

## Summary Of Civil Rights Resolution Agreement

# APALC v Los Angeles County DPSS

(Settled November 2003)

The agreement is the resolution of a landmark 1999 Title VI complaint filed by four legal organizations – Neighborhood Legal Services (NLS), Asian Pacific American Legal Center (APALC), Legal Aid Foundation of Los Angeles (LAFLA), and Western Center on Law & Poverty (WCLP). The complaint alleged that LEPs were not getting services and benefits equal to those given to English speakers from Los Angeles County Department of Public Social Services (“DPSS”).

Specifically, DPSS failed to employ sufficient bilingual staff and interpreters to serve LEPs, and failed to provide notices and information in languages other than English. In Welfare to Work programs, advocates alleged that LEPs were racially steered into low wage dead end jobs and were denied access to education and training programs offered to English speakers. DPSS (without admitting liability) has agreed to serve LEPs in the future by:

- 1) Creating a new internal Central Coordinating Office to oversee daily operations related to LEPs;
- 2) Creating a new LEP Community Advisory Board;
- 3) Eliminating bureaucratic barriers to training and education for LEPs; and
- 4) Paying \$1.7 million dollars to thousands of families whose aid was cut without proper notice to them in their native language.

## Background to Civil Rights Complaint and Agreement

- 42% of DPSS’ CalWORKs participants are limited English Proficient (LEP) – the top languages are: Spanish, Armenian, Vietnamese, Cambodian, Chinese, Korean and Russian.
- As a recipient of federal funds (from HHS), DPSS must comply with federal civil rights laws (Title VI of the Civil Rights Act of 1964), which have been interpreted to prohibit discrimination on the basis of language.
- The Civil Rights Resolution Agreement is like a contract between DPSS and the federal government (HHS Office for Civil Rights (“OCR”)), enforceable by HHS OCR.
- In the Agreement, DPSS agrees to adopt new procedures and policies to ensure that LEP persons have meaningful access to, and a meaningful opportunity to participate in, the CalWORKs programs and other DPSS programs.

## Significant Changes and Commitments in the Agreement

DPSS has agreed to affirmatively address linguistic barriers by doing the following:

**Establishing a New Community Advisory Board (CAB)** composed of advocates and others with experience in welfare and serving LEPs. The CAB began meeting in March 2004. The CAB will work with DPSS to identify and address problems/issues that arise within DPSS regarding service to LEPs.

## **Significant Changes and Commitments in the Agreement**

DPSS has agreed to affirmatively address linguistic barriers by doing the following:

**Creating a Central Coordinating Office** (the Civil Rights and Language Services Section) to oversee and monitor language access issues for all DPSS programs, including:

- Development of a comprehensive written policy on language access
- Training staff on civil rights laws
- Monitoring compliance by DPSS and its contractors with the agreement and other civil rights laws
- Ensuring notices and key documents are provided in the appropriate language to LEP persons
- Ensuring interpreters and bilingual staff are actually available to help LEP people in welfare offices and on the telephone
- Providing toll-free, language-specific hotlines for threshold languages

**Ensuring Meaningful Access To Employment And Training Programs** for LEP participants by modifying procedures including:

- Evaluating the English speaking and reading skills of LEP individuals as a threshold measure of their need for job training & education<sup>1</sup>. This includes the up front use of a literacy tool in English and appraisal of English proficiency skills (as well as proficiency in the person's native languages).
- Creating a more flexible job search & Welfare-to-Work (WtW) program to provide LEP participants with meaningful opportunity to participate in job training and basic education activities, such as English-as-a-Second Language classes, by:
  - Clarifying the procedures to shorten (or skip) job club when appropriate
  - Offering LEPs a "dual track option of part time work combined with part time ESL (or other training) when they do not pass the English literacy screening
  - Providing language assistance when a participant chooses to participate in job club
  - Ensuring linguistically appropriate vocational and supportive services assessments
  - Ensuring assessments consider the LEP's work and educational history in both the native country and the US

**Creating New Vocational Skills Programs for LEPS** by working with local public institutions to increase the supply of hard skills training and VESL classes. DPSS committed to trying to increase the number of such programs and has done so through the use of performance incentive dollars. DPSS funded the creation of over 40 new LEP training programs run by local community colleges, adult educators, and the Housing Authority of Los Angeles. The hope is that this seed funding will create programs that can be continued utilizing other funds (such as the school's ADA money).

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<sup>1</sup> Studies in LA have shown that English proficiency and educational level are the two most significant factors associated with the ability to earn a good wage and to move off welfare.

## **Changes and Commitments in the Los Angeles Civil Rights Agreement**

Providing Individual Remedies as follows:

- Paying back 1.7 million dollars in cash aid that was cut without a proper notice of action in the appropriate language (for threshold languages (non English, Non Spanish cases)
- For Spanish LEP cases, the conversion of English-language notices to Spanish began in 1999;
- Spanish and other languages now includes a language appropriate insert in all notices alerting LEPs about the importance of the document;
- DPSS will also review upon request any LEP's files and assignments to determine if a new more appropriate assignment is needed (based upon All-County Letter 01-20).

**DPSS must post a notice of this settlement in all its offices.**

**Reporting Continually To OCR On Title VI Compliance** to show that DPSS has taken the above steps and complies with Title VI. Such reports must be made available to the public. These reports include data on:

- Use of bilingual staff, staff interpreters and Language Line;
- Welfare-to-Work placements and outcomes;
- Availability of Notice of Actions and other vital forms in threshold and non-threshold languages;
- Other data as requested by OCR.

**For further information, contact:**

**Kate Meiss, Supervising Attorney**  
**Neighborhood Legal Services of Los Angeles County**  
[kmeiss@nls-la.org](mailto:kmeiss@nls-la.org)  
800-433-6251 ext 127

**Yolanda Arias, Attorney**  
**Sylvia Argueta, Attorney**  
**Legal Aid Foundation of LA**  
[varias@lafla.org](mailto:varias@lafla.org) ; [sargueta@lafla.org](mailto:sargueta@lafla.org)  
213 640 3923; 213 640 3916

**Dennis Kao**  
**Asian Pacific American Legal Center**  
213-977-7500 ext. 215  
[dkao@apalc.org](mailto:dkao@apalc.org)

Prepared by Neighborhood Legal Services of LA County, APALC, and LAFLA (5/04)

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