

Kentucky Equal Justice Center
Language Access Plan
First Language Not English Policy
Deaf and Hard of Hearing Consumers Policy

I. Introduction

Kentucky Equal Justice Center (KEJC) and Maxwell Street Legal Clinic (MSLC) have developed this Language Access Plan (LAP) to ensure meaningful access to our services and programs for:

- First Language Not English (FLNE) or Limited English Proficient (LEP) individuals consistent with the Standards of Practice and Ethics in the spoken language interpreter profession; and
- Deaf and Hard of Hearing (D/deaf and HH) consumers pursuant to the Kentucky Revised Statutes (KRS) 309.300 to 309.319.

KEJC periodically will review and update this LAP to ensure continued responsiveness to participant needs.

For purposes of this plan, a FLNE individual is someone whose native language or languages are other than standard English. A FLNE may or may not be comfortable speaking, reading, writing, or understanding the English language at a level that allows them to communicate effectively with program staff and volunteers. Regardless of their level of comfort in English, all individuals have a fundamental right to self-expression and equal participation.

The term LEP has been standardized by the U.S. Federal Government and here refers to someone who is not comfortable speaking, reading, writing, or understanding the English language at a level that allows them to communicate effectively with program staff and volunteers. The term FLNE encompasses and expands upon this definition.

Under KRS 309.300, a person who is Deaf and/or Hard of Hearing (D/deaf and HH), is described as "Consumer." Consumer means a person who is deaf, hard of hearing, or who requires special communication techniques in order to communicate. The respectful way to refer to those consumers is D/deaf and HH.

An individual has the right to self-identify as FLNE, LEP, D/deaf, or HH individual as laid out in this Language Access Plan.

KEJC has designated Outreach Coordinator Miranda Brown as Language Access Coordinator to ensure implementation and updates of this LAP. Miranda is a bilingual kynector, or Certified Application Counselor for Kentucky health coverage assistance, with over nine years of experience assisting consumers, including many FLNE individuals.

II. About Kentucky Equal Justice Center

Kentucky Equal Justice Center (KEJC) is the doing-business-as name of Office of Kentucky Legal Services Programs, Inc., a 501(c)(3) nonprofit formed in 1976 to work with federally funded civil legal aid programs and community partners statewide to address civil legal needs of low-income Kentuckians through:

- coordination of services

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- poverty law research and advocacy
- programs and initiatives to fill gaps in access to civil legal assistance

KEJC's immigration law program at Maxwell Street Legal Clinic (MSLC) provides free and low-cost immigration legal assistance to low-income immigrants and refugees residing in Kentucky. KEJC also provides other services in the areas of wage claim assistance, health coverage enrollment assistance, and food program and housing stabilization help. KEJC and MSLC work with other legal services programs to avoid duplication of services and to promote equal access to the justice system for all Kentuckians.

III. Goals of the Language Access Plan

The goals of our Language Access Plan are to:

- Ensure meaningful access to our services, programs, and workshops by all eligible individuals, regardless of primary spoken language or D/deaf and HH
- Ensure that all FLNE individuals and consumers are made aware that we will provide free interpretation services to facilitate their communication with and participation in our services
- Ensure that staff and volunteers are aware of available language assistance services and trained in how to use these services when serving FLNE individuals and consumers
- Provide for review and update of our language access plans and services in accordance with community needs on at least a biannual basis

IV. Need for Language Assistance

KEJC and MSLC offer services statewide. From its office in Lexington, MSLC provides legal assistance with immigration law to over 500 individuals and families a year. MSLC cases represent over 70 percent of KEJC's individual legal case work. KEJC provides health coverage enrollment assistance to over 100 individuals and families a year. In practice, these KEJC programs serve an area radiating out from the Bluegrass region. KEJC Wage Claim Clinics (WCC) have served approximately 30 individuals per year between the Bluegrass and Louisville Metro areas, with some participants from other counties statewide.

Most KEJC Participants Live in Fayette County: In April 2023, a review of 96 recent MSLC applicants for DACA, citizenship, and lawful permanent residence found that 60.4% came from Fayette County. Almost 40% came from other counties, with neighboring counties Jessamine, Scott, and Madison heading the list. Just under 17% percent of participants came from beyond our surrounding counties. A July 2021 review of WCC participants showed that 55% came from Jefferson and surrounding counties and 41% came from Fayette and surrounding counties.

Languages Spoken: In February of 2022, Fayette County Public Schools reported that 19% of students were classified as LEP, speaking over 96 different native languages. Jefferson County Public Schools report that students in their school system speak over 130 different languages.

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Language Prevalence: According to the U.S. Census Bureau, 4% of Kentucky residents were born in another country and 5.7% of Kentucky residents speak a language other than English at home. 8.1% of Jefferson County residents were born in another country and 9.9% speak a language other than English at home. According to New American Economy and the Louisville Forward Office for Globalization’s study of 2018 data, 23.5 percent, or 16,773, immigrants living in the Louisville Metro area have limited English language proficiency. Data reported in 2020 by Lexington’s multicultural center Global Lex show that approximately 75,568 foreign language speakers reside in Lexington, about 24% of the total population. A master list of languages encountered in Fayette County throughout from 2001 through 2022 has 200 languages, at least 91 of which were in active use in 2022. The complexity of languages may not be reflected as some closely related languages are grouped together. FLNE Kentuckians make up 58% of the people KEJC engages with through outreach and direct services. In a 12-month period between spring 2021 and spring 2022, KEJC and Kentucky’s legal aid programs utilized Language Line Solutions for interpretation services for 32 languages, the top seven being Spanish, Burmese, Hindi, Arabic, French, Swahili, and Kayah, in order of prevalence.

To meet communities’ needs for language access, KEJC employs staff who are bilingual in English and Spanish, including several who speak Spanish as their first language. Other languages are covered through trained interpreters provided through Over the Phone (OPI) and Video Interpreting, or in-person through local language access agencies that provide trained interpreters for FLNE individuals and certified relay interpreters for D/deaf, or HH consumers. Details below.

V. Activities During Which Assistance Is Needed by FLNE Individuals or D/deaf or HH Consumers

Most contact between KEJC and Kentuckians who may be FLNE individuals or D/deaf or HH consumers occurs through phone calls, during in-person meetings at MSLC for provision of immigration law services, or at other KEJC or community outreach locations for health coverage, WCC, and housing stabilization services. For Spanish speaking participants, staff fluent in the participant’s primary language provide services or are trained to provide interpretation. For other languages, we most often use OPI or in-person services through local language access agencies that provide trained interpreters.

Contacts with FLNE Individual or D/deaf or HH consumers also occur in other situations, including outreach events, meetings, and workshops. For presentations, trained bilingual staff provide interpretation in Spanish when individuals who prefer to communicate in Spanish are present. For other languages or D/deaf and HH consumers, language services are contracted locally. KEJC and MSLC also distribute outreach materials to partners and during outreach events to participant communities. KEJC generally provides these materials in English and Spanish at minimum.

VI. Language Assistance to be Provided

To promote equal access to KEJC services by FLNE individuals and D/deaf and HH consumers, KEJC will implement the following array of language assistance services.

A. Notices and Identification of Language Access Needs

KEJC will take the following steps to provide notice and help identify appropriate assistance:

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Use of "I Speak" cards: To help identify FLNE individuals and determine appropriate language assistance, KEJC will provide staff with "I Speak Cards," which allow people to indicate their primary language by pointing to it on a chart.

Notices of Interpretation Services: KEJC has posted a notice of freely available interpretation services in its waiting areas and will post notice on its website in different languages. KEJC will provide notice of interpretation services at outreach events as appropriate.

Website Accessibility: Maxwell Street Legal Clinic has updated its webpages to allow people to access a version of each page in Spanish. KEJC will update its website to allow for automated translation of other content. The organization will assess its budget capacity for prioritizing accurate translations of webpages.

B. Language Assistance Measures

1. Interpretation and Relay Interpretation

KEJC Staff: Where feasible and relevant, staff fluent in participants' primary languages will be paired with participants to review their cases, assist them with necessary forms, answer questions, and communicate with other individuals involved in a case or in a workshop offering advice and assistance. Some staff members are trained interpreters and can on occasion provide interpreting services to staff.

KEJC Volunteers: Where feasible and relevant, volunteers fluent in participants' preferred languages will be paired with them to review their case, assist with necessary forms, answer questions, and communicate with other individuals involved in the case or workshop activities.

Telephone and Video Interpretation: When no trained staff or volunteers are available for needed interpretation, KEJC will make use of OPI or Video Interpretation to ensure effective communication. Our primary service, Access Language Solutions, provides access to trained on-site interpreters for over 15 languages, as well as 24/7 access to trained interpreters for over 38 languages via video and over 300 languages via phone. Our back-up service, Language Line Solutions, provides 24/7 access to over 16,000 trained interpreters, with coverage for 240 languages and dialects. All KEJC staff and appropriate volunteers will be trained on working with OPI and video interpreters and will be given the necessary contact information for those services. When services are needed to successfully communicate with D/deaf and HH consumers, KEJC will provide sign language interpreters in compliance with Kentucky state laws through local language access agencies. KEJC will provide these services at no cost to participants or volunteers.

In-Person Assistance: In the event that staff, volunteers, or telephonic interpretation are determined to be insufficient to ensure meaningful access, KEJC will provide qualified in-person interpretation services at no cost to the individual by scheduling an in-person appointment with a trained interpreter or an interpretation service. When services are needed to successfully communicate with D/deaf and HH consumers, KEJC will provide certified ASL or other sign language interpreters in compliance with Kentucky state laws through local language access agencies.

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Waiver Option/Use of Interpreters Not Provided by KEJC: FLNE individuals and D/deaf and HH consumers will be informed that KEJC will provide them with free language access services via staff or volunteers, trained in-house interpreters, OPI or a language access agency as needed or requested. Generally, a FLNE individual may not use a family member, friend, or a minor under age 18 as an interpreter. However, during emergencies or upon request by the FLNE individual, the FLNE individual may be permitted to use a minor, a family member, or a friend as an interpreter for routine matters, such as asking the location of the office, hours of operation or rescheduling an appointment. Where the interaction with the FLNE individual occurs and an individual is permitted to use an interpreter of their choosing and at their own expense, they must fill out a written consent/waiver form. Staff and volunteers will be advised to be alert to the potential for any conflict of interest or competency issues that may arise from the involvement of family or friends. An FLNE individual will not be permitted to provide an interpreter of their choosing when filling out applications or when involved in other legal matters.

2. Written Translation (excluding documents translated for individual case use)

Prior to translation, at least two staff review each document in English to ensure that it is written in plain, accessible language. This may include the staff member who originally drafted the document. KEJC will consider plain language training opportunities for staff.

KEJC has retainers, intake questionnaires and outreach material translated into Spanish and some documents in French. Other documents and languages that are determined at a later date to be necessary for accessibility purposes will be translated at that time. Unless outsourced to a professional translator or translation agency, at least two target language speakers review each translation. This may include the staff member who originally drafted the translation.

3. Language Access for Telephone Callers

If needed, KEJC and MSLC staff will place a three-party call to our interpretation provider to identify the language spoken, determine the caller's needs and, if necessary, make arrangements for interpretation. KEJC will facilitate this by designating certain staff to answer incoming calls and provide parity of services.

4. Confidentiality

KEJC maintains lists of interpreters and translators vetted to for KEJC, including staff, volunteers, and contracted professionals. All interpreters, translators, or the contracted agency that employs them must agree in writing to maintain client confidentiality.

C. Staff Recruitment, Training, and Coordination

KEJC will actively recruit bilingual and multilingual staff by including needed language abilities in preferred job qualifications, promoting open staff positions in multicultural/multilingual communities and through multilingual partner organizations, and by developing relationships with training programs and student groups composed of multilingual participants.

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KEJC will provide training to staff on FLNE and D/deaf and HH awareness and required assistance under this Language Access Plan. Training will include review of the plan and its requirements, procedures and resources. KEJC volunteers will be provided with an overview of the plan during training sessions.

For staff and volunteers anticipated to utilize their non-English language skills on the job:

- Assessment: Staff and volunteers who will be using a language on the job other than their first language or a language that they have a college or university degree in will be assessed for their skills in that language and/or interpreting skills depending on their job duties.
- Training: KEJC will offer and encourage interpreter and translator training for staff who may need to interpret or translate as part of their job responsibilities.

KEJC has appointed a Language Access Coordinator, listed in the “Introduction” section of this document, who will be responsible for maintaining and updating this plan and coordinating all other language access efforts.

D. Monitoring and Updating the Language Access Plan

Every year, KEJC will review and update this plan. The review process will assess whether there have been significant changes in the language needs of KEJC, MSLC, and the composition of the population in Kentucky and in our most served counties. We will also:

- Determine whether additional documents require translation
- Review any issues or problems related to providing equitable language access which may have emerged during the past year
- Identify any recommended actions by which KEJC can provide more responsive and effective language access services

Approved by: _____

Date: _____

Richard J. Seckel, Director