



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: September 23-24, 2019

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Title	Agenda Item Type
Language Access Signage and Technology Grants	Action Required
Submitted by	Effective Date
Hon. Kevin Brazile, Co-Chair	September 24, 2019
Hon. Laurie Zelon, Co-Chair	Date of Report
Hon. Victor Rodriguez, Chair, Language Access Subcommittee	August 9, 2019
Advisory Committee on Providing Access and Fairness	Contact
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### **Executive Summary**

The 2018 Budget Act included \$2.55 million ongoing for language access signage and technology infrastructure support and equipment needs for the trial courts and the council. This report summarizes plans for establishment of a grant program to disburse this funding to courts beginning in Fiscal Year 2019–20 and ongoing. The report recommends that the council approve a proposed grant process and direct the Language Access Services (LAS) Unit (Center for Families, Children & the Courts) to solicit and review grant applications and develop recommendations for review and approval by the Advisory Committee on Providing Access and Fairness, the Information Technology Advisory Committee, and the Judicial Council. Following approval of grant awards by the council each year, the LAS Unit will disburse funding to awarded courts on an annual basis.

### **Recommendations**

The Advisory Committee on Providing Access and Fairness and the Information Technology Advisory Committee make the following recommendations to the Judicial Council:

1. Adopt the proposed process for Language Access Signage and Technology Grants.
2. Direct the LAS Unit to solicit and review grant applications and develop recommendations for review and approval by the Advisory Committee on Providing Access and Fairness, the Information Technology Advisory Committee, and the Judicial Council.

### **Relevant Previous Council Action**

In January 2015, the Judicial Council adopted the *Strategic Plan for Language Access in the California Courts* (the Language Access Plan, or LAP). The LAP provides recommendations, guidance, and a consistent statewide approach to ensure language access for all of California's approximately 7 million limited English proficient (LEP) residents and potential court users.

In March 2015, the Chief Justice formed the Language Access Plan Implementation Task Force to advise the council on implementation of the 75 recommendations in the LAP, to expand meaningful access for all LEP court users.

In May 2017, the Judicial Council received an informational report entitled, *Wayfinding and Signage Strategies for Language Access in the California Courts: Report and Recommendations*, which was prepared by the National Center for State Courts under the direction of the task force. The report compiles best practices from around the state in courthouse design and in the use of signage and wayfinding strategies to enhance access for LEP court users.

In January 2019, the council approved formation of a standing Language Access Subcommittee under the Advisory Committee on Providing Access and Fairness to undertake language access efforts after the sunset of the task force in February 2019.

In March 2019, the council approved the *Recommended Guidelines for Video Remote Interpreting (VRI) for Spoken Language-Interpreted Events*. The guidelines were prepared under the direction of the task force and the Information Technology Advisory Committee, following a VRI pilot project that took place in 2018 in the Superior Courts of Merced, Sacramento and Ventura Counties. The revised guidelines were adapted from existing VRI guidelines in the *Strategic Plan for Language Access in the California Courts*. The council also voted to create a new VRI program for the judicial branch to expand LEP court user access to qualified (certified and registered) court interpreters.

### **Analysis/Rationale**

Effective March 2019, the Language Access Subcommittee of the Advisory Committee on Providing Access and Fairness works to ensure the continuation of efforts to achieve and maintain access to justice for California's LEP court users. The subcommittee will partner with the Information Technology Advisory Committee, as appropriate, on technology issues.

To support judicial branch language access expansion efforts, the 2018 Budget includes ongoing funding of \$1 million per year for language access signage and \$1.55 million per year for

language access technology infrastructure support and equipment needs. The relevant language from the 2018 May Revise Budget Change Proposal (BCP)<sup>1</sup> is included below:

Signage (Electronic and Static) - \$1,000,000

Recommendations #39 and #42 of the Language Access Plan direct the council to "assist courts by providing plain-language translations of the most common and relevant signs likely to be used in a courthouse and provide guidance on the use of internationally recognized icons, symbols, and displays to limit the need for text and, therefore, translation" and to "provide information to courts [for] better wayfinding strategies, multilingual (static and dynamic) signage." With over 475 court buildings dispersed across 58 counties statewide, easy-to-understand signage is essential to help LEP court users navigate the courthouse and ensure they receive appropriate services. Meaningful access to these 475 buildings starts with wayfinding, which requires the use of clear and intuitive visual cues to minimize confusion and assist all persons who enter a building. Wayfinding is accomplished through strategic and immediate visual information indicating the location of common, important public spaces: information desks, elevators, stairs, and restrooms. Wayfinding is then supplemented by appropriate signage. These important navigational tools can help to remove confusion and language access barriers and reduce the apprehension that many court users may have about going to an unfamiliar courthouse.

Court Language Access Infrastructure and Equipment - \$1,550,000

Courts are not currently funded for language access expansion or maintenance costs outside of direct interpreter services provided in the courtrooms. Various items vital to the day-to-day operations of a court should be funded to assist in the expansion of services to LEP court users:

1. Technology
2. Interpreter Equipment
3. Multi-Language Communication
4. Telephonic or other remote interpreting technologies

This funding would be allocated to various courts on an ongoing basis based on equipment and infrastructure refresh and update schedules that will be established to ensure that all courts receive the necessary funding to maintain adequate infrastructure for language access needs.<sup>2</sup>

The LAS Unit is planning to disburse this funding for trial courts each year, beginning in FY 2019-20, as a grant program (see attached overview). The goals of the Signage and Technology Grant Program include:

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<sup>1</sup> See [https://esd.dof.ca.gov/Documents/bcp/1819/FY1819\\_ORG0250\\_BCP2379.pdf](https://esd.dof.ca.gov/Documents/bcp/1819/FY1819_ORG0250_BCP2379.pdf).

<sup>2</sup> \$200,000 of the \$1,550,000 amount for technology is dedicated to the Judicial Council for upgrades to the Language Access Toolkit and other council language access infrastructure support (such as translation costs for statewide forms, web content, and other multilingual resources for LEP court users). The amount available to trial courts for technology is therefore \$1,350,000 each year.

- Support courts with the development of multilingual signage to help LEP court users to navigate the courthouse.
- Assist courts that may need equipment or software that will facilitate communication with LEP court users and the courts.
- Allocate funds to as many trial courts as possible within the given budget to support language access signage and technology initiatives.
- Fund enhancements that provide LEP court users with greater access to the courts and to information in their language.
- Encourage courts to establish an ongoing plan for grant funding that coordinates with other facilities and/or technology initiatives planned or underway that support language access as a core service of the court.

### **Policy implications**

It is anticipated that the grant program will launch in October 2019, with applications due from interested courts by November 2019. It is recommended that once applications are received, potential grantees be determined by Judicial Council staff, who will work closely with the Executive Office and follow the priorities established for the first year in the attached grant overview. Recommendations for grantees will then be formed by staff working with the Executive Office prior to advisory body approval. This approval process will include approval of recommendations by the Language Access Subcommittee and the Advisory Committee on Providing Access and Fairness (PAF), the Information Technology Advisory Committee (ITAC), and then ultimately the council. Following approval of recommended grantees by the council by March 2020, awarded courts would need to encumber funding by June 2020, funding would then be reimbursed to the courts by December 2020, and then the grant cycle would repeat every year.

Under the grant program, courts will be able to apply for funding for audio or video remote solutions, including video remote interpreting (VRI) if permitted by their Memoranda of Understanding (MOUs) and any other agreements between court administration and court employees. All courts, including courts who participate in the grant program and request funding for VRI equipment in 2020, will be asked to follow the council's VRI guidelines for spoken language-interpreted events.<sup>3</sup> This will help to ensure proper use of VRI solutions in the courts, which is still an emerging technology and must be carefully implemented by individual courts to ensure due process for LEP court users.

### **Comments**

In August 2019, the attached grant process overview, which includes anticipated grant priorities for the first year, was reviewed and approved by the PAF and ITAC (TBD). The grant process overview was also shared and reviewed with the Trial Court Budget Advisory Committee on August 7 as an informational item.

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<sup>3</sup> See <https://www.courts.ca.gov/documents/vri-guidelines.pdf>.

### **Alternatives considered**

There are a variety of disbursement methodologies for ongoing funding; however, a determination was made to disburse the funding as a grant program to help the council identify and fund local needs, establish priorities, encourage courts to develop plans for ongoing funding, assist courts with uniform practices, and establish a mechanism to highlight progress and best practices each year.

### **Fiscal and Operational Impacts**

Funding will assist courts with language access signage and technology initiatives. The Signage and Technology grant is a reimbursement grant which means that the funds will be distributed after the conclusion of a successful project. Funding must be encumbered each fiscal year and ongoing costs such as software maintenance and support should not be included in the request (if a request covers multiple years, courts must undertake the project and then reapply each year). However, since this is ongoing funding for the trial courts, individual courts will be encouraged to establish an ongoing plan for grant funding that coordinates with other facilities or technology initiatives planned or underway in their court to support language access. Under the grant program, courts will be able to apply for both signage and technology needs. No more than 10% of the annual grant budget for each program will be allocated to any one court (i.e., no more than \$100,000 for signage, no more than \$135,000 for technology), unless total funding requests are lower than the annual allocation. Due to limited funding, and depending upon the number of requests received, it may not be possible to fund all grant requests, and/or some requests may be approved only for partial funding. Applicants for the grant program should check with their Facilities and/or Information Technology departments to ensure that grant funding requests conform with court-wide planning efforts.

Council staff works regularly with the Court Language Access Representatives to identify best practices and innovations taking place in language access, including in the areas of signage and technology. It is anticipated that a report will be prepared at the completion of each grant year to identify successful signage and technology projects, which will allow the branch to share best practices and innovations with courts statewide and the public.

Council staff in the Operations & Programs Division are working on development and launch of a VRI program in 2020, and it is anticipated that regular updates will be provided to the council prior to the program launch. These updates will inform court and public stakeholders regarding next steps, including the development of an implementation plan for VRI. The implementation plan will include a sufficient period of installation and training at courts prior to program launch.

We also anticipate that judges, court staff, court interpreters and attorneys will be extensively involved in training efforts to ensure that they are comfortable with the VRI equipment before usage, and that quality communication is ensured for limited English proficient (LEP) court users and their attorneys, including for confidential attorney-client communication. Implementation of VRI will also include use of feedback surveys to allow all courtroom participants and interpreters to provide input that can be used to continually improve the service offered by the VRI solution.

This will also enable the courts and the Judicial Council to continually monitor the program and refine the way in which the service is delivered.

The 2018 Budget Act also included new positions for the Judicial Council's LAS Unit, which are currently being recruited to help support the new grant program and the Language Access Toolkit.

Separately, the council is also pursuing a Budget Change Proposal (BCP) for Fiscal Year 2020–21 to fund VRI solutions in up to fifteen courts, which will also help to establish VRI as a program beginning in 2020.

### **Attachments and Links**

1. Attachment A: Language Access Signage and Technology Grants, Process Overview
2. Link A: [\*Strategic Plan for Language Access in the California Courts\*](#)
3. Link B: [\*Wayfinding and Signage Strategies for Language Access in the California Courts: Report and Recommendations\*](#)
4. Link C: [\*Recommended Guidelines for Video Remote Interpreting \(VRI\) for Spoken Language-Interpreted Events\*](#)

**Language Access Signage and Technology Grants**  
**Process Overview**  
**August 9, 2019**

Below is a high-level overview of the proposed process for the Language Access Signage and Technology Grants. This process includes potential priorities for grants, and solicitation of projects from trial courts for consideration of awarding grants, to the ultimate distribution of funding to the courts upon successful completion of court signage and technology project(s).

**Background**

The 2018 Budget includes ongoing funding of \$1 million per year for language access signage and \$1.55 million per year for language access technology infrastructure support and equipment needs. The relevant language from the 2018 May Revise Budget Change Proposal (BCP)<sup>1</sup> is included below:

Signage (Electronic and Static) - \$1,000,000

Recommendations #39 and #42 of the Language Access Plan direct the council to "assist courts by providing plain-language translations of the most common and relevant signs likely to be used in a courthouse and provide guidance on the use of internationally recognized icons, symbols, and displays to limit the need for text and, therefore, translation" and to "provide information to courts [for] better wayfinding strategies, multilingual (static and dynamic) signage." With over 475 court buildings dispersed across 58 counties statewide, easy-to-understand signage is essential to help LEP court users navigate the courthouse and ensure they receive appropriate services. Meaningful access to these 475 buildings starts with wayfinding, which requires the use of clear and intuitive visual cues to minimize confusion and assist all persons who enter a building. Wayfinding is accomplished through strategic and immediate visual information indicating the location of common, important public spaces: information desks, elevators, stairs, and restrooms. Wayfinding is then supplemented by appropriate signage. These important navigational tools can help to remove confusion and language access barriers and reduce the apprehension that many court users may have about going to an unfamiliar courthouse.

Court Language Access Infrastructure and Equipment - \$1,550,000

Courts are not currently funded for language access expansion or maintenance costs outside of direct interpreter services provided in the courtrooms. Various items vital to the day-to-day operations of a court should be funded to assist in the expansion of services to LEP court users:

- 1) Technology
- 2) Interpreter Equipment
- 3) Multi-Language Communication
- 4) Telephonic or other remote interpreting technologies

This funding would be allocated to various courts on an ongoing basis based on equipment and infrastructure refresh and update schedules that will be established to ensure that all courts receive the necessary funding to maintain adequate infrastructure for language access needs.

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<sup>1</sup> See [https://esd.dof.ca.gov/Documents/bcp/1819/FY1819\\_ORG0250\\_BCP2379.pdf](https://esd.dof.ca.gov/Documents/bcp/1819/FY1819_ORG0250_BCP2379.pdf).

Note: \$200,000 of the \$1,550,000 amount is dedicated to the Judicial Council for upgrades to the Language Access Toolkit and other council language access infrastructure support (such as translation costs for statewide forms, web content, and other multilingual resources for LEP court users). The amount available to trial courts for technology is therefore \$1,350,000 each year.

The Language Access Services Unit (Center for Families, Children & the Courts) is planning to disburse this funding for courts each year, beginning in FY 2019-20, as a grant program.

### **Objectives of Grant Program**

The goals of the Signage and Technology Grant Program include:

- Support courts with the development of multilingual signage to help LEP court users to navigate the courthouse.
- Assist courts that may need equipment or software that will facilitate communication with LEP court users and the courts.
- Allocate funds to as many trial courts as possible within the given budget to support language access signage and technology initiatives.
- Fund enhancements that provide LEP court users with greater access to the courts and to information in their language.
- Encourage courts to establish an ongoing plan for grant funding that coordinates with other facilities and/or technology initiatives planned or underway that support language access as a core service of the court.

*Note: Courts may apply for both signage and technology needs.*

### **Application Timing and Process**

- Applications are due on November 15, 2019.
- Recommendations will be developed by staff for review by the Language Access Subcommittee and the Advisory Committee on Providing Access and Fairness, and the Information Technology Advisory Committee.
- The decision on which projects to fund will be made by the Judicial Council by March 2020.
- All courts that submit Signage and Technology Grant requests will be notified as to whether they receive funding.
- Intra-Branch Agreements for the signage and technology grant requests which are funded are expected to be delivered to the Court Executive Officers (CEOs) for signatory approval and returned to the Judicial Council prior to April 30, 2020.
- Due to limited funding, and depending upon the number of requests received, it may not be possible to fund all requests, and/or some requests may be approved only for partial funding.
- Courts requesting funding for more than one project in each category are asked to identify the top priority project for their court.
- No more than 10% of the annual grant budget for each program will be allocated to any one court (i.e., no more than \$100,000 for signage, no more than \$135,000 for technology).
- If total funding requests fall below the total annual allocation, courts may be awarded larger amounts to ensure that available funding under the program is disbursed as needed.



- Applicants should check with their Facilities and/or Information Technology departments to ensure that grant funding requests conform with court-wide planning efforts.

**Grant Award and Reimbursement Process**

- Funding must be encumbered each fiscal year and ongoing costs such as software maintenance and support should not be included in the request (if a request covers multiple years, courts must undertake the project and then reapply each year).
- The Signage and Technology grant is a reimbursement grant which means that the funds will be distributed after the conclusion of a successful project.
- Courts who participate in the grant program and request funding for video remote interpreting equipment will be asked to agree to follow the council’s *Recommended Guidelines for Video Remote Interpreting (VRI) for Spoken Language-Interpreted Events*.<sup>2</sup>
- Note: Courts that apply for VRI equipment in the courtroom must abide with local Memoranda of Understanding and agreements that allow for the appropriate use of VRI in the courtroom.
- Funds must be encumbered by the court in the current fiscal year and the court must inform the Judicial Council that funding for the project has been encumbered by June 30, 2020.
- If the reimbursement request and the invoices to support the requested reimbursement amount are not received by December 31, 2020, funding for the grant will be unavailable for reimbursement to the court for the cost of the project.

**Potential Priorities for Grants**

In 2019, Judicial Council staff developed the following potential priorities for the grant program, and reviewed these priorities with the Advisory Committee on Providing Access and Fairness and the Information Technology Advisory Committee:

**Signage Grants**

Priority	Project
1.	Plain language editing and professional translation of signage language that is not available in the Glossary of Signage Terms and Icons (available here: <a href="http://www.courts.ca.gov/documents/lap-toolkit-Glossary_of_Signage_Terms_and_Icons.xlsx">http://www.courts.ca.gov/documents/lap-toolkit-Glossary_of_Signage_Terms_and_Icons.xlsx</a> ).
2.	Development of multilingual wayfinding strategies, including electronic displays with automated maps and orientation guides with multilingual interface and/or other types of multilingual electronic signage.
3.	Investment in multilingual non-electronic signage (paper, plaques, etc.).
4.	Equipment and start-up costs for an automated queue management system that will contain multilingual information.

**Technology Grants**

Priority	Project
1.	Interpreter equipment, including upgraded headsets and other communication equipment for interpreters (for example, wireless transmitters and receivers, charging stations and carrying cases).

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<sup>2</sup> See <https://www.courts.ca.gov/documents/vri-guidelines.pdf>.

2.	Telephonic/video remote solutions equipment for LEP assistance both inside and outside the courtroom (for example, speakerphones, and equipment for video remote appearances, video remote interpreting, counter assistance, or other self-help remote assistance, including tablets, computer equipment and monitors).
3.	Scheduling software for language access services, multilingual avatars for LEP court users, or other software that allows for accurate multilingual communication between the LEP court user and the court.
4.	Multilingual videos for LEP court users, including translation costs.
5.	Audio-visual (AV) systems upgraded, broadband service and/or other infrastructure enhancements (must directly relate to services provided to LEP court users).
6.	Multilingual kiosks.

### **Project Solicitation**

An invitation will be sent to the Language Access Representatives for all 58 trial courts from the Language Access Services Unit inviting the courts to submit a request for funding if they have a language access signage and/or technology system project which they would like to have considered for grant funding. A solicitation email will come from the Language Access Subcommittee Chair that will also be shared with the Presiding Judges and Court Executive Officers. The email will include a memo from staff that provides an overview of the goals of the grant program, criteria that is considered when deciding which grants are recommended for funding, and a deadline to submit the grant project request form for consideration.

### **Evaluation of Project Funding Requests**

Courts that request funding for signage and/or technology will need to submit a completed project request form to Judicial Council staff. As noted above, courts can submit funding requests for both signage and technology for consideration. In cases where courts submit more than one signage project (or more than one technology project), they will be asked to complete a separate project request form for each project and to indicate the priority for each of their projects (e.g. top priority, 2<sup>nd</sup> priority, etc.). Judicial Council staff will review each submission and follow up with the courts on any missing information and questions. Staff will prepare an initial allocation in a spreadsheet by court of the proposed grant funding based upon the amount of available funding, the number of project requests received, the overall goals of the program, and other criteria as specified in the solicitation memo. Part of the evaluation process includes ensuring the project falls within the scope and criteria of the grant program. Additionally, staff will review the scope of funding included in the project request to ensure that the funding being requested is for one-time costs. Any ongoing system maintenance costs will be removed from the requested funding amount. Staff will then categorize the projects into the various program priorities and will make an initial proposed allocation for each court limiting the grant awarded to no more than 10% for an individual court, unless total funding requests are lower than the annual allocation. The results of this analysis will be recorded in an Excel spreadsheet. There will be multiple review cycles of the proposed allocations internally with management in CFCC, JCIT, and the Executive Office throughout this process.

### **Advisory Body Review and Approval**

After management approval of the proposed grant requests, a memo will be prepared and sent from Judicial Council staff to the Language Access Subcommittee, Advisory Committee on Providing Access and Fairness (PAF), and Information Technology Advisory (ITAC) Committee Chairs for review. If the

Chairs have no questions about the memo or proposed allocations, the memo will be placed on the PAF and ITAC agenda for a presentation to the full bodies of the committees for consideration. During the meetings, the recommendation memo along with the proposed allocations will be reviewed and any questions will be addressed.

Following approval by the advisory bodies, the proposed allocations will be submitted and potentially approved by the Judicial Council at its March 2020 meeting.

**Write and Issue IBA's**

If the proposed allocations are approved by the council, a Contract Detail Sheet and Intra-Branch Agreement (IBA) will be drafted for each court and sent to Budget Accounting and Procurement (BAP) for processing and eventually signed by the court's CEO, per the schedule above.

**Funds Disbursement**

To be reimbursed, courts must expend grant funding by December 31, 2020. Upon successful completion of their project, the court submits an invoice with a brief report on what was completed, along with a disbursement request along with supporting invoices to the Language Access Services Unit for processing. A memo from Judicial Council staff along with the supporting documents from the court will be sent to Judicial Council Branch Accounting for disbursement of the funding to the courts.

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