

Date of Hearing: April 18, 2023

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Corey A. Jackson, Chair

AB 1084 (Stephanie Nguyen) – As Introduced February 15, 2023

SUBJECT: Bilingual-Oriented Social Equity Services Grant Program

SUMMARY: Establishes the “Bilingual-Oriented Social Equity Services (BOSES) Grant Program” within the California Department of Social Services (CDSS) to distribute funding to nonprofit community-based organizations (CBOs) to provide a pay differential to direct service professionals who communicate in a language or medium other than English as part of their job duties. Specifically, **this bill:**

- 1) Requires, commencing with the 2023–24 fiscal year, CDSS to establish and administer the BOSES Grant Program for the purpose of distributing funding to CBOs that provide social services that ensure equity in access to services. Further requires grants to be used to provide a pay differential to direct service professionals who can communicate in a language or medium other than English as a primary part of their regular job duties.
- 2) Defines, “medium other than English” to include, but not be limited to, American Sign Language, and other sign languages and augmentative and alternative communication.
- 3) Establishes the “BOSES Grant Program Fund” to consist of moneys appropriated by the Legislature, to be used solely to award grants as follows:
 - a) A grant known as a Multilingual Success Grant requires CDSS to allocate 40% of the funding appropriated for purposes of community language access to CBOs serving non-English-speaking people and people with limited English proficiency (LEP) in the state that meet the threshold of a “substantial number of non-English-speaking people” for purposes of the Dymally-Alatorre Bilingual Services Act (Act); and,
 - b) A grant known as the Multilingual Access Grant requires CDSS to allocate 60% of the funding appropriated for purposes of community language access to CBOs serving non-English-speaking people and people with LEP in the state that do not meet the threshold of “substantial number of non-English-speaking people” for purposes of the Act.
- 4) Specifies that notwithstanding any other law, a direct service professional shall be eligible for bilingual or multilingual pay if both of the following conditions are met:
 - a) The duties currently assigned to the direct service professional require regular communication in a language or medium other than English with individuals seeking direct services; and,
 - b) The employing CBO certifies that the direct service professional has the ability to communicate in the language or medium other than English, as defined.
- 5) Makes findings and declarations related to the provision of services that are culturally and linguistically responsive to Californians being instrumental to improving access and equity in

the direct services provided by both the government and community-based infrastructure. Further declares that direct service professionals are critical to the provision of services and supports to individuals with LEP.

EXISTING LAW:

- 1) Establishes the “Dymally-Alatorre Bilingual Services Act” (Act) to provide for effective communication between all levels of government in California and the people of the state who are prevented from utilizing public services due to language barriers. Requires state agencies involved in providing information or services to the public, where a substantial portion is non-English-speaking (at least 5%), to provide information and services to the public in the language of the non-English-speaking person. (Government Code 7290 *et seq*)
- 2) Requires CDSS, subject to the availability of funding, to contract with qualified non-profit legal services organizations to provide legal services, including culturally and linguistically appropriate services, to unaccompanied undocumented minors, as defined, who are transferred to the care and custody of the federal Office of Refugee Resettlement and who are present in the state. (Welfare and Institutions Code Section [WIC] 13300; 13301)
- 3) States legislative intent that the provision of services that are culturally and linguistically responsive to consumers is instrumental to improving access and equity in the developmental services system. (WIC 4641.1(a)(1))
- 4) Makes a legislative declaration that direct service professionals are critical to the provision of services and supports to individuals with intellectual and developmental disabilities and their families. Further declares, in recognition of the value of effective communication between direct service professionals and the consumers and families they serve, the provision of a pay differential for bilingual and multilingual direct service professionals will increase consumer access to staff who speak their preferred language. (WIC 4641.1(a)(2)(3))
- 5) Requires the Department of Developmental Services (DDS), subject to an appropriation, to establish and implement a system that promotes equity in access to services for regional center consumers by providing a pay differential to direct service professionals who can communicate in a language or medium other than English as part of their regular job duties. (WIC 4641.1(b))

FISCAL EFFECT: Unknown, this bill has not been analyzed by a fiscal committee.

COMMENTS:

Background: *Community-based organizations.* State agencies are required to have bilingual staff and translated documents available when the office services an area where more than 5% of the population speak a non-English language. CBOs throughout the state often fill the gap by providing these essential services to populations that don’t meet the 5% threshold. However, most CBOs do not have the resources to competitively compensate their bilingual staff. The author reports that in a recent survey conducted, 27 of the 34 responding organizations answered “no” when asked if they can provide staff with bilingual pay. CBOs play an essential role in allowing more language accessibility in the provision of a variety of critical services such as Medi-Cal and Covered California Enrollment, direct legal services such as assistance with naturalization and DACA applications, as well as domestic violence case management. However,

despite being the ones best positioned with the language accessibility and cultural competency to serve hard-to-reach communities, CBOs report they are often not properly resourced to do this critical work. This bill would establish a grant program to distribute funding to CBOs that provide social services that ensure equity in access to services to be used to provide a pay differential to direct service professionals.

Dymally-Alatorre Bilingual Services Act. There are over 200 languages spoken in California. Over 40% of Californians over the age of four live in households where a language other than English is sometimes or always spoken. The Act, established in 1973, states legislative intent to provide for effective communication between all levels of government and the people who are precluded from utilizing public services because of language barriers. The Act requires state agencies that are directly engaged in providing information and/or services to a “substantial number” of non-English-speaking individuals to take certain steps to ensure that information and services are provided in languages other than English. Among other things, these state agencies must translate certain materials into any non-English language spoken by a substantial number of the public served by the agency. The Act defines a “substantial number of non-English-speaking people” to mean members of a group “who either do not speak English, or who are unable to effectively communicate in English because it is not their native language, and who comprise five percent or more of the people served by the statewide or any local office or facility of a state agency.” Threshold languages refer to the languages in which materials and information must be provided to meet the standards of the Act or similar requirements. The Act further requires agencies to conduct a language survey every two years, report the results to the survey to California Department of Human Resources (CalHR), and to develop and submit an implementation plan to CalHR based on the survey results.

This bill would establish the “BOSES Grant Program Fund” to be used to provide grants to CBOs serving non-English-speaking people and people with LEP that meet the threshold of a “substantial number of non-English-speaking people” for purposes of the Act, as well as those CBOs that serve populations that don’t meet the threshold defined by the Act.

Author’s statement: According to the Author, “According to the US Census Bureau, in 2021 almost 44% of California households spoke a language other than English. Nearly seven million Californians (17.5%) report speaking English “less than very well” and 28% of limited English proficiency (LEP) Californians speak an API language. Currently, the quality and extent of language accessibility and cultural competency of government services in California are inadequate for LEP community members. An article by KQED highlighted how poor language accessibility is within government services, particularly the California Division of Occupational Safety and Health (Cal/OSHA) has only one bilingual safety inspector for Cantonese and Vietnamese out of 214 inspectors, none in any other Asian and Pacific Islander language. Consequently, millions of Californians are denied essential government services, utilization of healthcare, and safeguards from becoming victims of fraud.

“This bill will support and expand critically needed in-language accessibility to services. Specifically, [This bill] establishes the Bilingual Oriented Social Equity Services Grant Program to enhance access to in-language services such as legal aid, healthcare navigation, domestic violence case management, social service enrollment and more. This bill authorizes the Department of Social Services (CDSS) to distribute grant funding to community-based, nonprofit organizations ensuring equity in access to services for those with limited English language proficiency.”

Need for this bill: The provisions of this bill seek to create a grant program so that CBOs providing direct services in a language other than English can competitively compensate their bilingual and multilingual staff with a pay differential. This bill would establish a grant program under the purview of CDSS to distribute grants to CBOs that provide in-language services such as legal aid, healthcare navigation, domestic violence case management, and social service enrollment with additional resources to assist CBOs with staff retention.

Equity Impact: This bill seeks to address the inequities in access to services due to lacking language accessibility. As of 2021, nearly seven million Californians (17.5%) report having limited-English proficiency and 28% of LEPs speak an Asian/Pacific Islander language which makes the provision of in-language assistance an integral service in California. The demand for assisting LEP populations is high, yet there is a shortage in providing these services.

Many CBOs provide a variety of services such as healthcare, Medi-Cal and Covered California enrollment, mental health counseling, direct legal services, and other social services and are a part of the “community-based infrastructure” that is funded through a variety of private sources, local, state, and federal sources. CBOs provide both direct services and help to create greater accessibility to government services via language accessibility and cultural competency that many government institutions are unable to provide.

The recent Half Moon Bay and Monterey Park shootings underscored the importance of the services these CBOs provides, as many were the first on the ground reaching out to the victims and their families to offer in-language services and financial support. By ensuring that these infrastructures are reinforced, LEP Californians will have these organizations to rely on for help when language accessibility and cultural competency needs remain in high demand.

RELATED AND PRIOR LEGISLATION:

AB 136 (Committee on Budget), Chapter 76, Statutes of 2021, provided for the statutory changes necessary to enact developmental-services-related provisions of the 2021 Budget Act . Included provisions related to language access and required DDS to establish and implement a system that promotes equity in access to services for consumers by providing a pay differential to direct service professionals who can communicate in a language or medium other than English.

REGISTERED SUPPORT / OPPOSITION:

Support

Asian Americans Advancing Justice-Southern California (Sponsor)
AAPI Equity Alliance
AAPIs for Civic Empowerment Education Fund
Alamako Foundation
API Equality-LA
Asian Youth Center (AYC)
BPSOS Center for Community Advancement
Buen Vecino
California Healthy Nail Salon Collaborative

California Immigrant Policy Center
Center for Asian Americans in Action
Center for The Pacific Asian Family
Ceres Community Project
Chinatown Service Center
Coalition for Humane Immigrant Rights (CHIRLA)
Coalition to Abolish Slavery & Trafficking (CAST)
Community Health Councils
Having Our Say Coalition
Immigration Resource Center of San Gabriel Valley
Jakara Movement
Korean American Coalition - Los Angeles
Korean American Family Services
Korean American Federation of Los Angeles
National Association of Social Workers, California Chapter
Orange County Asian and Pacific Islander Community Alliance, INC. (OCAPICA)
Pacific Asian Counseling Services
Pilipino Workers Center
Rising Communities (formerly Community Health Councils)
South Asian Network
Thai Community Development Center
Viet Rainbow of Orange County
Vision Y Compromiso
Young Invincibles

Opposition

None on file

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