**Executive Order 13166 Language Access Plan Implementation:**

**National Council on Disability Annual Analysis and Update**

**Report Date: December 20, 2013**

Purpose

This document provides the 2013 annual analysis of how the National Council on Disability (NCD) has implemented its revised Language Access Plan for assuring effective communication with individuals who are considered to have limited English proficiency (LEP). Calculation of NCD’s annual analysis and update year is based upon timely submission of the revised plan to the U.S. Department of Justice (DOJ) in December 2011 (i.e., compliance with a six-month timeline requirement from the June 2011 receipt of government wide guidance offered by DOJ’s Civil Rights Division, Federal Coordination and Compliance Section). For additional details about Executive Order 13166, please visit [www.lep.gov](http://www.lep.gov).

Current Status

During the period of December 1, 2012 through December 20, 2013, NCD’s activities continued to demonstrate progress in implementing the agency’s plan of providing effective communication for people who have LEP needs. NCD’s implementation efforts are consistent with endeavors to reach the agency’s goals in its revised five-year agency strategic plan with respect to stakeholder outreach and accessibility.

Given agency budget and personnel constraints, NCD broadened its review of available federal and other LEP resources as reasonable options that seem to have potential for use among people with disabilities who have language access needs. As a starting point, NCD revisited the actions identified for internal agency policy and process determinations in concert with the eight action elements addressed in the U.S. Attorney General’s Memorandum to all federal agencies.[[1]](#endnote-1) The categorical actions requested of each agency to demonstrate recommitment to language access are coordination, needs assessment, periodic updates, staff training, agency outreach, employment qualifications, collaboration and clearing hour participation, and funds recipient guidance. Applicable agency actions for continued consideration by NCD resulted from staff and leadership dialogue about expanding agency communication goals, honoring NCD’s posted diversity statement,[[2]](#endnote-2) incorporating more specific ways to meet current and perhaps future LEP needs, and moving forward with execution of the selected action items identified in the 2011 language access plan.[[3]](#endnote-3) Thus, the current report updates progress made on the eight action items as follows:

*Action Items 1 and 2 – Coordination and Needs Assessment*: NCD’s Language Access Working Group is exploring additional means of coordinating staff and member telephone, written, and face-to-face communication to meet needs of the public who need assistance with language access. General emphasis across all communication has focused on simplifying the presentation of agency documents, including NCD’s website to conform to the federal Plain Language Writing Act.[[4]](#endnote-4) The agency’s working group coordinator also began to compile material that can be used to support both foreign language (other than English) and sign language access needs.

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*Action Item 3 – Periodic Updates*: The annual posting of this document on the agency website is an indicator of NCD’s commitment to conduct a periodic evaluation and language access update at least annually. In 2013, NCD included language access information in policy team internal updates. These updates will become an avenue for internal awareness-raising (among NCD staff with the Council Members).

*Action Items 4 and 6* – *Staff Training and Employment Qualifications*: Based on available topics of interest, a number of electronic communications about relevant articles and language access resources were shared with staff (and, as appropriate, with Council Members). Staff review of and dialogue about follow-up opportunities for more formal training continued. However, with the exception of no-cost webinars, staff training suggestions were unable to be implemented because of the continuing resolution, sequestration, and ultimately the furlough process. NCD expects that staff training and an increase in human resource funds will be addressed in future budget allocations.

*Action Item 5 - Agency Outreach*: NCD continued its practice of focused/deliberate communication to engage stakeholders, including people with disabilities and their families with LEP and other language access needs. NCD used its opportunities in ways to raise awareness about disability issues and to gather information directly from the public regarding their perspectives about needs, keeping in mind the agency’s charge to educate and to provide advice to the Administration and to Congress. During 2013, the expanded agency outreach efforts resulted in broadening the diversity composition of NCD’s panels, forums, and stakeholder notifications about agency events. Consultation with NCD’s Public Affairs Specialist and Director of Legislative Affairs and Outreach continued as NCD made greater use of social media and other appropriate forms of current technology.

*Action Item 7 – Collaborations and Clearinghouse Participation*: Throughout the year, NCD took advantage of opportunities to continue learning from other agencies and entities experienced in LEP and other language access issues. NCD staff participated in webinar opportunities hosted by the Migration Policy Institute.[[5]](#endnote-5)

*Action Item 8 – Federal Funds Recipient Guidance*: NCD continued its development of a model for language added in its Cooperative Agreements with federal contractors. Examples of awareness-raising about language access needs for successful recipients of NCD contracts include the following: (a) NCD is committed to ensuring that Recipients and Contractors comply with the federal government’s plain language obligations, pursuant to the Plain Writing Act of 2010 and Executive Orders 12866 and 12988. Accordingly, Recipients and Contractors must write all new publications, forms, and publicly distributed documents in a “clear, concise, well-organized” manner; and (b) [the contractor] Assures that [the] final policy paper received from the contractor meets NCD's formatting requirements and language guidelines before submitting final document for further internal or professional editing. NCD also requests that contractors assisting with meetings (e.g., forums, panels, and other public input venues) assess the language access needs of the stakeholders expected to participate as presenters and/or audience members.

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Future Considerations

In its future assessment, evaluation and suggestions for change beginning in 2014, the language access working group will provide for agency consideration a number of staff initiatives that enhance opportunities for people with disabilities who also have language access needs. Among the initiatives brought to attention at the writing of the current report are the following which do not provide an exhaustive listing of potential undertakings related to the eight language access actions (listed above) for federal agency recommitment:

1. Develop a foreign language access statement for use in policy contracts and/or cooperative agreements for projects funded as early as the 2014 and no later than under the 2015 federal budgets. A realistic statement will give consideration to how NCD can address public needs within the limits of funding appropriations determined by members of the U.S. Congress.
2. Expand use of available clearinghouse and research information that facilitate NCD’s desire to identify potential components of a toolkit for people with disabilities who have language access needs, including foreign, sign, and plain language categories.
3. Determine ways to obtain meaningful stakeholder input regarding how to meet the array of language access needs among the diverse groups within the disability, veterans, and aging communities.

1. U.S. Department of Justice, February 17, 2011 *Federal Government’s Renewed Commitment to Language Access Obligations Under Executive Order 13166,* <http://www.lep.gov/13166/AG_021711_EO_13166_Memo_to_Agencies_with_Supplement.pdf> [↑](#endnote-ref-1)
2. The NCD Strategic Plan, FY2012-FY2017, Diversity statement reads: “NCD will honor people with disabilities by embracing the broad spectrum of human difference and by learning about, including, and respecting the various perspectives and backgrounds reflected in the disability community.” [www.ncd.gov/Accountability/strategicplan/](http://www.ncd.gov/Accountability/strategicplan/) [↑](#endnote-ref-2)
3. # NCD Language Access Plan 2011 (Executive Order 13166), Revised December 2011. <http://www.ncd.gov/publications/2011/LAP2011>.

   [↑](#endnote-ref-3)
4. The Plain Writing Act of 2010 requires federal agencies to write clear Government communication that the public can understand and use  <http://www.gpo.gov/fdsys/pkg/PLAW-111publ274/pdf/PLAW-111publ274.pdf> [↑](#endnote-ref-4)
5. Migration Policy Institute – an independent, nonpartisan, nonprofit think tank dedicated to the study of the movement of people worldwide provides resources through its national center in the U.S. [www.migrationinformation.org/](http://www.migrationinformation.org/) [↑](#endnote-ref-5)