

1 S.147

2 Introduced by Senator Ram

3 Referred to Committee on

4 Date:

5 Subject: Agency of Administration; language access plans; translation of  
6 agency documents; interpretation services

7 Statement of purpose of bill as introduced: This bill proposes to require State  
8 agencies to create language access plans and to require the Agency of  
9 Administration to complete an evaluation of the sufficiency of agencies'  
10 provision of translated materials and interpretation services.

11 An act relating to language access plans

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 \* \* \* Translation and Interpretation; Language Access Plans \* \* \*

14 Sec. 1. 3 V.S.A. chapter 69 is added to read:

15 CHAPTER 69. LANGUAGE ACCESS

16 § 5051. TRANSLATION OF MATERIALS EXPLAINING AGENCY

17 SERVICES

18 (a) Translated materials. Every State agency that serves a substantial  
19 number of non-English-speaking individuals and that provides materials in  
20 English explaining services is encouraged to provide equivalent material in any

1 non-English language spoken by a substantial number of the individuals served  
2 by the agency. As used in this chapter, the term “non-English-speaking  
3 individuals” includes individuals with limited English proficiency.

4 (b) Priority. After vital documents, an agency should give highest priority  
5 to providing materials in a non-English language when:

6 (1) the information notifies individuals of legal rights, duties, or  
7 privileges to which they are entitled and the steps they must take to obtain or  
8 maintain those rights, duties, or privileges; or

9 (2) the information outlines the agency’s provision of lifesaving services  
10 and the steps an individual should take to access lifesaving services.

11 (c) Notice of translated materials. When an agency gives notice of the  
12 availability of material explaining services in non-English languages, it shall  
13 be given in English and the non-English language into which any material has  
14 been translated.

15 (d) Translated materials for local offices. A State agency is encouraged to  
16 provide its local offices with written materials in the appropriate non-English  
17 language when:

18 (1) the local office or facility serves a substantial number of non-  
19 English-speaking individuals;

1           (2) written materials such as forms, applications, questionnaires, letters,  
2           or notices are used to ask or order an individual to provide information or to  
3           give an individual information; and

4           (3) the information asked for or given could affect the individual's  
5           rights, duties, or privileges with regard to the agency's services or benefits.

6           (e) Contracts. The Department of Public Safety and the Department of  
7           Health shall maintain contracts with organizations within the State for  
8           translation and interpretation services needed during an "all-hazards" event as  
9           defined in 20 V.S.A. § 2.

10           § 5052. LANGUAGE ACCESS PLANS

11           (a) Language access plan submission. Each State agency that is directly  
12           involved in furnishing information affecting an individual's legal rights,  
13           privileges, or duties or in rendering lifesaving services to the public and that  
14           serves a substantial number of non-English-speaking individuals shall file with  
15           the Agency of Administration a language access plan. All State agencies shall  
16           review and revise their language access plans at least once every five years.

17           (b) Language access plan requirements. A language access plan shall set  
18           forth the actions the agency is taking to ensure meaningful access to its  
19           services, including a list of translated documents and the languages into which  
20           those documents are translated, interpretation services provided by contract,  
21           the total number of staff with language access skills and ability to provide

1 interpretation services, a language access training plan, an annual monitoring  
2 plan, outreach strategies, and any additional information required by the  
3 Agency of Administration. The language access plan shall also:

4 (1) outline the agency's plan for monitoring and reporting complaints  
5 around language access, including complaints from any source that  
6 interpretation was performed by a member of an individual's family or  
7 acquaintance present at the time of services rather than a qualified interpreter;

8 (2) describe how the agency informs the public of the way in which an  
9 individual can file a complaint concerning language access;

10 (3) describe the steps the agency is taking to improve language access in  
11 light of information learned through complaints and regular evaluation of  
12 language access; and

13 (4) identify the section of the agency's State emergency plan that  
14 describes the agency's method of communicating life safety information and  
15 disaster relief materials to non-English-speaking Vermonters.

16 (c) Annual monitoring. To best ensure ongoing compliance, State agencies  
17 shall regularly evaluate and monitor the composition of their service  
18 populations. Agencies shall annually examine their prior experiences with  
19 limited-English-proficiency encounters and determine the breadth and scope of  
20 language services that are needed.

1                                      \* \* \* Language Access Report \* \* \*

2            Sec. 2. LANGUAGE ACCESS PLANS; REPORT

3                    (a) Agency reports.

4                            (1) The appointing authority of each State agency that is directly  
5                            involved in furnishing information affecting an individual's legal rights,  
6                            privileges, or duties or rendering lifesaving services to the public and that  
7                            serves a substantial number of non-English-speaking individuals shall submit a  
8                            report to the Secretary of Administration on or before October 1, 2021  
9                            outlining the number of qualified bilingual employees needed in public contact  
10                           positions, and the number of contract or employed interpreters needed to assist  
11                           these positions, to ensure the provision of information and services in the  
12                           language spoken by a substantial number of non-English-speaking individuals.  
13                           As used in this section, the term "non-English-speaking individuals" includes  
14                           individuals with limited English proficiency.

15                           (2) On or before August 15, 2021, the Chief Performance Officer at the  
16                           Agency of Administration shall determine the application of this section to  
17                           each State agency in consultation with regional planning commissions and the  
18                           appointing authority of each State agency. The Chief Performance Officer  
19                           shall consider:

20                                    (A) the number of individuals served by the agency;

1           (B) the number of non-English-speaking individuals served by the  
2 agency;

3           (C) the frequency with which non-English-speaking individuals are  
4 served by the agency;

5           (D) language minority populations that are eligible for the agency's  
6 programs or activities but may be underserved because of existing language  
7 barriers; and

8           (E) the extent to which information or services rendered by the  
9 agency constitute lifesaving services or information or that affect an  
10 individual's legal rights, privileges, or duties.

11       (b) Evaluation. Following review of the reports filed by State agencies and  
12 in consultation with groups representing non-English-speaking individuals, the  
13 Chief Performance Officer shall evaluate the sufficiency of translation and  
14 interpretation services available at each State agency that is directly involved  
15 in furnishing information affecting an individual's legal rights, privileges, or  
16 duties or rendering lifesaving services to the public.

17       (c) Report. The Chief Performance Officer shall submit a report on or  
18 before January 15, 2022 to the House and Senate Committees on Government  
19 Operations, on Appropriations, and on Judiciary with recommendations on  
20 increasing or maintaining a sufficient level of translation and interpretation  
21 services at State agencies. In making its recommendations, the Chief

1 Performance Officer shall take into account federal requirements and guidance  
2 for interpretation and translation services; recommendations from groups  
3 representing non-English-speaking individuals and regional planning  
4 commissions; and recommendations on the use of non-English videos  
5 outlining lifesaving services or information affecting an individual's legal  
6 rights, privileges, or duties in order to expand access to those services and  
7 information. The Chief Performance Officer's report shall note where an  
8 agency is not meeting federal requirements for language access plans and  
9 public participation as required under Title VI of the Civil Rights Act of 1964.

10 \* \* \* Language Access; Emergency Management \* \* \*

11 Sec. 3. 20 V.S.A. § 3a(d) is added to read:

12 (d) The Division of Emergency Management shall promptly communicate  
13 life safety information as it relates to all-hazards and imminent threats to life  
14 safety in English and non-English languages as outlined in its emergency  
15 management plan and in coordination with State agencies. The Division of  
16 Emergency Management shall require that all State emergency plans include  
17 methods for the communication of lifesaving information and disaster relief  
18 information to non-English-speaking individuals.

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\* \* \* Effective Dates \* \* \*

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Sec. 4. EFFECTIVE DATES

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This act shall take effect on passage, except that in Sec. 1, 3 V.S.A. § 5052

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shall take effect on January 1, 2023.