

## HOUSE JOINT RESOLUTION NO. 71

*Requesting the Secretary of Health and Human Resources to develop a plan for increasing awareness of the requirements to provide meaningful access to information and services in the Health and Human Resources Secretariat for individuals with limited English proficiency who are lawfully in the United States and to identify, prioritize and estimate the costs of translating significant information and documents used by agencies and service providers within the Secretariat. Report.*

Agreed to by the House of Delegates, March 10, 2004

Agreed to by the Senate, March 9, 2004

WHEREAS, the 2000 United States Census recorded 570,279 foreign-born residents in the Commonwealth, representing more than eight percent of the State's overall population; and

WHEREAS, between 1990 and 2000 the proportion of non-English speakers residing in the Commonwealth increased by nearly half, from 7.3 percent to 10.8 percent; and

WHEREAS, Title VI of the Civil Rights Act of 1964 (Title VI) prohibits recipients of federal funds from discriminating against individuals on the basis of race, color, or national origin, which has been interpreted to require meaningful access to information and services for individuals with limited English proficiency; and

WHEREAS, even in jurisdictions in which English has been declared the official language - as in Virginia - federal fund recipients must still ensure compliance with Title VI; and

WHEREAS, a 2004 Joint Legislative Audit and Review Commission (JLARC) report titled "Acclimation of Virginia's Foreign-Born Population" found that the communication barriers are the greatest challenge to residents with limited English proficiency and their acclimation into the Commonwealth's economic and social structures, and that approaches taken to accommodate the communication needs of this population by individual state and local government agencies have varied from comprehensive to minimal; and

WHEREAS, the JLARC report further found that state and local agencies lack a coordinated approach to addressing the communication barrier, resulting in inefficiencies and excessive costs, for example through duplicative written translations, and development of multiple telephone interpreter contracts, and that policies addressing the communication barriers are needed to ensure compliance with Title VI requirements and more cost-effective use of available resources; and

WHEREAS, in light of Title VI requirements, a review of government policies and strategies is needed to determine how to provide meaningful access to information and services for Virginia's residents with limited English proficiency in the most cost-effective manner possible; and

WHEREAS, many of the services impacting Virginia's residents with limited English proficiency fall within the Secretariat of Health and Human Resources, and development of processes for addressing these issues within this Secretariat could serve as a model for other Secretariats; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Secretary of Health and Human Resources be requested to develop a plan for increasing awareness of the requirements to provide meaningful access to information and services in the Health and Human Resources Secretariat for individuals with limited English proficiency who are lawfully in the United States and to identify, prioritize and estimate the costs of translating significant information and documents used by agencies and service providers within the Secretariat. In conducting the work, the Secretary shall (i) determine federal resources that may be available to assist service providers in their efforts to serve individuals with limited English proficiency and (ii) identify options for obtaining translation services, giving consideration to the quality and technical accuracy of the translation and the nature and importance of the program, activity, or service.

All agencies of the Commonwealth shall provide assistance to the Secretary, upon request.

The Secretary of Health and Human Resources shall submit her findings and recommendations by November 30, 2004, to the Chairmen of the House Committees on Appropriations, and Health, Welfare, and Institutions, and the Senate Committees on Finance, and Rehabilitation and Social Services.

The Secretary of Health and Human Resources shall complete her meetings by November 30, 2004, and the Secretary shall submit to the Division of Legislative Automated Systems an executive summary of the findings and recommendations no later than the first day of the 2005 Regular Session of the General Assembly. The executive summary shall state whether the Secretary intends to submit to the General Assembly and the Governor a report of the findings and recommendations for publication as a document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.