

**Steve Sisolak**  
*Governor*



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*Director*

State of Nevada  
**Department of Health and  
Human Services**

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**Proposed Language Access Plan**

**Aging and Disability Services Division**

**Shannon Sprout, HPM III**



7/8/2022

*Helping people. It's who we are and what we do.*



# Agenda

1. Legal Requirements
2. Language Access Plan Guidance
3. Division Language Access Plan
4. Solicitation of Feedback

# Legal Requirements

## Title VI of the Civil Rights Act of 1964

- “No person in the United States shall, on the ground of race, or national origin, be excluded from participation to discrimination under any program or activity receiving Federal Financial Assistance.”

## American Disabilities Act (ADA) 1990

- Title II of the ADA places the responsibility directly with state and local government services to provide effective communication, including the use of interpreters.

## Executive Order 13166

- Requires federal agencies that provide financial assistance to draft limited English proficiency (LEP) guidance for agencies that are recipients of Federal Financial Assistance.
- Senate Bill (SB) 318 of the 81<sup>st</sup> Legislative Session, enacted in Nevada Revised Statutes (NRS) 232
  - Requires state and local agencies receiving public money to provide meaningful, timely access to services for persons with LEP in their preferred language.



# Language Access Plan Guidance

1. Each state agency shall designate an employee responsible for developing and biennially revising the plan;
2. The Language Access Plan (LAP) must assess existing needs of the clients and how the agency is meeting those needs;
3. Where insufficient information is available to develop the LAP, the agency shall develop procedures to obtain the missing information;
4. The plan must outline the agency's compliance with existing federal regulation or state law regarding language service and accessibility;
5. Address availability of language access services during a Declaration of Emergency;
6. Include any funding needs and make recommendations to the Legislature concerning statutory changes necessary to implement the LAP;
7. Solicit public comment regarding the initial LAP and each revision thereafter; and
8. Submit the LAP no later than the date the agency submits its proposed budget pursuant to NRS 353.210.





# Aging and Disability Services Division (ADSD)

**Vision:** Nevadans, regardless of age or ability will enjoy a meaningful life led with dignity and self-determination.

**Mission:** Ensure the provisions of effective supports and services to meet the needs of individuals and families, helping them to lead independent, meaningful, and dignified lives.

**Philosophy:** ADSD seeks to understand and respond to the individual and his/her needs using principles of accessibility, accountability, culturally and linguistically appropriate services, ethics, mutual respect, timeliness, and transparency.

*“It is the policy of Aging and Disability Services Division (ADSD) to ensure meaningful and timely access to program services and resources to LEP individuals.”*



# ADSD LAP Policies and Procedures

- ADSD is committed to take all reasonable steps to provide LEP individuals with meaningful access to services, programs, and activities.
- ADSD seeks to reduce barriers by increasing capacity to deliver services and benefits to people in their preferred language.
- Language services are required to be provided at no cost to the individual.
- Staff, at the initial point of contact, have a duty to identify the primary language and assist the individual with interpreter services as needed.
- Use of a formal interpreter/translator is required by qualified bilingual staff or a professional interpreter/translator service. Family, friends, other customers, or minor children are not permissible.
- No individual shall be denied services based on their language access needs.



# ADSD Profile

- Division is comprised of 8 units providing direct services.
- The total served directly by ADSD in SFY21 =29,531
- 62% with English as the primary language
- Most other languages equated for less than 2% of any program population except for Non-verbal, Sign Language, and Spanish.
- 1% identify as indigenous
- Limitations:
  - Not all programs have a database that supports collection of primary language or race/ethnicity (Indigenous population)
  - Not all programs require collection of primary language or race/ethnicity (Indigenous population)
  - No programs have a database that supports collection of refugee status.
  - Dual authority within certain programs.



# Language Access Services

All language service providers must be competent and qualified. Services include:

- Oral Interpreter Services
- Sign Language Interpreter Services
- Written Language Services
  - Vital Documents for translation by program
  - Safe Harbor thresholds
  - Public notices
- Community Outreach and Engagement
- Alternative Language Access





# Recruitment & Training

- ADSD follows the Division of Human Resource Management (DHRM) for all recruitments to ensure fair and equitable hiring practices.
- ADSD will make all efforts to recruit for dual-role interpreters to meet appropriate language access resources.
- ADSD will work towards ensuring dual role interpreters used by the agency meet appropriate qualifications/certifications.
- ADSD will leverage state contracts for interpreter/translation services to the extent funding is available.



# Recruitment & Training cont'd

ADSD will ensure staff are familiar and trained on the language access policies and procedures to include:

- New employee onboarding
- Position specific training
- Incorporate LAP into regular training provided by programs with annual refreshers
- Addition of LAP policies and procedures to the ADSD policy portal for annual review and acknowledgement.



# ADSD LAP Limitations

ADSD will continue to work towards full compliance with language access services, and considered the following limitations as part of the implementation plan:

- System limitations to meet full reporting requirements on LEP individuals, primary language proficiency, indigenous individuals, and refugee status.
- Dual authority of program systems and vital documents.
- Authority on recruitment policies, procedures and data.
- Competency and qualifications leave room for interpretation.
- Lack of bi-lingual certification in Nevada
- Staffing resources
- Funding



# Implementation & Evaluation

Bilingual Staff Directory	September 1, 2022
Update Website w/Language Access Information	September 1, 2022
Complaint Procedures	October 1, 2022
Training on ADSD LAP	October 1, 2022
Mandating program data collection*	October 1, 2022
Vital Document Translation*	January 1, 2023
Vital Document Distribution	As materials are translated
Develop/Distribute “I SPEAK” Cards*	January 1, 2023
Policies and Procedures	January 1, 2023
Quality Assurance Measures/Evaluation	January 1, 2023
Bilingual Staff Qualifications	By July 2024
System enhancements to address data collection	Dependent on budget authority and available system enhancement hours.
Website language options (English/Spanish)	Dependent on state website host



# Implementation & Evaluation cont'd

At a minimum ADSD will review, evaluate, and update the LAP to include:

- Program data on language needs and the population served;
- Review of vital documents for any addition/revisions;
- Review any issues/concerns (including formal complaints filed) regarding language access services;
- Conduct periodic quality assurance reviews to ensure LAP compliance;
- Surveying staff/contractors on knowledge and use of language access services; and
- Solicit and monitor stakeholder feedback



# Budget Implications & Legislative Recommendations

## Budget Implications:

- System enhancements
- IT Staff
- Translation Services
- Interpreter Services

## Legislative Recommendations:

- Align requirements with the existing federal language plan requirements.
- Add definitions on the parameters of English proficiency level.
- Revisions to dual-role interpreter qualifications in NRS 232.
- Add clarity around language access services for individuals who are deaf/blind or non-verbal.





# Questions/Feedback

## Solicitation of Feedback

- Plan is posted on the ADSD website
- Public comment period through July 22<sup>nd</sup>, 2022
- Submit to [srsprout@adsd.nv.gov](mailto:srsprout@adsd.nv.gov)





# Contact Information

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# Acronyms

ADA

American Disabilities Act

ADSD

Aging and Disability Services Division

DHRM

Division of Human Resource  
Management

LEP

Limited English Proficiency

LAP

Language Access Plan

NRS

Nevada Revised Statutes

SB

Senate Bill

SFY

State Fiscal Year

