

Office of Planning and Budget
State of Louisiana
Division of Administration

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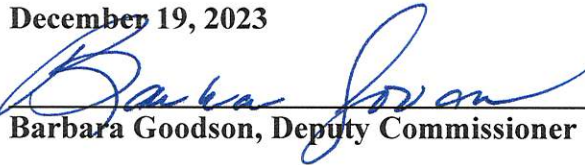


JAY DARDENNE
COMMISSIONER OF ADMINISTRATION

SUBJECT: OPB Language Access Policy (LAP)

EFFECTIVE DATE: December 19, 2023

AUTHORIZATION:


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I. INTRODUCTION

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000(d), and Executive Order 13166 require that recipients of federal funds take responsible steps to ensure meaningful access by persons with Limited English Proficiency (LEP). The Division of Administration's Office of Planning and Budget (OPB) has formulated this Language Access Plan (LAP) to define the required actions to ensure meaningful access to agency services, programs, and activities for the LEP population. This LAP applies to OPB personnel and sub-recipients who interface with LEP persons as part of federally funded projects.

To inform the development of this LAP, the OPB conducted DOJ's recommended four-factor analysis, which considers (1) the proportion of Louisiana LEP persons eligible for services, (2) OPB's level of interaction with LEP persons, (3) the nature and importance of OPB's federal funded programs to our state, and (4) the resources available to provide meaningful language access. After consideration of the four factors identified above, OPB first developed a compliance matrix to summarize translation service needs across applicable programs (see Table 2), then outlined a three-component framework recommended by the Federal Coordination and Compliance Section, Civil Rights Division of the U.S. Department of Justice to implement its LAP. The three components are: policy directives, implementation actions, and procedures.

II. DESCRIPTION OF COVERED PROGRAMS

This plan applies to current and future federal programs administered by OPB as reflected in *Table 2: Translation and Interpretation Services Need Matrix by Program*. As of the promulgation of this plan, the only federal program administered by OPB is EPA's Climate Pollution Reduction Grant (CPRG). In the event OPB obtains funding for additional federal programs, this plan will be revised to include those programs in *Table 2*.

III. FOUR FACTOR ANALYSIS

EPA grant recipients are required to take reasonable steps to ensure meaningful language access to federal programs. This reasonableness standard is intended to be flexible, meeting community needs for language services, while not imposing undue burdens on recipients of federal funding. The approach recommended by the DOJ Civil Rights Division and used by EPA in its own Language Access Plan, is the four-factor analysis, which details a Language Access Program on the basis of four factors.

1. PROPORTION OF LEP PERSONS ELIGIBLE FOR SERVICES

This factor addresses the number of LEP persons OPB is likely to encounter as part of the administration of its federally funded programs. To measure the LEP population, OPB used findings from the U.S. Census Bureau’s 2021 American Community Survey (ACS). The survey poses questions regarding whether a person speaks a language other than English at home, what language he/she speaks, and how well he/she speaks English. In turn, local, state, tribal, and federal agencies use the language data to plan government programs for adults and children who do not speak English well. For the purposes of this plan, Louisiana’s LEP population is the proportion of the survey respondents answering, “Speaks English less than ‘very well’”, which the Census Bureau indicated is 2.8% of Louisiana’s 2020 population, or 123,547 individuals. The findings from the ACS are summarized in Table 1 below.

Table 1: Language Spoken at Home – 2021 American Community Survey

| Label | Estimate | Margin of Error | Percent | Percent Margin of Error |
|--------------------------------------|-----------|-----------------|-----------|-------------------------|
| Population 5 years and over | 4,359,946 | ±619 | 4,359,946 | (X) |
| English only | 4,024,730 | ±5,567 | 92.3% | ±0.1 |
| Language other than English | 335,216 | ±5,641 | 7.7% | ±0.1 |
| Speak English less than "very well" | 123,547 | ±3,213 | 2.8% | ±0.1 |
| Spanish | 161,887 | ±3,555 | 3.7% | ±0.1 |
| Speak English less than "very well" | 75,226 | ±2,604 | 1.7% | ±0.1 |
| Other Indo-European languages | 103,591 | ±3,618 | 2.4% | ±0.1 |
| Speak English less than "very well" | 19,220 | ±1,579 | 0.4% | ±0.1 |
| Asian and Pacific Islander languages | 51,643 | ±1,840 | 1.2% | ±0.1 |
| Speak English less than "very well" | 23,708 | ±1,136 | 0.5% | ±0.1 |

| Label | Estimate | Margin of Error | Percent | Percent Margin of Error |
|-------------------------------------|----------|-----------------|---------|-------------------------|
| Other languages | 18,095 | ±2,117 | 0.4% | ±0.1 |
| Speak English less than "very well" | 5,393 | ±1,073 | 0.1% | ±0.1 |

**Source: 2021 *American Community Survey 5-Year Estimate*

2. LEVEL OF INTERACTION WITH LEP PERSONS

OPB anticipates limited interaction with LEP individuals as part of its federally funded programs. Since receiving the CPRG award letter in July 2023, OPB has not had cause to procure interpretation or translation services. However, OPB has held several public meetings for the development of the Comprehensive Climate Action Plan, and as public outreach continues, OPB will monitor and provide interpretation or translation services on an as-needed basis.

OPB understands that, as federally funded programs evolve or expand, and as potential new programs are added to OPB’s umbrella, further need for language services may emerge. For example, OPB or its sub-recipients may need to provide written program material in other languages or provide on-demand language services for initiatives requiring public participation. OPB is prepared to offer these services, as required by federal law, through the contracting mechanism identified in this plan. Additionally, OPB will monitor interactions with LEP persons moving forward, and should the need arise, OPB is prepared to meet demand for language services through the existing contracting mechanism, or by procuring additional services.

3. NATURE AND IMPORTANCE OF THE PROGRAMS

Though OPB anticipates having limited interaction with LEP individuals as part CPRG, future needs may arise due to public participation for CPRG, or as a result of future federal programs. For example, OPB may pursue outreach and citizen participation efforts and research-related tasks, such as gathering socioeconomic and demographic data. Also, in the future OPB may establish programs with robust citizen participation requirements to identify community development needs and priorities. In the event public participation or citizen outreach is required, OPB will ensure reasonable accommodations are made to provide standardized forms, marketing materials, translation services, and other deliverables as required by the specific federal program.

4. RESOURCES AVAILABLE TO LEP PERSONS

Factor four identifies sources available to meet the access needs of the LEP population. OPB intends to take reasonable steps to provide language services at no cost to LEP-participants. For this, OPB will leverage existing resources to the greatest extent possible, including using active contracts for language services and

consulting partner agencies with LEP expertise. Currently, there is a master contract (Louisiana State Government-wide) for translation services with *Language Line Services Inc.* As needs arise, OPB is prepared to issue task orders through the contract with *Language Line Services, Inc.* (the contract is in effect through 12/31/2024).¹ OPB may also explore coordination with state agencies, like the Louisiana Commission for the Deaf, for any related language access services, to include interpretation services for Deaf, Deafblind, or Hard of Hearing Individuals. These types of services are available for any state and local government when interpreter services are essential to allow the public to access government services, to provide equal access to information and equal public participation opportunities.

Drawing on the four-factor analysis described in previous section, the OPB developed a *translation and interpretation services need matrix* (see table 2), which lists applicable federal programs, and indicates the level of translation/interpretation needs for each using the categories of low, medium, and high. In the event OPB receives additional federal funding, the matrix will be updated within six months of the receipt of award letter. The categories are defined as follows:

- **Low:** ad-hoc requests from citizens or eligible entities for translation services of applicable vital documents, including but not limited to, educational material and standard forms. This category applies to programs where direct participants are not individual citizens, but local private and public organizations.
- **Medium:** ad-hoc requests from citizens or eligible entities for interpretation and translation of applicable vital documents. This includes, but not limited to interpretation to facilitate citizens’ participation in public meetings, and translation of website content, brochures, and standard forms. This category applies to programs where direct participants include both, individual citizens, and local private and public organizations.
- **High:** program requires availability of interpretation services in all public meetings and translation of all vital documents. This includes, but not limited to interpretation to facilitate citizens’ participation in public meetings, and translation of all related material, including website content, brochures, and standard forms. This category applies to programs where direct participants are individual citizens and/or local private and public organizations, but interpretation and translation services are required by the program scope of work and/or the federally assisted programs.

Table 2: Translation and Interpretation Services Need Matrix by Program

| Federal Entity | Grant Name | Recipient/Subrecipient | Need for LEP services Low, Medium, High |
|----------------|------------|------------------------|--|
| EPA | CPRG* | OPB | Low |
| [placeholder] | | | |

* At the time of the development of this LAP, the CPRG was the only program administered by the OPB.

¹ Copy of contract is available here: [LA eCat \(louisiana.gov\)](https://www.louisiana.gov/eCat).

IV. ACTIONS TO BE TAKEN BY OPB

After careful consideration of the four factors identified above, OPB will take the following actions:

1. Notice: OPB will inform LEP persons of the availability of language assistance, free of charge, by providing written notice on its website and within any postings regarding upcoming meetings that are open to the public.
2. Language Access Coordinator: OPB has appointed the following Language Access Coordinator (LAC) to serve for all programs:
LaKesha Hart
Office of Planning and Budget
1201 North Third St., Suite 7-150
Baton Rouge, LA 70804
(225) 219-2923
lakesha.hart@la.gov
3. The LAC shall be responsible for obtaining an outside interpreter or translator as needed through the current statewide master contract or the Louisiana Commission for the Deaf, if necessary.
4. The LAC shall be responsible for coordinating translation services for those documents designated by OPB for translation. The LAC shall organize these vital documents for review and approval. The LAC shall keep and organize final versions of each translated document.
5. Vital documents that have been translated shall be published on the OPB website.
6. This LAP shall be distributed to all OPB staff members and posted on the OPB website.
7. All OPB receptionists and the LAC will maintain and be trained to use an "I Speak" language identification card for use during encounters with LEP persons. After the appropriate language has been identified, OCD's receptionist will contact the LAC for further instructions. If the need for access services is identified either by phone or by email, OPB staff shall immediately contact the LAC who will take appropriate action to ensure meaningful communication.
8. Any OPB employee who encounters an LEP person should immediately contact the LAC for further assistance.
9. If the need for access services is identified via phone or email, OPB staff shall immediately contact the LAC who should take appropriate actions to facilitate effective communication to support the LEP person.

10. When records are kept of past interactions with LEP persons, the language used to communicate with the LEP person will be included as part of the person's file.
11. OPB communications, including citizen participation outreach materials, shall include a statement in the most commonly encountered languages (e.g., Spanish, Vietnamese, etc.) indicating materials are available in these languages upon request, as well as information regarding how LEP persons may access available language assistance services.

All CPRG sub-recipients shall follow OPB language access policies and comply with Title VI of the Civil Rights Act of 1964, 42 USC 2000(d), and Executive Order 13166, which states that recipients of federal funds take responsible steps to ensure meaningful access