Staffing

State agencies were asked to describe the procedures for identifying language needs and tracking bilingual staffing positions.

In determining the language needs of their LEP public, agencies primarily utilize three sources of information: the previous biennial language survey results (85 percent), population and/or census bureau statistics (35 percent), and other data and statistics such as third-party research and contracted interpreter services (46 percent).

Another important aspect of identifying language needs is the ability to track bilingual positions and vacancies. For 32 percent of the State agencies, bilingual positions are flagged by a centralized source and management is apprised of bilingual needs prior to recruiting /advertising vacancies. For 52 percent of the State agencies, Individual Branch/Division/Unit management is responsible for tracking bilingual positions and recruiting/advertising vacancies.

3. Procedures for Recruiting Qualified Bilingual Staff

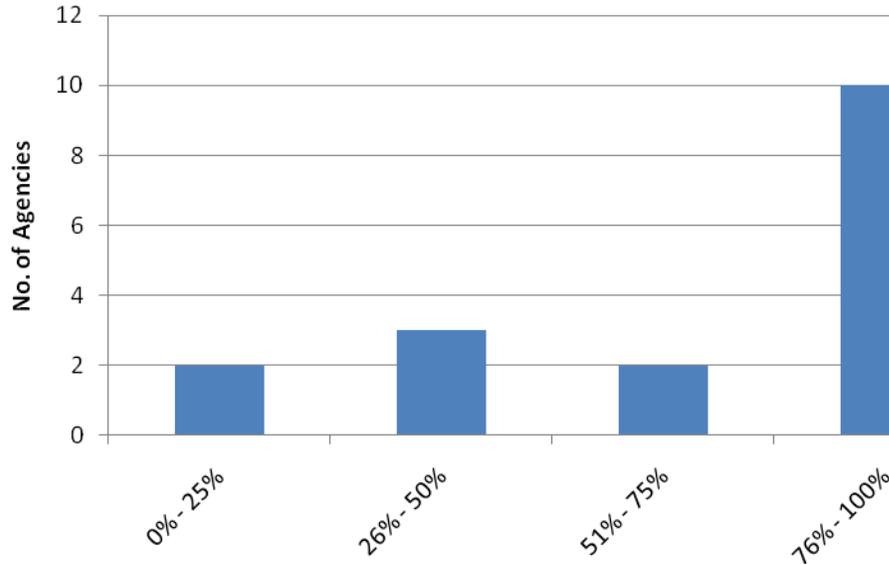
State agencies' procedures for recruiting qualified bilingual staff to meet its language needs cover a wide assortment of approaches.

- 71 percent include bilingual fluency skill as a requirement or desired qualification when advertising to refill public contact positions.
- 52 percent contact current non-certified bilingual public contact employees and asked them take the bilingual fluency exam.
- 48 percent utilize bilingual certification lists to refill bilingual public contact positions.
- 38 percent test applicant bilingual fluency prior to making a hiring commitment when a requirement of the position.
- 29 percent include identification of bilingual needs in their examination planning process.

- 19 percent conduct recruitment with LEP communities and foreign language media to reach applicants with required language fluency, as part of their examination process.

Figure 2 shows that by using the various recruitment methods discussed above, State agencies were able to correct position deficiencies and/or unmet language needs to varying degrees of success.

Figure 2 - Percentage of Corrected Position Deficiencies



4. Procedures for Testing Bilingual Fluency

State agencies have several options available to test and certify their bilingual employees' bilingual fluency. Though some State agencies rely solely on the services of the SPB to certify bilingual fluency, many State agencies use a combination of the three to meet their needs.

- 50 percent utilize the testing services of another State agency or outside testing sources.
- 46 percent have been given delegated testing authority by the SPB to test for certain languages.
- 42 percent utilize the testing services of the SPB.

Once bilingual staff have been recruited and hired, 77 percent of the State agencies have formal training programs in place to ensure employees understand their responsibilities for providing an appropriate level of language-access to LEP individuals.

5. Language Access Complaint Process

When LEP clients' language needs are not being adequately met, it is important that they have an avenue to submit a complaint regarding language access. The

Implementation Plans show that 92 percent of the State agencies have procedures in place to capture language access complaints.

6. Compliance with Other State or Federal Language Access Laws

In addition to the Act, 38 percent of the State agencies are subject to other state or federal laws that affect their provision of services to LEP clients. In addition, 64 percent of the State agencies receive federal funding to help ensure that they provide compliant language access services.

7. Contractor Compliance with Language Access Requirements

In some cases, public contact position services are fulfilled by contractors. In these instances, it is imperative that contractors understand their responsibilities to perform their services in compliance with language access requirements. State agencies enact several measures to ensure equitable LEP service for contracted contact positions.

- 83 percent include contract language that advises contractors of their responsibilities to provide language access in compliance with state and federal laws, as applicable.
- 33 percent require contractors to track and/or survey and report all non-English public contacts.
- 33 percent evaluate and identify contracted services that may impact LEP populations and provide translated materials and/or access to qualified interpreters, as applicable.

8. Other Resources Utilized to Provide Language Services

The Implementation Plan allows State agencies to report other resources utilized in order to provide services to LEP clients. Deficiencies are measured based on the number of staff as compared to the number of LEP contacts. However, the use of certified bilingual public contact staff is not the only means to deliver services to LEP clients. The following list shows the tool/resource utilized and the percent of State agencies using them:

- 86 percent: Contract Interpreter Services
- 75 percent: Internet Access to Bilingual Resources
- 71 percent: Posters, Signs and/or other Printed Materials
- 57 percent: Video and/or Audio Recordings
- 54 percent: Toll Free Telephone Numbers
- 50 percent: Translation Guides and Aides
- 36 percent: Telecommunication Device for the Deaf (TDD)
- 18 percent: Other

IV. CONCLUSIONS

This section lists some conclusions based on the information collected in the 2005-2006 Language Survey and Implementation Plans.

- 1. Non-certified bilingual employees play a significant role in serving the needs of LEP clients:** While State agencies report position deficiencies, it should be noted that they have employed other mechanisms to ensure LEP clients have access to services. As already mentioned, State agencies could eliminate 44 percent of the identified position deficiencies if non-certified bilingual staff were certified.
- 2. Alternate means of language services need to be recognized:** California State agencies provide language services through a broad array of alternatives: contract interpreters, telephone interpreters, to name a few. Position deficiencies are currently measured solely on the number of bilingual certified public contact employees. The other methods employed by State agencies to deliver services to their LEP clients should be incorporated into the process for determining position deficiencies to help more accurately identify true gaps in service.

Serving California's LEP population is and will continue to be important to the vitality of our State. The 2006 U.S. Census Bureau's American Community Survey (ACS) shows that languages other than English are spoken in 42 percent of California's households. The ACS also shows that 34 percent of the nation's Asian population and 29 percent of the nation's Hispanic population resides in California. In order to meet the needs of its LEP population, California must maintain its commitment to bilingual public service contact staff and support alternate methods for providing bilingual services.

WORKS CITED

U.S. Census Bureau. (2006). *2006 American Community Survey*.