



HHS Circular C-013

Health and Human Services System

Language Services Policy

Purpose

To ensure that Texas health and human services (HHS) agencies fulfill their responsibilities to provide meaningful access to programs, services, and activities to persons with limited English proficiency (LEP) and persons with disabilities (when communication is impacted by the disability).

Legal Bases and Guidelines

HHS agencies are mandated under the following federal and state laws and guidelines to provide meaningful access to programs, services, and activities to persons with LEP and persons with disabilities.

- Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d *et seq.*)
- Rehabilitation Act of 1973, Section 504, as amended (29 U.S.C. 794)
- Americans with Disabilities Act of 1990, as amended (42 U.S.C. 12101 *et seq.*)
- Food and Nutrition Act of 2008, as amended (7 U.S.C. 2011 *et seq.*)
- U.S. Department of Agriculture (USDA) Food and Nutrition Services Instruction 113-1
- U.S. Department of Health and Human Services (US DHHS) Methods of Administration
- Texas Government Code, §2054.116, Spanish Language Content on Agency Web Sites
- Texas Government Code, §2054.457, Access to Electronic and Information Resources by Other Individuals with Disabilities
- Texas Civil Practice and Remedies Code, Chapter 106
- Texas Administrative Code, Title 1. Administration, Part 10. Department of Information Resources, Chapter 202. Information Security Standards, Section 206.52 (1 T.A.C. 206.52)
- Texas Administrative Code, Title 1. Administration, Part 15. Health and Human Services Commission, Chapter 395. Civil Rights (1 T.A.C. 395)
- US DHHS Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons



Background

In accordance with Title VI of the Civil Rights Act of 1964, as amended, and Executive Order 13166, the US DHHS published “Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons.”

This guidance sets forth standards recommended to help ensure programs and activities provided in English are accessible to persons with LEP.

Title II of the Americans with Disabilities Act of 1990, as amended, prohibits discrimination on the basis of disability in all services, programs, and activities provided to the public by state and local governments.

Responsibilities

HHS is committed to providing meaningful access to programs, services, and activities for persons with LEP and persons with disabilities. HHS agencies must ensure the language assistance results in accurate and effective communication between the agency and persons with LEP and persons with disabilities. Each HHS agency will:

- **Conduct an assessment to determine the extent of its obligation to provide LEP services.** The assessment will consider the following: (1) number or proportion of persons with LEP eligible to be served or likely to be encountered; (2) frequency persons with LEP come in contact with the agency; (3) nature and importance of programs, activities, and services; and (4) language service resources available, in relation to the costs of LEP services.
- **Develop, maintain, and periodically update their agency's language services plan.** The plan will include methods to:
 - Identify persons with LEP and persons with disabilities who need language services.
 - Meet oral interpretation and written translation needs of persons with LEP and persons with disabilities. (For language services provided by contracted vendors, each agency must establish internal procedures to ensure appropriate use of services and accuracy of billing.)
 - Ensure development, maintenance, and use of electronic and information resources to provide access to persons with disabilities.
 - Ensure Spanish-speaking persons of LEP have meaningful access to state agency information on line.



- Train staff and contractors on their responsibilities to ensure meaningful access for persons with LEP and persons with disabilities.
- Inform persons with LEP and persons with disabilities that language services assistance is available free of charge.
- Monitor the effectiveness of the language services being provided.
- HHS agencies will submit their plans to the HHSC Civil Rights Office by September 1 of every odd-numbered year. For more information, see:
 - HHS Language Services website - includes Language Services Plans for other HHS Agencies:
 - <http://hhscx.hhsc.texas.gov/system-support-services/civil-rights/language-services>
 - HHSC Language Services Plan, Fiscal Years 2016-17:
 - <http://hhscx.hhsc.texas.gov/sites/extranet/files/docs/civil-rights/language-svcs-plan.pdf>

To support agencies in providing meaningful access to programs, services, and activities for persons with LEP and persons with disabilities, the HHSC Civil Rights Office will provide technical assistance to HHS agencies including:

- improving coordination and communication;
- supporting the implementation of laws and regulations regarding compliance;
- reviewing language service plans at least biennially to ensure effectiveness; and
- coordinating the development of standard operating policies and procedures.

Language services information and training for all HHS agencies is also available on the Civil Rights Office website: <http://hhscx.hhsc.texas.gov/system-support-services/civil-rights/language-services>.

Related Policies and Procedures

For additional guidance refer to the following policies and procedures:

- HHS Circular C-001, Civil Rights Policy for HHS Service Delivery
- HHS Circular C-024, Health and Human Services System Electronic and Information Resources (EIR) Accessibility Policy



Inquiries

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