

# LINGUISTIC AND CULTURAL COMPETENCE GUIDELINES FOR STATE OF ILLINOIS SUBCONTRACTORS AND VENDORS

**Final November 20, 2008**

**Developed for the Governor's Office of New Americans Policy and Advocacy**



---

28 E. Jackson Boulevard Suite 1022 Chicago, Illinois 60604-2263  
Phone: 312.922.9920 [www.consultmillennia.com](http://www.consultmillennia.com)



## Introduction

In early 2008, The State of Illinois through the Governor's Office of New Americans Policy and Advocacy convened a group of subcontractors/vendors to participate in the development of Linguistic and Cultural Competence Guidelines. These guidelines were to be developed as a mechanism for improving language and cultural accessibility and sensitivity in state-funded services delivered by this constellation of organizations that receive grants and contracts to serve residents of the Illinois. Fifty-eight individuals representing 36 subcontractors/vendors doing business with ten state agencies were invited to participate. Twenty-two of the invited organizations and thirty-two representatives chose to actively participate in the development of these guidelines. We called this group the "Peer Pilot Group".

The Peer Pilot Group of State of Illinois Subcontractors and Vendors met four times between July and November 2008 to develop, test, and approve the attached *Linguistic and Cultural Competence Guidelines for State of Illinois Subcontractors and Vendors*.

They chose to adapt the guidelines from several well-established sources including: 1) The National Standards on Culturally Appropriate Health Care Services, better known as the CLAS standards; 2) Cultural Competence Standards in Managed Care Mental Health Services: Four Underserved/ Underrepresented Racial/Ethnic Groups and; 3) National Association of State Workforce Agencies: Checklist for Developing a Limited English Proficiency (LEP). Pilot Group members also made suggestions based on their own experience in the field.

In recommending the attached guidelines, the Peer Pilot Group wishes to make the following points about their future use by the State of Illinois.

1. The Pilot Group recommends that the guidelines be viewed as a set of recommended strategies by which subcontractors and vendors, *in partnership with the State*, strive to progress along the linguistic and cultural competence continuum. This emphasis on partnership recognizes that subcontractors and vendors are mostly nonprofit organizations with limited funds and personnel that strive to serve their clients with high quality services but have very limited budgets. Pilot Group members are wary of unfunded mandates especially in the current economic environment in which most of these organizations are suffering funding cuts.
2. The Pilot Group recommends that the guidelines be part of the State's Request for Proposal (RFP) process and treated as one variable in a larger set of goals and outcomes promised by the contracting agency. Applicants should be directed to the guidelines and asked to explain how they will strive to meet the provisions of the guidelines with immediate and longer term goals and strategies for improving their language and cultural competence.
3. The Pilot Group recommends that the scoring mechanism attached to the guidelines be used by the subcontractor/ vendor to self-assess progress along the competence continuum rather than as a mechanism used by State monitors to punish non-compliance.
4. The Pilot Group recommends that State develop resources that will support the implementation of the guidelines. For example, subcontractors/vendors would like to be able to access - training, on-site and telephonic interpreter services, and translated materials at no or low cost.
5. The Pilot Group recommends that subcontractors/vendors receive additional funding for activities that improve subcontractors/vendors' linguistic and cultural competence. For example, language services and training hours should be considered billable hours in fee-for-service contracts.
6. The Pilot Group recommends that the "meaningful access" definition be highlighted because it offers flexibility rather than mandating particular thresholds. In particular, refugee organizations that serve many, many language groups are concerned about mandates that would require the hiring of bilingual personnel or interpreters for every single language group. It is however, incumbent upon the subcontractor/vendor to provide a rationale for its approach to linguistic and cultural competence.

**LINGUISTIC AND CULTURAL COMPETENCE GUIDELINES  
FOR STATE OF ILLINOIS SUBCONTRACTORS AND VENDORS <sup>1</sup>  
Final November 2008**

**Adapted from the National Standards on Culturally and Linguistically Appropriate Health Services (CLAS)**

**Parameters:** The following guidelines are recommended for all subcontractors/vendors of the State of Illinois whose contracts or grants require them to provide direct services to individuals or families. The guidelines apply only to the program(s) funded by the State but are recommended for the organization as a whole. They were developed by a representative sample of subcontractors/vendors from across ten state agencies. (Subcontractors/vendors will also be referred to as “organizations in this document.)

It is understood that achieving linguistic and cultural competence is a process that takes time and that in recommending these guidelines, the State of Illinois pledges support for this effort by providing informational resources, technical resources, and where possible, financial support for the implementation of these guidelines. This support implies that subcontractors and vendors are engaged in a mutually supportive partnership with the State of Illinois to increase the linguistic and cultural competence of all services.

**Definitions:**

- **Cultural Competence:** “A set of congruent behaviors, attitudes, and policies, that come together in a system, agency, or amongst professionals and enable that system, agency, or those professionals to work effectively in cross-cultural situations.”<sup>2</sup>
- **Language Access:** Provision of language assistance services, including bilingual personnel and interpreter services, at no cost to each consumer with Limited English Proficiency (LEP), at key points of contact, in a timely manner. Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color or national origin including actions that *delay, deny, or provide different* quality services to a particular individual or group of individuals.
- **Meaningful Access:** Subcontractors/vendors are required to take reasonable steps to ensure meaningful access to its services and programs by Limited English Proficient (LEP) persons. Compliance involves the subcontractor/vendor’s self-assessment balancing four factors: 1) the number and proportion of eligible LEP persons, 2) the frequency of contact, 3) the importance or impact of the contact upon the lives of the person(s) served, and 4) the resources available to the organization. The organization will collect data on primary spoken language and, as appropriate, develop a plan to meet the needs of LEP customers.<sup>3</sup>

---

<sup>1</sup> These standards have been developed by adapting standards from a number of different sources. These include: 1) *National Standards on Culturally and Linguistically Appropriate Health Care Services (CLAS)*, Office of Minority Health, US Department Health and Human Services <http://www.omhrc.gov/templates/browse.aspx?lvl=2&lvlID=15> ; 2) *Cultural Competence Standards in Managed Care Mental Health Services: Four Underserved/Underrepresented Racial/Ethnic Groups*. <http://mentalhealth.samhsa.gov/publications/allpubs/SMA00-3457/ch2.asp> ; 3) *National Association of State Workforce Agencies: Checklist for Developing a Limited English Proficiency (LEP) Plan*. [www.WorkForceATM.org](http://www.WorkForceATM.org)

<sup>2</sup> Cross, Terry. *Towards a Culturally Competent System of Care, Volume I*, Washington, D.C. CASSP Technical Assistance Center, Center for Child Health and Mental Health Policy, Georgetown University Child Development Center, March 1989.

<sup>3</sup> Illinois Department of Human Services Inter-Office. Draft Memorandum. 5-05.

GUIDELINE	OUTCOMES	SUGGESTED STRATEGIES	SCORE	
			1=does not meet outcome; 2=meets outcome; 3=exceeds outcome  <b>Total Score</b>	
<b>1. Organizations should have a linguistic and cultural competence plan for the funded program(s) or for the organization as a whole that includes clear goals, outcomes, policies and/or procedures related to the provision of culturally and linguistically appropriate services. (CLAS 8, 9, 10, 11)</b>	1. The plan addresses in a meaningful way the 10 standards in this document and is consistent with the organization’s mission.	<ul style="list-style-type: none"> <li>Examine your prior experience with LEP encounters; identify the breadth and scope of language services that were needed.</li> <li>Identify and include language minority populations that are eligible for your services but may be underserved as a result of language or cultural barriers.</li> <li>Collect and analyze data for the area served, as well as from your own consumer data base.</li> <li>Determine the frequency of LEP encounters.</li> <li>Determine which languages are needed most often.</li> <li>Consider the nature and importance of the program, activity or services to the consumer.</li> <li>Determine whether denial or delay of services has serious implications for the LEP consumer.<sup>4</sup></li> </ul>	1 2 3	
	2. The plan has defined short-term and longer-term goals and outcomes that incrementally improve services to LEPs.		1 2 3	
	3. There is an identifiable executive responsible for overseeing its implementation.		1 2 3	
	4. The plan is data driven, based on analysis of verifiable demographic and service data. (CLAS 10)		1 2 3	
	5. The data includes the consumers’ self-identified primary spoken language, race, and ethnicity. (CLAS 10)		1 2 3	
	6. The data assesses new and emerging community/population needs. (CLAS 11)		1 2 3	
<b>2. Organizations should implement strategies to recruit, retain, and promote at all levels, diverse personnel and leadership that are representative of the demographic characteristics of the service area. (CLAS 2)</b>	1. Demonstrated effort in the hiring, retention, and promotion of personnel of racial/ethnic backgrounds representative of target population served.	<ul style="list-style-type: none"> <li>Written plan for recruitment, retention, and promotion of personnel of racial/ethnic backgrounds representative of target population served.</li> <li>Incentives such as a Standards of Excellence continuum in which high performers receive recognition. Evidence that incentives exist and are utilized.</li> <li>Cultural competence performance is an integral part of employee performance evaluation system.</li> </ul>	1 2 3	

<sup>4</sup> National Association of State Workforce Agencies: Checklist for Developing a Limited English Proficiency (LEP) Plan. www.WorkForceATM.org

GUIDELINE	OUTCOMES	SUGGESTED STRATEGIES	SCORE		
<b>3. Organizations should ensure that personnel at different levels and across relevant disciplines receive ongoing education and training in culturally and linguistically appropriate service delivery. (CLAS 3)</b>	1. Priority is placed on training for direct service personnel who regularly provide language assistance and/or interact with culturally diverse populations.	<ul style="list-style-type: none"> <li>• Many training curricula have already been developed across the country and can be adapted to the needs of your organization. Conduct an internet search.</li> <li>• Look for training curricula that include pre and post tests that evaluate knowledge and skill acquisition.</li> <li>• Work with the State of Illinois to develop mutually beneficial training that supports achievement of linguistic and cultural competence.</li> </ul>	1	2	3
	2. Evidence that all new employees receive basic cultural competence training and that more advanced training is offered periodically.		1	2	3
	3. Evidence that training has improved skills and knowledge regarding group values, traditions, cultural competence principles (e.g. pre and post tests of knowledge and skills acquisition).		1	2	3
<b>4. Organizations should ensure that every effort is made to ensure that consumers receive effective, understandable, and respectful services, provided in the consumer's preferred language and in a manner sensitive to cultural beliefs and practices. (CLAS 1)</b>	1. Consumer satisfaction with language access services and organizational sensitivity to consumer's culture.	<ul style="list-style-type: none"> <li>• Consumers receive direct services provided by bilingual/bi-cultural personnel or interpreters supervised by practitioners who understand the essential elements of language access and cultural competence.</li> <li>• Develop a consumer satisfaction assessment process that uses quantitative and/or qualitative methods that are sensitive to language and culture.</li> </ul>	1	2	3
<b>5. Organizations should provide language assistance services, including bilingual personnel and interpreter services, at no cost to each consumer with limited English proficiency, at key points of contact, in a timely manner that facilitates maximum access to services. (CLAS 4)</b>	1. Evidence that appropriate language services are provided to the LEP consumer in a timely manner.	<ul style="list-style-type: none"> <li>• Determine how you will provide language services.</li> <li>• Make sure that you have sufficient numbers of qualified and trained bilingual/bicultural personnel and/or interpreters to provide timely, competent communication to consumers.</li> <li>• Bilingual personnel and interpreters should be assessed for their fluency in their language as well as their ability to interpret in their field of service. They should be trained in the art and skills of interpreting so that they learn to respect confidentiality, impartiality, roles and responsibilities etc.</li> <li>• Interpreter (oral) services should be provided by candidates who</li> </ul>	1	2	3

GUIDELINE	OUTCOMES	SUGGESTED STRATEGIES	SCORE		
	2. Language fluency is assessed to determine the level of competence of personnel and interpreters to provide language services in their specific field of service. CLAS 6	demonstrate proficiency and the ability to communicate information accurately in both English and the other language and are able to identify and employ appropriate modes of interpreting e.g. consecutive, summarization, or sight translation. They must show respect for confidentiality etc. <ul style="list-style-type: none"> <li>Use an oral interview and written assessment that ensures that interpretations and translations accurately reflect information being shared between two or more parties.</li> </ul>	1	2	3
	3. Family and friends are not used to provide interpretation services. Exceptions to this provision include: specific request of the consumer and/or approval of organization's personnel and; in refugee reunion cases where family members are under contract to sponsor the refugee and provide language assistance). CLAS 6	<ul style="list-style-type: none"> <li>Using friends and family to interpret or translate is generally frowned upon especially in situations that call for confidentiality such as in a medical interview or discussion of finances. Organizations should strive to provide professional language services.</li> <li>Document circumstances in which the client has refused professional bilingual/interpreter services in the client record.</li> </ul>	1	2	3
<b>6. Organizations should provide to consumers in their preferred language both verbal and written notices of their right to receive language assistance services that are culturally appropriate. (CLAS 5)</b>	1. Visible notices posted in pertinent languages.	<ul style="list-style-type: none"> <li>Translation refers to written documents. Most languages have dialects and slang that are specific to geographic regions or sub-cultures. It is therefore important that translations are reviewed by multiple bilingual professionals to verify their accuracy, cultural sensitivity, and appropriateness.</li> <li>Ensure that all pertinent written, oral, and symbolic consumer and family materials (including consent forms, statement of rights forms, posters, signs, and audio tape recordings) are available in the languages of the consumer.</li> </ul>	1	2	3
	2. Consumer satisfaction with language access services and organizational sensitivity to consumer's culture.		1	2	3
<b>7. Organizations should make available easily understood consumer-related materials and post signage in languages of commonly encountered groups represented in the service area. (CLAS 7)</b>	1. Pertinent written, oral, and symbolic consumer materials (including consent forms, statement of rights forms, posters, signs, and audio tape recordings) are available in the language of the consumer and available at all key points of access.	<ul style="list-style-type: none"> <li>Consider using language communications cards which invite the LEP person to identify his/her language needs.</li> <li>Post notices and signs in commonly encountered languages at key points of entry and contact.</li> <li>Provide key materials and forms in frequently used languages.</li> <li>Have several bilinguals translate and back-translate materials to ensure accuracy, consistency with cultures and dialects.</li> <li>Provide key materials and forms in frequently used languages with consideration of the prevalence of low literacy levels among LEP populations.</li> </ul>	1	2	3
	2. Quality assurance measures in place to verify accuracy of translated documents.		1	2	3

GUIDELINE	OUTCOMES	SUGGESTED STRATEGIES	SCORE		
	3. Consumer satisfaction with language access services and organizational sensitivity to consumers' cultural needs.		1	2	3
8. Organizations should partner with communities and utilize a variety of formal and informal mechanisms to advocate for, design and implement language access and culturally competent activities.(CLAS 12)	1. Evidence that the organization engages ethnically/racially diverse leadership and community organizations in the regular assessment of community needs.	<ul style="list-style-type: none"> <li>Linguistic and cultural knowledge is best provided by members of ethnic/racial communities themselves.</li> <li>Engaging community leadership in assessment and planning activities will make for the most linguistically and culturally competent plan.</li> </ul>	1	2	3
	2. Other evidence of linkages/partnerships	<ul style="list-style-type: none"> <li>Activities and materials, including an updated listing of community resources, are provided in the language(s) of the population(s) being served.</li> <li>Identify and involve community resources, (e.g., spiritual leaders, churches, civic clubs, and community organizations) for purposes of integrated consumer support and service delivery.</li> </ul>	1	2	3
9. Organizations should ensure that conflict resolution processes are in place that can identify and resolve cross-cultural conflicts. (CLAS 13)	1. Conflict resolution processes exists.	<ul style="list-style-type: none"> <li>Conflict resolution procedures for both consumers and personnel with timely adjudication.</li> <li>Focus groups, suggestion boxes, and regular customer satisfaction surveys are useful tools in this arena.</li> </ul>	1	2	3
	2. Timely resolution of conflicts.		1	2	3
10. Organizations should make information available to the public about progress and successful innovations in implementing language and cultural competence guidelines and provide public notice in their communities of the availability of this information. (CLAS 14)	1. Evidence of efforts to publicize e.g. radio spots, signage, newspaper articles etc.	<ul style="list-style-type: none"> <li>Post signs in appropriate languages at key intake areas and other entry points.</li> <li>Publicize in program brochures and outreach documents that language services are available.</li> <li>Work with partner organizations to publicize. Include notices in local foreign language newspapers, TV and radio stations.</li> <li>Give presentations at schools and religious organizations that serve LEP consumers.</li> </ul>	1	2	3
	2. Consumer satisfaction with language access services and organizational sensitivity to consumers' cultural needs.		1	2	3
	<b>Does not meet outcome 25-40; meets outcome 41-60; exceeds outcome 61-75</b>			<b>Total</b>	<b>Score</b>