



2023 LANGUAGE ACCESS REPORT

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A report of the State of Vermont Office of Racial Equity detailing community-driven findings and recommendations for expanding language access across all branches of State government

ACKNOWLEDGEMENTS

The Office of Racial Equity thanks all the community members and State colleagues who participated in the conversation sessions and provided feedback on the language access policy recommendations.

The Office is further grateful for the technical expertise, policy guidance, drafting assistance, and additional consultation of State staff and other concerned parties across all three branches of State government and in all regions of the state, including but not limited to: Shalini Suryanarayana, Ian Louras, Geoffrey Pippenger, Meagan Smeaton, Rebecca Turner, Erik Filkorn, Bor Yang, Laura Siegel, Megan Tierney-Ward, Cheryle Wilcox, Tracy Dolan, Kristen Rengo, Nikki Fuller, Amila Merdzanovic, Sonali Samarasinghe, Kim Frampton, Thato Ratsebe, Linda Li, Alison Segar, Kirsten Murphy, Seema Kumar, Scott Griffith, Mike Ferrant, Damien Leonard, and all the State staff who assisted with data collection to develop the vital document cost estimate.

TABLE OF CONTENTS

Executive Summary	1
Context and purpose	1
Process and Methodology	1
How to read this report	1
Recommendations.....	2
A path forward	2
Already know what you're looking for? Click below to skip to the right section:.....	2
Summary of Findings and Recommendations	3
Note on Terminology: "Limited English Proficiency" or "LEP"	15
Recommendations:	15
Introduction	16
Language Access Plan Components and federal Standards	18
Basic Components of a Language Access Plan	18
Federal Requirements for the Provision of Language Access Services	18
Vital Documents	20
Safe harbor standards.....	21
Notices of the Availability of language services notices	23
Language Access Operations Manuals.....	24
Findings and Recommendations.....	26
How to read the findings and recommendations	26
1. Values, Framework, and Culture	26
2. Data, Evaluation, and Reporting:.....	27
3. Operations and Staff Protocols	29
4. Technology and Resources	32
5. Professional Development and Qualifications	36
6. Recommendations for ADA Compliance for People Who Use Signed Languages and/or People with Disabilities	39
Recommendation	41
Additional Policy Recommendation: Multilingual Liaison Needs Assessment	42
References:.....	43
Appendix A: Glossary of Abbreviations and Terminology	47
Appendix B: Additional Resources.....	51
Language Access Planning Resources.....	51

Resources for Facilitating Language Access & ADA accessibility compliance for People who are Deaf, Hard-of-Hearing, DeafBlind, and DeafPlus	52
Website Accessibility Resources.....	54
Equitable Outreach and Engagement Resources	54
Best Practices for Using Zoom/ZoomGov with Video Remote Interpreters.....	55
Appendix C: Population Estimates of People who Speak or Sign Languages Other than English in Vermont.....	56
Vermont Agency of Human Services LEP Committee	57
Appendix D: Recommended Model Minimum Language Access Plans	59
1. Values Statement.....	59
2. Needs Assessment/Outreach Plans.....	60
3. Notification of Services.....	61
4. Language Assistance Services	62
Vital Documents.....	63
5. Employee Training on Language Access Services	64
6. Language Access Program Evaluation	65
References:.....	66
Additional Considerations: Counter Service/“I Speak” Cards.....	66
Additional Considerations: Emergency Communications.....	67
Additional Considerations: Job Education and Training Materials	68
Appendix E: Department of Labor SharePoint Language Access Operations Manual	69
Appendix F: April 2022 Language Access Brainstorm Session Summary Document	72
Appendix G: Summary of Executive Branch Agencies’ Vital Document Translation Cost Estimate	86
Research Process.....	86
Document Standardization and Translation Cost Estimation Process	86
Special Case: Fillable Forms.....	88
Final Executive Branch Vital Document Translation Cost Estimate	90
Limitations of Vital Document Translation Cost Estimate Project.....	92
Vital document maintenance costs.....	93
Costs Associated with the Provision of Interpretation and Translation Services	94

Context and purpose

This report is a comprehensive summary of the language access policy and procedural recommendations generated through Office of Racial Equity (ORE) community outreach efforts along with guidelines for creating language access plans and policies in the state of Vermont.

Vermont's demographic profile is growing in richness and complexity. As is true in the rest of the U.S., Vermont's most racially and ethnically diverse age cohorts are the Millennial and Generation Z cohorts. As the State seeks to grow and diversify its population by supporting youth and young adults, it must couple these efforts with initiatives that embrace, celebrate, and support multicultural and multilingual people who are more likely to comprise the state's future residents and visitors.

One way to provide this support is through the provision of comprehensive language access services that allow residents and visitors to expect consistent, predictable access to government services no matter the region or agency in which they find themselves.

Process and Methodology

In early 2020, the Executive Director conducted a baseline survey of State agencies and departments across all three branches to determine the nature and extent of language access services. With the intervening global pandemic, the focus of this effort shifted to emergency communications and

ensuring that time-sensitive notices related to public health and operational matters were prioritized for multilingual communities.

The introduction of S.147 in 2022 demonstrated that the State was prepared to revisit the prospect of comprehensive language access planning, and the Office of Racial Equity proceeded with a community engagement phase that collected feedback from concerned parties around the state.

The Office also produced extensive research and budget estimates that draw from promising practices across the country to develop findings and recommendations that would be successful in the Vermont-specific context.

How to read this report

You only have a few minutes, see Appendix H for a one-page infographic summary of the report.

You have an hour, read through this Executive Summary with the full list of findings and recommendations, or read the Plain-language summary available here: [Plain-language summary](#).

You have over an hour, read the full report, which contains color-coded notes along the way. Those notes are described below:

NOTE: Adds information or context.

EXAMPLE: Provides a model or template.

LEARN MORE: Highlights additional source for further exploration.

Recommendations

The summarized list of findings and recommendations appears on the following pages. For additional explanation and context, each finding and recommendation is discussed in the section titled [Findings and Recommendations](#).

A path forward

The Office looks forward to working with impacted communities and leaders across State government to implement the recommendations in this report, beginning with an inclusive and thoughtful budgeting process that promoted communicative autonomy and language justice for Vermont's increasingly multilingual residents and visitors.

ORE estimates a one-time cost of \$3.5 million for vital document translation across the Executive branch (that is, not including vital documents for the Legislative or Judiciary branches), not including ASL translation. Separate from this one-time cost to bring the Executive agencies into basic federal compliance, ORE estimates an upper limit of \$790,000 per year to maintain up-to-date translated documents and to provide language access services across the agencies.

These estimates do not include the Judicial branch because of the substantial work the Judiciary has completed regarding incorporating language access into its operations and services. These estimates also do not include the Legislature because of the

many variables that would need to be identified and resolved in order to know the full scope of the Legislature's language access needs.

Already know what you're looking for? Click below to skip to the right section:

- ◆ [Summary of Findings and Recommendations](#)
- ◆ [Overview](#)
- ◆ [Full Findings & Recommendations](#)
- ◆ [Model Minimum Language Access Plans](#)
- ◆ [Vital Document Translation Cost Estimates](#)
- ◆ [References Cited](#)
- ◆ [Glossary of Terms & Acronyms](#)



Summary of Findings and Recommendations

(NOTE: FINDINGS AND RECOMMENDATIONS ARE GROUPED BY CATEGORY, NOT BY RELATIVE IMPORTANCE)

No.	TOPIC	FINDING	RECOMMENDATION	NOTES
1.A	Values, Framework, & Culture	State of Vermont has no unified values statement regarding language access.	Draft & publicize a Values Statement that State government is committed to language access.	Requires action by Vermont General Assembly and/or Governor's Administration. See Appendix D: ORE Model Minimum Recommended Language Access Plans for additional details.
			Require State agencies to adopt a model minimum language access plan.	
1.B	Values, Framework, & Culture	Language service providers' work is often undervalued and uncompensated.	Increase compensation for State-contracted language service providers to allow them to pay their employees a living wage.	Requires contract renegotiation between the State and language access service providers and associated funding increases.
2.A	Data, Evaluation, & Reporting	State agencies will have unique needs for implementing language access services. The details of each agency's language access plan may vary by agency or time period.	Require State agencies to file a language access plan with ORE to ensure that minimum recommended best practices are met statewide.	Requires action by Vermont General Assembly and/or Governor's Administration.
			Require agencies to review and revise their plans on a defined schedule. ORE suggests reviewing once per year for the first 5 years following implementation, then every 5 years thereafter.	
2.B	Data, Evaluation, & Reporting	Tracking expenditures and evaluating programmatic needs related to language access services is extremely difficult	Train State employees on how to use specific accounting codes to bill for different types of language services to aid in the tracking and reporting of language access service-related expenditures.	Funding vital document translation requires action by Vermont General Assembly and/or Governor's Administration.

		based on current billing practices, which frequently do not specify the language in which services were provided or the type of language assistance that was provided.	<p>Finalize the cost estimate for translation of vital documents on a programmatic level.</p> <p>Track any costs relating to updating existing vital documents that have already been translated, and costs related to translating existing translated vital documents into additional languages.</p>	
2.C	Data, Evaluation, & Reporting	Limited data are available to help quantify the number of people in Vermont who speak or sign languages other than English.	Require all State entities to maintain records of the type of language service provided and the language in which the service was provided to facilitate language access services evaluation.	Ensure that personally identifiable information of people with language access needs are not stored in the same data sets as the tracking of language access services expenses to protect the privacy of people with language access needs.
3.A	Operations & Staff Protocols	Many State agencies, departments, and divisions do not currently possess adequate financial resources or dedicated staffing to implement the language access plans required by federal regulations. The utilization of language access services is likely to increase as State agencies communicate the availability of language access	<p>Evaluate whether additional staff positions are necessary to support equitable language access implementation.</p> <p>Designate at least 1 primary State employee and 1 secondary to be a point of contact for language access within each department.</p> <p>Permit agencies to request additional staff positions for language access implementation.</p> <p>Permit agencies to exceed level funding budget requests if requests are related to vital</p>	Requires action by Vermont General Assembly and/or Governor's Administration.

		services more effectively.	document translation or other language access services.	
3.B	Operations & Staff Protocols	State agencies do not uniformly distribute information on how to access free language services when mailing out notices that require a response or contain essential information.	Include information on how to access free language services in any mailed or electronic communication.	See “Vital Documents” for additional information on the ORE recommended languages for translated notices of the availability of language services.
3.C	Operations & Staff Protocols	Some people who speak or sign languages other than English are not aware that the State must pay for language services on their behalf.	Ensure that notices of language access services communicate that such services are free to access.	
3.D	Operations & Staff Protocols	Vital documents are not routinely translated into languages other than English across State entities.	Identify all vital documents across all 3 branches of State government.	Periodic reviews of language access policies should include a review of vital documents to ensure they are up to date.
			Track expenditures related to keeping vital documents up to date as part of overall language access expenditure tracking.	
3.E	Operations & Staff Protocols	Some vital documents may be too long or technical for the average reader to understand, even after translation.	Create a plain-language summary of long or technical vital documents before translation to ensure translated information is relevant and accessible.	See Appendix B: Additional Resources for more information on plain language.
3.F		State employees can better utilize existing	Audit all State records management software systems	

	Operations & Staff Protocols	software systems to alert State employees of the need to reserve interpretation services when working with people who speak or sign languages other than English.	for their ability to identify people who may require language access services. Configure records management software systems to alert State employees to arrange for interpretation services or other language assistance services prior to meetings with the clients who need them.	
3.G	Operations & Staff Protocols	Most State employees only speak English, which can be a barrier to language access in State offices where services are regularly provided in-person.	At all public-facing offices, utilize “I Speak” cards with a with a standard written list of yes/no questions in VT’s most commonly spoken languages, plus an electronic device with a video ASL version to facilitate providing language access services. Train State employees to use “I Speak” cards and how to access existing state-contracted language service providers.	See Appendix B: Additional Resources for more information on “I Speak” cards and an example of a CAPS online training for interacting with people with hearing loss.
3.H	Operations & Staff Protocols	Multilingual State employees interpreting for clients could create conflicts of interest or other ethical/privacy concerns for the clients and/or State employees.	Prioritize accessing the services of dedicated, trained interpreters from State-contracted service providers rather than relying on multilingual State employees to interpret on behalf of clients.	
3.I		There is no standard operating procedure to	Implement standards regarding quality of service, certification,	

	Operations & Staff Protocols	<p>assess the sufficiency of the language skills of multilingual State employees before having them provide interpretation services. There is no standard protocol for fairly compensating multilingual employees who provide language assistance services as part of their jobs.</p>	<p>and conflict of interest for multilingual State employees before asking them to provide interpretation services that entail more than a casual welcoming conversation.</p>	<p>Requires action by Vermont General Assembly and/or Governor's Administration.</p> <p>Any changes to multilingual State employees' compensation may require negotiation between the Department of Human Resources and other entities.</p>
			<p>Consider creating a new time reporting code in the State employee timekeeping portal to pay certified multilingual employees for providing language services.</p>	
3.J	Operations & Staff Protocols	<p>Most State staff do not get enough practice with language access scenarios to confidently utilize the language access services available through State contracts.</p>	<p>Identify State employees to oversee testing and training for language access.</p>	
			<p>Regularly test language access services with "secret shopper" programs.</p>	
			<p>Provide additional support and training as needed if tests reveal deficiencies in State employees' language service skills.</p>	
4.A	Technology & Resources	<p>State websites do not provide links to translated documents or notices of the availability of language assistance in obvious,</p>	<p>Include notices of the availability of language assistance on the home page of every State website.</p>	<p>See "Vital Documents" and Appendix C for additional discussion of which languages to translate notices of the availability of language services into.</p>
			<p>Make a video version of the notice of the availability of language assistance in ASL.</p>	

		easy to access places on the home page.	Display the website links to notices of language services in the language they are translated into, not in English.	
4.B	Technology & Resources	In most cases, State websites are only available in English, and are only translated into other languages via Google Translate. Google Translate is an insufficient resource for translation due to errors that can create safety concerns.	Create a mechanism by which people can request translated versions of websites. Make sure any link to information about translation requests is displayed in languages other than English.	
			If Google Translate is used, ensure that there are obvious disclaimers in multiple languages about the limitations of Google Translate. Ensure that any Google Translate disclaimers are located in an obvious place at the top of a webpage and that the links to the disclaimers are displayed in languages they are translated into.	
			Include information about how to request interpretation services within the Google Translate disclaimers.	
			All notices of the availability of language access services must say that language access services will be provided to the public at no cost to the person requesting the services.	

4.C	Technology & Resources	Complaint pages on State websites are all in English, which creates a communication barrier for people who speak or sign languages other than English to make their complaints known to the State.	Create videos in the ORE recommended languages for notices of language services, including ASL, that explain the complaint process.	The Agency of Digital Services (ADS) should coordinate the rollout of a template complaint page that can be added to all State websites in all the recommended languages discussed in this report.
			Translate complaint pages into more languages than English.	
			Use State-contracted interpreters to facilitate communication between the complainant and State employees.	
4.D	Technology & Resources	State websites are seldom formatted to be easily accessible via mobile phone or tablet.	Audit the mobile and tablet versions of State websites for usability in English and for usability when translated into other languages.	See Appendix B for more information on website accessibility audits.
			Complete a disability accessibility and mobile/tablet usability audit each time there are significant updates made to State websites.	
4.E	Technology & Resources	Most State-authored public service announcements and emergency communications are created only in English without translated audio or captions.	Create public service and emergency communications with manually translated captions (not auto generated) and video or audio readings in Vermont's most commonly spoken languages.	Any additional federal regulations relating to telecommunications that must be followed when considering how to implement the recommendation related to open captions.
			Produce emergency communications and public service announcements in video format to improve access for people who are not literate in their native languages.	

			Use open captions in English in addition to closed captions to assist Hard of Hearing and late-deafened people who are not familiar with technology in accessing captions.	
4.F	Technology & Resources	The three branches of State government each use a different videoconferencing platform, which creates inconsistency in how the public can engage with captioning and interpreters.	<p>Choose one video conferencing platform to simplify language access protocols across all State government branches.</p> <p>OR</p> <p>Publish detailed guides on how to use in each of the video conferencing software platforms (Microsoft Teams, Zoom/ZoomGov, and WebEx).</p> <p>Distribute a link to the relevant video conferencing software guide when setting up video conferencing meetings with members of the public or when posting notices of public meetings that will have a remote access option.</p> <p>Translate video conferencing software guides into the most commonly spoken languages in Vermont and include notices of the availability of free language access services.</p>	Requires action by Vermont General Assembly and/or Governor's Administration.
4.G	Technology & Resources	Community feedback and national research indicates that	Consider purchasing a paid ZoomGov account if a State entity frequently interacts with	As of January 2023, Microsoft Teams is in the process of adding specific accessibility features for video

		Zoom/ZoomGov currently has the best suite of features for video remote signed language interpretation and other needs of people with hearing loss	<p>people who require video remote interpreting services.</p> <p>Refer to discussion of best practices for using videoconferencing software with video remote interpreters in Appendix B when utilizing the services of video remote interpreters.</p>	remote interpreters that will be available to all State employees.
5.A	Professional Development & Qualifications	National vendors offer interpreters who do not always understand local place names, geographic features, or other concepts relevant to people in Vermont.	<p>Implement job training programs or other initiatives that aim to recruit additional interpreters and translators to Vermont to increase the supply of locally knowledgeable language service providers.</p> <p>Increase compensation to State-contracted language assistance service providers.</p>	<p>Requires action by Vermont General Assembly and/or Governor's Administration.</p> <p>Recruiting more language service providers to Vermont has the added benefit of growing and retaining the State's multicultural population.</p>
5.B	Professional Development & Qualifications	There is not enough consistency in the quality of language assistance services provided under State contracts.	<p>Establish statewide translation and interpretation licensure and/or certification programs. Consult with all applicable concerned parties when designing statewide standards for language assistance service providers.</p> <p>Develop a complaint procedure for when State employees receive complaints regarding the quality of service provided by State-contracted language service providers.</p>	Requires action by Vermont General Assembly and/or Governor's Administration.

5.C	Professional Development & Qualifications	Licensure and/or certification programs may create barriers to entering the language services profession, which may include financial barriers such as tuition fees or licensure fees.	Any licensure/certification program should be designed to remove barriers to the profession, such as subsidizing the cost of licensure/certification so that such requirements do not decrease the availability of language services professionals.	People who speak languages that are less commonly spoken in Vermont (also called languages of lesser diffusion) may be especially vulnerable to economic or educational barriers if they are recently relocated refugees or immigrants.
5.D	Professional Development & Qualifications	Many testing and professional exam materials are not translated into languages other than English.	Provide educational materials and tests for jobs that require licensing/credentialing but do not require English language proficiency in more languages than just English.	Translating testing and professional exam materials into languages other than English for jobs where English proficiency is not required is part of ensuring federal compliance with language access regulations.
6.A	ADA Compliance	Assistive technologies may not be able to facilitate access to websites if websites are not designed to work with assistive technology such as screen readers.	Audit all State websites for accessibility to people with disabilities who rely on assistive technology.	
6.B	ADA Compliance	All State websites are designed based on an accessible template, but the addition of content to the template may change whether the website remains truly accessible.	Perform an accessibility audit any time a State website's contents are added to or updated.	
6.C	ADA Compliance	Few State websites have notices about the	Create a dedicated link on the home page of every State entity	See "Vital Documents" and Appendix C for additional discussion of which

		availability of disability accessibility accommodations for needs unrelated to language access in obvious, easy to find places on the website.	<p>discussing the available accessibility resources that members of the public can access if they need accommodations.</p> <p>Invest the resources necessary to ensure ADA compliance.</p> <p>Translate the links to disability accessibility resources into languages other than English.</p>	languages to translate notices of disability accessibility accommodations into.
6.D	ADA Compliance	Important public service announcements and emergency communications are seldom translated into ASL or other signed languages.	Translate all public service announcements and emergency communications into ASL.	
6.E	ADA Compliance	Relying on automated captioning to provide captions is insufficient to ensure people with hearing loss can understand public service announcements and emergency communications.	<p>Use live or manually translated captioning services for all important public service announcements and emergency communications.</p> <p>If relying on automated captioning, review automated captioning for errors and correct them before distributing any video materials publicly.</p> <p>Add open captioning in English addition to videos in addition to closed captioning whenever possible.</p>	

6.F	ADA Compliance	Currently there are no hearing loop systems installed in owned or leased State buildings, which means State employees and members of the public with hearing loss who use hearing aids and/or cochlear implants are not currently able to fully participate in meetings and events held in State buildings.	Create a plan for addressing communication access within State buildings for people with hearing loss, such as installing hearing loops in at least one meeting room in each State-owned building.	
7	Additional Policy Recommendation- Multilingual Liaison Needs Assessment	English language learner (ELL) students have barriers to learning because of lack of language access resources in Vermont schools. The number of ELL students is likely to increase in the near future due to Vermont's population demographics and international trends.	<p>Conduct a statewide assessment of ELL students' needs with regards to multilingual liaisons who can assist ELL students and their families in overcoming language barriers.</p> <p>Provide sufficient resources to schools to remedy the current lack of multilingual liaisons following the statewide needs assessment.</p>	Included in ORE policy proposals in Legislative Session 2023. For further discussion, see "Additional Policy Recommendation: Multilingual Liaison Needs Assessment" and pages 11-12 of the First Report of the Vermont Racial Equity Task Force (Davis et. al, 2020). ¹

¹ Full URL: <https://racialequity.vermont.gov/document/racial-equity-task-force-report-1>

Note on Terminology: “Limited English Proficiency” or “LEP”

LEP or “limited English proficiency” is a term commonly used by federal government sources and some State of Vermont sources to describe people who do not fluently speak or read English. The Office of Racial Equity does not recommend using “LEP” due to the biased nature of the term “limited English proficiency.” Characterizing people solely by their lack of English proficiency is disrespectful to their other language skills and inappropriately privileges English speakers above those who speak or sign other languages. Community feedback to ORE consistently supports using other terms than “LEP” to describe people with language access needs. For example, most people in Vermont who speak Lingala, a language spoken in central Africa, also speak Swahili and French. Labeling a trilingual person as “limited English proficient” simply because the three languages they speak do not include English is disrespectful to their considerable linguistic talents. Furthermore, the legal and ethical responsibility for providing language access services falls on the State. Using the alternate phrases “people with language access needs” or “people with communication access needs” reminds State employees of our responsibility to provide those services.

“People who speak or sign languages other than English,” “people with communication access needs,” and “people with language access needs” are terms used throughout this document except when referencing materials created by other entities that use the term “LEP.” “People who speak or sign languages other than English” includes people who use American Sign Language (ASL) or any other signed language. “People with communication access needs” or “people with language access needs” may be more appropriate than “people who speak or sign languages other than English” in situations when one is describing specific challenges faced by people who have limited comprehension of spoken or written English and/or people who require additional supportive technology to interact with English communications. Find more information on specific terms for D/deaf, DeafBlind/deafblind, late deafened, DeafPlus, DeafDisabled, and Hard of Hearing people at the Department of Disabilities, Aging & Independent Living (DAIL) website here: [Hearing Terminology](#)². (Siegel, 2022).

RECOMMENDATIONS:

- ◆ Discontinue use of the terms “limited English proficient” or “LEP” whenever possible in favor of terms that do not perpetuate bias against people who speak or sign languages other than English.
- ◆ Utilize the resources on respectful language available from DAIL and the Vermont Department of Human Resources Center for Achievement in Public Service (CAPS) when writing about people who are D/deaf, DeafBlind/deafblind, late deafened, DeafPlus, DeafDisabled, or Hard of Hearing.

LEARN MORE: For resources on language and terminology, see **Appendix B**.

² Full URL: <https://dail.vermont.gov/sites/dail/files/documents/HearingTerminology.pdf>

Pursuant to 3 V.S.A. §5003, the Office of Racial Equity (ORE) is charged with “identifying and remediating systemic racial bias within State government” (*No. 142, 2022*). The ORE’s comprehensive research into language access services as currently provided by the State of Vermont revealed deficiencies in key areas for ensuring communicative autonomy for all of Vermont’s residents and visitors.

Language access is regulated on the federal level as a civil rights issue. All programs that receive federal funding must provide language access services to comply with federal civil rights legislation and rules, including but not limited to Section 601 of Title VI of the Civil Rights Act of 1964 and Federal Executive Order 13166 (U.S. Department of Health and Human Services, 2003). It is imperative that the State broaden its language access protocols from a federal compliance perspective to prevent further expenses related to noncompliance. The federal government has taken legal action against two entities within the Vermont State government due to noncompliance with federal language access regulations within the past 3 years. Additional legal expenses related to language access noncompliance will continue to compound unless there are major policy changes and revenue allocations to support language access. More importantly, it is imperative the State strengthen its provision of language access services as a moral and social good.

In 2022, ORE conducted community outreach to inform best practices for language access in Vermont. ORE used the community outreach process to gain insight into the language access needs and barriers faced by people who speak or sign languages other than English in the state of Vermont. ORE hosted two community conversation sessions in 2022. The first session was a “hybrid” event with in-person and remote participation via ZoomGov. The second session was held fully virtual via ZoomGov to balance participant convenience and ongoing public health concerns related to the COVID-19 (coronavirus disease identified in 2019) pandemic. The first session held on April 13, 2022 was a brainstorming session with facilitated discussions of current language access needs, gaps in State-provided services, and suggestions for improvements that could be made to current language access services.

LEARN MORE: For a summary document from the April 2022 brainstorming session, see **Appendix F**.

In addition to the community feedback gathered at the April 2022 brainstorming session, ORE also collected feedback and comments through an online form for several weeks after the convening. These two collections of feedback were used to create a list of 26 comprehensive recommendations for improving language access services in the State of Vermont. The ORE presented the recommendations to the community members and State employees on August 31, 2022. ORE accepted feedback at this second session, and also through an online form for an additional two weeks after the second session.

ORE conducted a research project to calculate the expected cost of translating all the vital documents in the Executive Branch of the Vermont state government. The vital document research project documented significant gaps in federal compliance with regards to the translation of vital documents and the lack of notice of the availability of free language access services by many State entities. The details and conclusions of the vital document cost estimate project, including the methodology for estimating the cost of translating individual documents, can be found in Appendix G .

PLAN COMPONENTS & FEDERAL STANDARDS

Basic Components of a Language Access Plan

The Centers for Medicare & Medicaid Services (2022) indicate that all standard, federally compliant language access plans contain a description of five basic components:

1. Needs assessment of the population served by a state agency,
2. Language services to be provided by the agency,
3. Plans to notify clients of the availability of language services,
4. Training plans for agency employees on its policies and procedures for providing language access, and
5. Evaluation plans for monitoring and updating language access procedures over time.

In addition to the five basic components, State agencies must create opportunities for people with language access needs to provide comment on the agency's language access plan (Federal Coordination and Compliance Section Civil Rights Division, 2011).

LEARN MORE: For more guidance on conducting equitable outreach, see **Appendix B**.

LEARN MORE: For ORE's recommended minimum standards, see **Appendix D**.

Federal Requirements for the Provision of Language Access Services

Four factors determine whether it is necessary for federal compliance to provide language access services to people who speak or sign languages other than English (U.S. Department of Health and Human Services, 2003).

Figure 1. Four-factor analysis for determining language access requirements under federal civil rights regulations

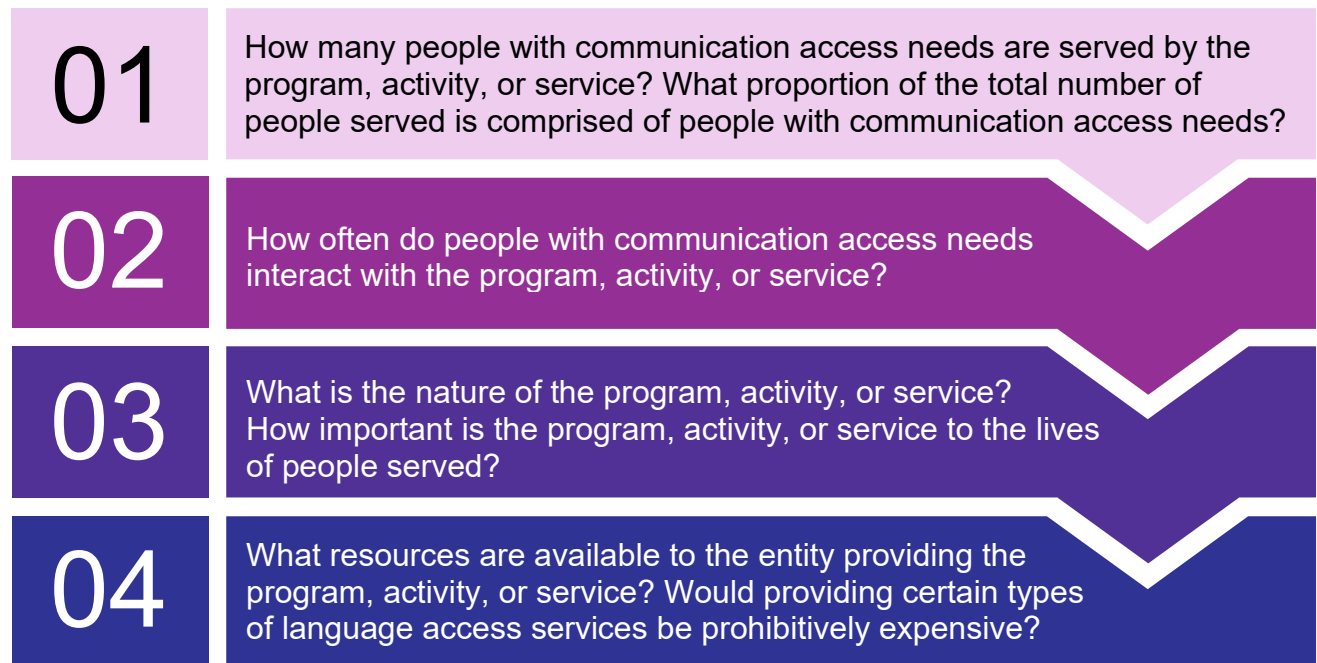


Figure 1 describes the four factors to consider when planning for language access services. The four-factor test describes how to determine what level of language access services, if any, are required to meet minimum non-discrimination/civil rights guidelines for recipients of federal funding. Summarized from U.S. Department of Health and Human Services "[Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons](#)" (U.S. Department of Health and Human Services, 2003).

When deciding how to apply the four-factor test, it is necessary to recognize the importance of communicative autonomy as a basic principle of human rights. The four-factor test helps achieve compliance with Title VI of the Civil Rights Law of 1964 and other applicable federal regulations. However, simply maintaining the minimum compliance with federal requirements does not guarantee that clients are being served equitably or with justice in mind. Community members and State employees who participated in language access meetings with ORE expressed concern that Factor 4 (a lack of resources) has been used as an excuse not to provide equitable language access services in the past (Davis, 2022). When resources are limited, it is imperative that language access services be prioritized on the principles of equity and justice. See Appendix B: Additional Resources for further information about diversity, equity, inclusion, and justice in language access.

Figure 2. Four Steps to Planning for the Implementation of Language Access Services

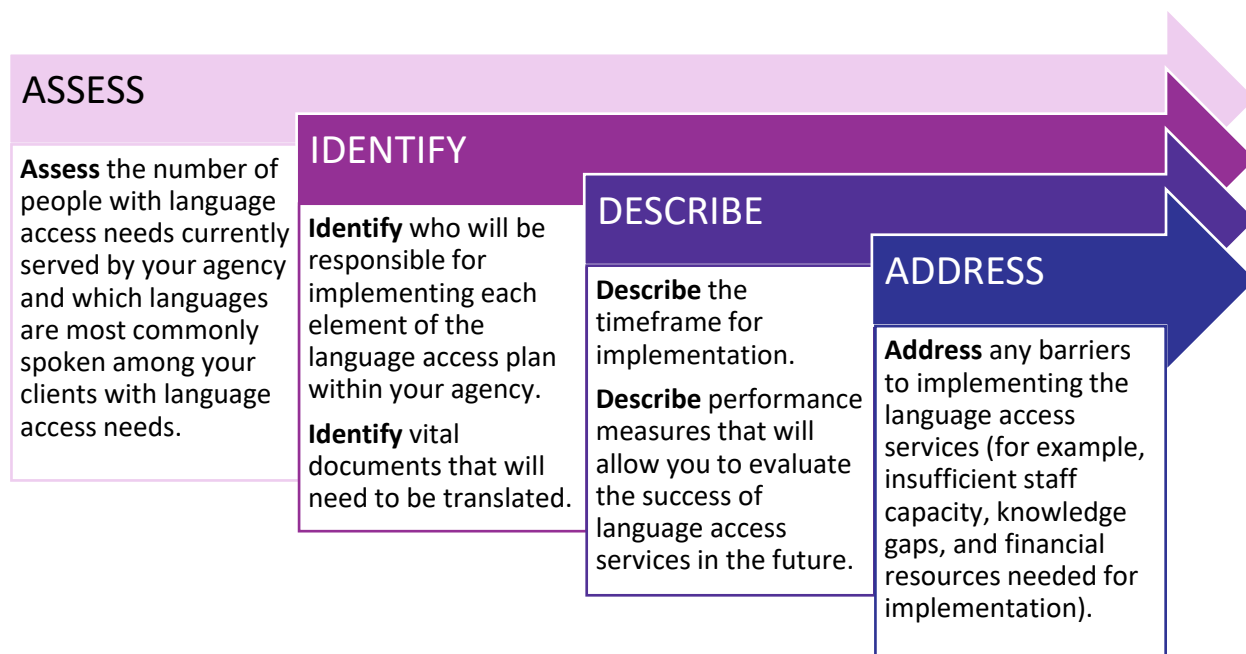


Figure 2. Four Steps to Planning for the Implementation of Language Access Services shows the four preliminary steps that must be taken before implementing language access services summarized from “Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs” (Federal Coordination and Compliance Section, 2011). A full description of these steps, checklist, and considerations for each is available at [Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs](#) (Federal Coordination and Compliance Section, 2011).

One resource available to State entities is the State of Vermont Chief Performance Office³, whose staff can assist with questions relating to performance measurement and results-based accountability (Chief Performance Office, 2022).

VITAL DOCUMENTS

Vital documents are public-facing, non-confidential documents of significant importance to the clients of a program or service according to the U.S. Department of Health and Human Services (HHS) (U.S. Department of Health and Human Services, 2003). Vital documents contain information that is essential for ensuring meaningful access to the programs or services of an agency (Vermont Judiciary, 2021c). Examples from HHS of common vital documents include:

- ◆ Informed consent forms or complaint forms
- ◆ Program intake forms that collect participants’ information

³ See **Appendix B: Additional Resources** for more information on the Chief Performance Office and results-based accountability/continuous improvement frameworks for program evaluation.

- ◆ “Written notices of eligibility criteria, rights, denial, loss, or decreases in benefits or services, actions affecting parental custody or child support, and other hearings” (U.S. Department of Health and Human Services, 2003)
- ◆ Documents or materials which notify people who speak or sign languages other than English of the availability of language assistance services
- ◆ “Written tests that do not assess English language competency, but test competency for a particular license, job, or skill for which knowing English is not required” (U.S. Department of Health and Human Services, 2003)
- ◆ “Applications to participate in a recipient's program or activity or to receive recipient benefits or services” (U.S. Department of Health and Human Services, 2003)
- ◆ “documents required by law” (U.S. Department of Health and Human Services, 2015)

A plain-language version of a document can help to reduce translation costs by shortening the document while preserving essential information. Plain-language documents also assist people with cognitive or developmental disabilities in understanding technical documents.

LEARN MORE: For more information on plain-language documents, see **Appendix B**.

SAFE HARBOR STANDARDS

“Safe harbor” refers to whether an entity covered by federal language access regulations will be considered to have met the minimum requirements for compliance when choosing which languages to translate their written materials into (U.S. Department of Health and Human Services, 2003). **Note that the safe harbor guidelines only apply to choosing which languages to translate written materials into, not to the federal requirement for providing meaningful access to people who speak or sign languages other than English.** Individual people must be provided with meaningful access as requested, no matter how rare the language they speak.

The guidelines for safe harbor provided by the U.S. Department of Health and Human Services state that recipients of federal funds should provide written translation when the recipient’s population that is eligible for services includes at least five percent (5%) or one thousand (1,000) people who speak or sign a language other than English, whichever is less (U.S. Department of Health and Human Services, 2003). If there are fewer than 50 people who speak a language, it is sufficient under safe harbor standards to provide written notice of the right to receive spoken interpretation of the written materials at no cost to the client (U.S. Department of Health and Human Services, 2003).

It is challenging to evaluate which languages State entities must translate documents into according to the federal safe harbor standards. According to the 2021 American Community Survey (ACS), the 5-year population estimate of the number of

Vermont residents who speak English less than “very well” is 7,705 people, with a margin of error of ± 636 people. 7,705 people is approximately 1.3% of the total Vermont population (U.S. Census Bureau, 2021a). Each individual language spoken or signed may not have one thousand speakers/signers living in Vermont. The ACS 2021 5-year summary data does not list the specific language spoken, only the linguistic family (“Indo-European,” “Asian and Pacific Islander,” or “other” languages) (U.S. Census Bureau, 2021a).



The U.S. Census Bureau has released detailed tables from the 2021 ACS 5-year summary data listing the languages spoken by people in Vermont who speak a language other than English at home, disaggregated by how many people speak English “very well” or less than “very well” (U.S. Census Bureau, 2021b). The detailed 2021 ACS “Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over” Vermont table can be found at the U.S. Census website here: [2021 ACS Languages Spoken at Home](#).⁴ (U.S. Census Bureau, 2021b). However, ACS data sets cannot be considered a complete population count.⁵ Even the detailed 2021 ACS “Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over” Vermont table groups all Central, Eastern, and Southern African languages into one category, which precludes detailed analysis of the population size needed for evaluating safe harbor provisions regarding vital document translation.

The ACS data, while readily available online, should not be the only source of data used to evaluate the number of people who speak or sign languages other than English in Vermont. The ACS likely undercounts the number of households where people speak Spanish or an indigenous language of Latin America and are undocumented. People who are undocumented may not feel comfortable responding to

⁴ Full URL: <https://data.census.gov/table?q=B16001&q=0400000US50&tid=ACSDT5Y2021.B16001>

⁵ ACS data are estimates based on head of household reports, not actual counts of population size (U.S. Census Bureau, 2017). Household population sampling is conducted by asking a sample of the householders in the State to answer questions about the demographic characteristics of all the people living in the same housing unit. A householder is defined as, “the person (or one of the people) in whose name the housing unit is owned or rented (maintained) or, if there is no such person, any adult member, excluding roomers, boarders, or paid employees” (U.S. Census Bureau, 2021c). Notably, the ACS only measures head of household’s gender by the sex labels of “male” or “female,” which is insufficient to describe the gender diversity present in legal documents that are available to Vermonters. Vermont residents have the option to choose X as a non-binary gender marker on their identification documents including birth certificates and drivers’ licenses, pursuant to 18 V.S.A. §5112 and relevant Department of Motor Vehicles rules and regulations (Vermont General Assembly, 2022). The ACS is significantly lacking in the ability to identify family structures outside of cisgender/heteronormative and White American nuclear family structures and has no mechanism to identify transgender/gender-diverse people.

the ACS due to their immigration status or because of a language barrier between the person administering the survey and the potential respondent. There are approximately 1,000-1,200 people from Latin America living in Vermont who work in the agricultural and tourism industries, some of whom are undocumented (Mares & Kolovos, 2021, p. 202). Most speak Spanish, but some speak indigenous languages of Latin America (Mares & Kolovos, 2021). State entities should always plan to translate vital documents and other translated materials into Spanish.

Members of the Deaf community who participated in the ORE language access conversations gave consistent feedback that ASL is frequently neglected as a language commonly used by many Vermonters. People who sign ASL often consider English to be a second language and may have difficulty understanding written English compared to their fluency in ASL. ASL has different grammatical structure and vocabulary from spoken or written English (Siegel, n.d.). The ADA accessibility requirement to provide effective communication assistance to people who sign languages applies regardless of safe harbor standards regarding the number of ASL signers in Vermont. Therefore, ORE recommends that ASL-translated versions of vital documents be created to support language access and ADA compliance for people who sign ASL.

All State entities must evaluate which languages are spoken or signed by the people who interact with their programs and services on a regular basis when planning for language access implementation. The process of deciding which languages to translate vital documents into should be based on a careful evaluation of the languages most used on a program-by-program or department-level basis.

LEARN MORE: For further discussion of population data and resources for evaluating population size, see **Appendix C**.

LEARN MORE: For further discussion of how to evaluate costs related to vital document translation and the maintenance costs of translated vital documents, see **Appendix G**.

NOTICES OF THE AVAILABILITY OF LANGUAGE SERVICES NOTICES

Any entity that receives federal funding is required to send a notice of the availability of language services with any communications that require a response (U.S. Department of Health and Human Services, 2003). ORE recommends translating notices of the availability of language assistance into the 13 languages that comprise the Vermont Agency of Human Services (AHS) LEP Committee language list plus the languages likely to be needed based on recent population residency trends. The 14 languages recommended for vital document translation, listed in alphabetical order, are:

- ◆ Arabic
- ◆ Bosnian
- ◆ Burmese
- ◆ Dari
- ◆ French
- ◆ Kirundi
- ◆ Simplified Chinese⁶
- ◆ Nepali
- ◆ Pashto
- ◆ Somali
- ◆ Spanish
- ◆ Swahili
- ◆ Ukrainian
- ◆ Vietnamese

⁶ Used here, Simplified Chinese is considered the written form of Mandarin Chinese.

ORE further recommends that

- ◆ On all written communications, include a notice in English of the availability of accessible telecommunications resources for people who use assistive technology to communicate.
- ◆ On all State websites and electronic communications, include a video of an ASL signer notifying people who sign ASL of the availability of free language services.

NOTE: ORE does not recommend that State entities simply rely on the AHS LEP Committee's list of languages to determine which languages to translate vital documents into.

NOTE: Program-level or department-level evaluation of the languages spoken by clients with language access needs is necessary to decide which languages to translate vital documents into. Demand for language services will likely increase as State entities take responsibility for including notices of the availability of language services in mailings.

LEARN MORE: For additional discussion of the AHS LEP Committee language list, see **Appendix C**.

LANGUAGE ACCESS OPERATIONS MANUALS

The second component of a language access plan is a separate language access operations manual. The language access operations manual contains all the details needed for State employees to understand how to provide language access services. The language access operations manual is an essential tool for training staff to provide access to language services in a timely, considerate, and equitable manner. Some examples of information that could be included in the language access operations manual include the name and phone number of contracted interpretation service providers along with the billing codes for the department. See Appendix B: Additional Resources for a link to the Buildings and General Services (BGS) list of contracted State language services providers and an example of a State language access operation manual (Vermont Judiciary, 2021b).

The Vermont Department of Labor (VDOL) created its language access operations manual in the form of a SharePoint site where VDOL employees can easily access all information needed to obtain language services on behalf of their clients. VDOL's SharePoint site has a link to a feedback form, so that a VDOL service provider can share constructive critique or praise following an encounter with an interpreter.

EXAMPLE: For a deeper look at the VDOL language access operations manual website and selected guidelines for working with interpreters, see Appendix E.

Using the SharePoint suite of tools is an excellent way to make language access operations manuals easily accessible to any State employee with computer access. State employees should maintain a printed copy of the language access operations manual in case of power outages or internet service disruptions.

FINDINGS & RECOMMENDATIONS

The following recommendations were generated from the community language access conversations held in April and August 2022 in combination with research conducted by ORE staff. See Appendix F: April 2022 Brainstorming Meeting Summary Document for the summary notes from the April 2022 brainstorming meeting and a detailed list of the community-based organizations who were represented at the meeting. The findings and recommendations are grouped into 6 categories:

- ◆ Values, Framework, and Culture
- ◆ Data, Evaluation, and Reporting
- ◆ Operations and Staff Protocols
- ◆ Technology and Resources
- ◆ Professional Development and Qualifications
- ◆ ADA Compliance for People who Sign Languages and/or People with Disabilities

HOW TO READ THE FINDINGS AND RECOMMENDATIONS

The findings and recommendations below are not listed in order of relative importance; they are grouped by topic areas as identified above.

F Y.Y Findings are numbered for easy reference.

R Z.Z.Z Recommendations are numbered for easy reference. One finding might have multiple recommendations associated with it.

E/L/J Identifies which branch(es) of government are the subject of the recommendation.

E – Executive branch **L** – Legislative branch **J** – Judiciary branch

Note that the Executive branch includes more than the agencies under the direction of the Governor. Additionally, any State government entities that exist outside these three branches are still strongly encouraged to implement as many of these recommendations as feasible to ensure adequate language access for the communities they serve.

1. Values, Framework, and Culture

FINDING 1.A:

F 1.A The State of Vermont has no unified values statement regarding language access.

Recommendations:

R 1.A.1 Draft & publicize an official values statement that State government is committed to providing equitable language access services.
E/L/J

R 1.A.2 E/L	Require State agencies to adopt a language access plan that is at least as rigorous as the model minimum language access plan provided in Appendix D of this report.
R 1.A.3 E	Determine whether to create a central point of contact for any person who needs language services from any State agency to contact for language assistance. ⁷

EXAMPLE: For a sample policy statement on language assistance, see **Appendix D**.

FINDING 1.B:

F 1.B Language service work, including translation and interpretation, is often undervalued and undercompensated. Language service providers in Vermont frequently take on multiple employment positions to support themselves financially. Translation and interpretation are highly skilled jobs that require many hours of training for proficiency, in addition to the skills of acting as cultural brokers for their clients (Flores et. al, 2012; Feng, 2021; Davis, 2022).

Recommendation:

R 1.B.1 E/L	Increase compensation for BGS-contracted language assistance service providers to allow them to pay their employees a living wage. ⁸
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2. Data, Evaluation, and Reporting:

FINDING 2.A:

F 2.A State agencies will have unique needs for implementing language access services based on their duties and the populations they interact with most. The

⁷ There was some discussion between community members and State employees who were present at the ORE language access conversations about where the designated central point of contact for language access services should be housed. Many community members expressed interest in seeing the ORE take on responsibility for being a centralized point of contact for people with language access needs across the entire Executive Branch. Other State employees present at the discussions noted the difficulty of relying on ORE to serve as the central point of contact when ORE staff may not be aware of day-to-day operations at the programmatic level in all other Executive Branch agencies, as well as the expansive workload involved with being the central point of contact for all other agencies. Some State employees suggested that the Agency of Human Services (AHS) be the central point of contact as AHS already provides a great deal of language access services. Others noted the tendency for equity-related work to be given to the ORE rather than being treated as a shared responsibility for all government entities.

⁸ Community feedback at the April 2022 language access brainstorming conversation indicated that medical interpreters are undercompensated for the highly skilled and extremely important function they serve. Commenting on ways to increase compensation for medical interpreters who are paid by health care systems that are not State government entities is outside of the scope of this report but is an important and closely related issue. Health care systems should examine their reimbursement policies related to interpretation and translation, including the ways in which they advocate to state and federal governments about the low Medicaid reimbursement rate for medical interpreter services. Additional information on considerations for health care costs is available at https://www.vtlegalaid.org/sites/default/files/HCA_Policy_Paper_Cost_Shift_Fact_Or_Fiction.pdf.

details of each agency’s language access plan may vary by agency or time period.

Recommendations:

- R 2.A.1**
E/L/J Require that every State agency file a copy of its language access plan with ORE to ensure that minimum recommended best practices are met statewide.
- R 2.A.2**
E/L/J Require that every State entity with a language access plan evaluate and revise its plans on a defined schedule. ORE suggests a schedule of once per year for the first 5 years following implementation, then at least once every 5 years thereafter.

FINDINGS 2.B AND 2.C:

- F 2.B** Tracking expenditures and evaluating programmatic needs related to language access services is extremely difficult based on current billing practices, which frequently do not specify the languages in which services were provided or the type of language assistance that was provided.
- F 2.C** Limited data are available to help quantify the number of people in Vermont who speak or sign languages other than English.

LEARN MORE: For additional discussion about population estimates of people who speak or sign languages other than English in Vermont, see “**Vital Documents**” and **Appendix C**.

LEARN MORE: For a narrative summary of the challenges associated with tracking language services expenses, see **Appendix G**.

Recommendations:

- R 2.B.1**
E/L/J Train State employees on how to use specific accounting codes to bill for different types of language services (such as interpretation and translation) to aid in tracking language access service expenditures.
- R 2.B.2**
E/L/J Determine the best way to establish a general fund allotment, internal service fund, or other funding mechanism specifically for language access implementation.
- R 2.B.3**
E/L/J Create a finalized cost estimate for vital document translation costs on a programmatic or department level to assist with agency-level budget development and tracking.
- R 2.B.4**
E/L/J Track any costs relating to updating existing vital documents that have already been translated, and costs related to translating existing translated vital documents into additional languages.
- R 2.C.1**
E/L/J Require all State entities to maintain records of the type of language service provided and the languages in which the services were provided to facilitate evaluation of language access service. Ensure

that personally identifiable information of people with language access needs (such as name and date of birth) are not stored in the same data sets as the tracking of language access services expenses to protect the privacy of people with language access needs.

3. Operations and Staff Protocols

FINDING 3.A:

F 3.A Many State agencies, departments, and divisions do not possess adequate financial resources or dedicated staffing to implement the language access plans required by federal regulations. Further, the utilization of language access services is likely to increase as State agencies communicate more effectively to inform people with language access needs of the availability of language assistance services.

Recommendations:

R 3.A.1
E/L/J Evaluate whether additional staff positions are necessary to support equitable language access program implementation.

R 3.A.2
E/L/J At a minimum, designate at least one primary State employee and a secondary State employee to be the point of contact for language access in each department.

R 3.A.3
E/L Permit agencies to request additional positions to ensure sufficient staff resources exist for a robust language access program, particularly if agencies provide services that are important to the health and safety of Vermont residents and visitors.

R 3.A.4
E Permit agencies to exceed level funding budget requests if the funds are related to vital document translation or other language access service needs.

FINDINGS 3.B AND 3.C:

F 3.B State agencies do not uniformly distribute information about how to access free language access services when mailing notices that require a response from the recipient or contain essential information. Mailing notices of the availability of free interpretation services is necessary to ensure that people with language access needs can respond to notices of important information related to State services. Notices of language assistance are a key component of the requirements for compliance with federal language access regulations (U.S. Department of Health and Human Services, 2003).

F 3.C Some people who speak or sign languages other than English are not aware of the federal requirement that the State pay for language access services on their behalf. They may be hesitant to request language services because of a lack of personal financial resources (Davis, 2022).

Recommendations:

- R 3.B.1**
E/L/J In all State mailings that require a response or notify the recipient of important information, include a page with instructions in the 14 recommended languages on how to access language services.
- R 3.C.1**
E/L/J Ensure all notices of language assistance services inform recipients that the services are free of charge for the person receiving services.

EXAMPLE: See an example of a language assistance notice page at the Vermont Department for Children and Families, Economic Services Division website here: [BSC Interpretation Line](#).⁹

LEARN MORE: For additional discussion of the ORE-recommended languages to translate notices of language assistance service, see **“Vital Documents.”**

FINDINGS 3.D AND 3.E:

- F 3.D** Vital documents are not routinely translated into languages other than English across State entities.
- F 3.E** Some vital documents may be too long or too technical for the average reader to understand, even after translation.

NOTE: Research into which Legislative branch documents constitute vital documents suggests that notices of the availability of language assistance and any “documents required by law” may fall within the definition of “vital document” according to HHS guidelines (U.S. Department of Health and Human Services, 2015). Further legal analysis by the Office of Legislative Counsel is needed to inform the Legislature’s vital document translation process.

Recommendations:

- R 3.D.1**
E/L/J Identify all vital documents at each State agency and in the Legislative and Judiciary branches and translate them into the most commonly spoken languages of the people who access each entity’s services.
- R 3.D.2**
E/L/J Ensure vital documents are periodically updated as the information within them changes. Periodic reviews of language access policies and programs should include a review of vital documents to ensure they are up to date.
- R 3.D.3**
E/L/J Designate a staff person or team of State employees to oversee keeping vital documents up to date within each department.
- R 3.D.4**
E/L/J Track expenditures related to keeping vital documents up to date as part of overall language access expenditure tracking.

⁹ Full URL: <https://outside.vermont.gov/dept/DCF/Shared%20Documents/ESD/Contacts/BSC-Interpretation-Line.pdf>

R 3.E.1 Create plain-language versions of very long or technical vital
E/L/J documents before translating them.

LEARN MORE: For more information on plain-language summaries, see **Appendix B**.

FINDING 3.F:

F 3.F The State can better utilize existing software systems to alert State employees of the need to arrange interpretation services when working with people who speak or sign languages other than English.

Recommendations:

R 3.F.1 Audit all State records management software systems for their ability to
E/L/J identify people who need language access services.

R 3.F.2 Configure records management software systems to alert State
E/L/J employees to arrange for interpretation services or other language assistance services prior to meetings with the clients who need them.

FINDING 3.G:

F 3.G Most State employees only speak English, which can be a barrier to language access in State offices where services are regularly provided in-person (Davis, 2022).

Recommendations:

R 3.G.1 At all public-facing offices, utilize "I Speak" cards with a standard
E/L/J written list of yes/no questions in VT's most commonly spoken languages, plus an electronic device with a video ASL version to facilitate providing language access services.

R 3.G.2 Train State employees to use "I Speak" cards and to access telephonic
E/L/J interpretation services from State-contracted language service providers when they need to serve people with language access needs.

EXAMPLE: For links to examples of "I Speak" cards, see **Appendix B**.

EXAMPLE: For an example of a CAPS training course on interactions with people with hearing loss, see **Appendix B**.

FINDINGS 3.H AND 3.I:

F 3.H Having multilingual State employees interpret for clients could create conflicts of interest or other ethical or privacy concerns for clients or State employees.

F 3.I There is no standard operating procedure to assess the sufficiency of the language skills of multilingual State employees before having them provide interpretation services. There is no standard protocol for fairly compensating multilingual employees who provide language assistance services as part of their jobs. Creating such a protocol will encourage and protect a more linguistically diverse State employee pool.

Recommendations:

R 3.H.1 E/L/J	State agencies should prioritize accessing the services of dedicated, trained interpreters from State-contracted service providers rather than relying on multilingual State employees to interpret on behalf of clients.
R 3.I.1 E/L/J	Implement standards regarding quality of service, certification, and conflict of interest for multilingual State employees before asking them to provide interpretation services that entail more than a casual welcoming conversation, especially when specialized technical vocabulary is needed such as in medical or legal contexts.
R 3.I.2 E/L/J	To implement these recommendations, engage DHR and any other necessary entities to determine how to compensate multilingual State employees appropriately for providing direct language access services.
R 3.I.3 E/L/J	Consider whether to create a new time reporting code in the State employee timekeeping portal to pay certified multilingual State employees for providing language access services as part of their jobs.

FINDING 3.J:

F 3.J	Most State staff do not get enough practice with language access scenarios to confidently utilize the language access services available through State contracts. In nearly all subject matter areas, learners are more confident and competent when they regularly practice the material. Community feedback indicates a “secret shopper” system as described below will assist State staff in improving their language services skills.
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Recommendations:

R 3.J.1 E/L/J	Identify who should oversee training for and testing of language access procedures at each agency to ensure all agencies share responsibility for improving language services.
R 3.J.2 E/L/J	Regularly test language access systems by having multilingual people approach State staff in typical public-facing settings to request language access services and gather feedback from them about their experiences receiving language services. Pay multilingual people for their time spent conducting this testing.
R 3.J.3 E/L/J	Provide additional support and training to State employees as needed when testing reveals deficiencies in their language service skills.

4. Technology and Resources

One common theme that emerged from the community engagement sessions is that the State of Vermont needs to make significant upgrades to its technological infrastructure to facilitate language access. The State of Vermont relies heavily on its websites and virtual communications platforms to communicate with the general public.

However, there are significant barriers to accessing information on State websites for people who speak or sign languages other than English or have additional communication access needs. The following findings describe the technological barriers to language access surfaced through the community engagement sessions and supplemental research.

FINDING 4.A:

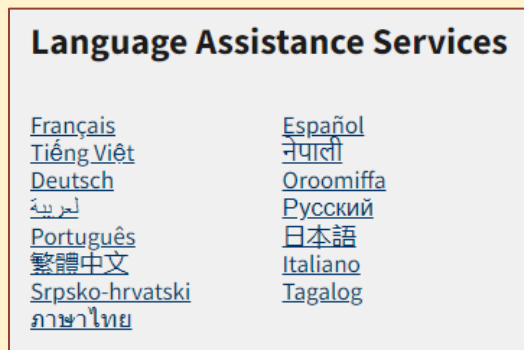
F 4.A In most cases, State websites do not provide links to translated documents or notices of the availability of language assistance in conspicuous, easy to access places on the home page.

Recommendations:

- R 4.A.1**
E/L/J Include notices of the availability of language assistance on the home page of every State website.
- R 4.A.2**
E/L/J Display links to translated documents in the languages that they are translated into, not in English.
- R 4.A.3**
E/L/J Ensure that notices of the availability of language assistance are displayed in Vermont’s most spoken languages.

EXAMPLE: For an example of a State home page with language assistance information clearly listed in languages other than English, see the Department of Human Services website [here](#).¹⁰

NOTE: An intermediate but incomplete example of notice of Language Assistance Services appears below. While helpful, it is not comprehensive enough in providing language access on a State website. The links should read “language assistance services” in each language shown, rather than listing “Language Assistance Services” in English and then listing the languages below. Someone who does not speak English might not know the purpose of the links below “Language Assistance Services” without being able to understand the phrase “Language Assistance Services” written in English. It would further be helpful to display these links at the top of a page rather than the bottom and to display them in a font size large enough to be easily seen. ORE also recommends including an ASL video version of the notice, which is not currently available in the example shown.



¹⁰ Full URL: <https://humanservices.vermont.gov/>

FINDING 4.B:

F 4.B In most cases, State websites are only available in English and are only translated into other languages via Google Translate. Google Translate is an insufficient resource for translation due to errors that can create safety concerns (Davis, 2022; Lear et al., 2016).

Recommendations:

R 4.B.1
E/L/J Create a mechanism by which people can request translated versions of websites. Make sure any link to information about translation requests is displayed in the language into which it is translated. Use the four-factor federal compliance test to decide when to translate a requested webpage once multiple requests for translation have been received.

R 4.B.2
E/L/J If Google Translate is used, ensure that there are disclaimers about the limitations of Google Translate located in obvious places at the top of web pages and displayed in languages they are translated into, not just English. Within the Google Translate disclaimers, include information about how to request interpretation services to facilitate language access. All notices of the availability of language access services must say that language access services will be provided to the public at no cost to the person requesting the services.

FINDING 4.C:

F 4.C Complaint pages on State websites are all in English, which creates a communication barrier for people who speak or sign languages other than English to make their complaints known to the State.

Recommendations:

R 4.C.1
E/L/J Translate complaint pages into more languages than English. The Agency of Digital Services (ADS) should coordinate the rollout of a template complaint page that can be added to all State websites in all the recommended languages discussed in this report.

R 4.C.2
E/L/J Create videos in the 14 recommended languages for notices of language services, including ASL, that explain the complaint process for people who speak or sign languages other than English.

R 4.C.3
E/L/J Use interpreters to facilitate communication between the complainant and State employees. When a State entity receives a complaint via a translated complaint page, employees should contact a translator to translate the complaint into a language the State employee can understand, then contact an interpreter to facilitate communication between the State employee and the complainant before contacting the complainant. If the person making the complaint reports that they sign ASL or another signed language in their complaint, conduct the call

using video remote interpreting or in-person interpreting with a sign language interpreter.

FINDING 4.D:

F 4.D State websites are seldom formatted to be easily accessible via mobile phone or tablet. National research indicates that people who identify as Black or Hispanic in the U.S. are more likely to rely on mobile phones or tablets to access the internet than people who identify as White and non-Hispanic (Atske & Perrin, 2021).

Recommendations:

R 4.D.1
E/L/J Audit the mobile and tablet versions of State websites for usability in English and for usability when translated into other languages.

R 4.D.2
E/L/J Complete a disability accessibility and mobile/tablet usability audit each time there are significant updates made to State websites.

LEARN MORE: For more information on website accessibility audits, see **Appendix B**.

FINDING 4.E:

F 4.E Most State-authored public service announcements and emergency communications are created only in English without translated audio or captions.

Recommendations:

R 4.E.1
E/L/J Create public service and emergency communications with manually translated captions (not auto generated) and video or audio readings in Vermont’s most commonly spoken languages.

R 4.E.2
E/L/J Produce emergency communications and public service announcements in video format to improve access for people who are not literate in their native languages.

R 4.E.3
E/L/J Use open captions¹¹ in English in addition to closed captions to assist English speaking Hard of Hearing and late-deafened people who are not familiar with technology in accessing captions, also keeping in mind any additional federal regulations relating to telecommunications that must be followed when considering how to implement this recommendation.

FINDINGS 4.F AND 4.G:

F 4.F The three branches of State government each use a different videoconferencing platform, which creates inconsistency in how the public can

¹¹ Open captioning is automatically displayed on the bottom of the screen when a video plays as part of the video itself. Closed captioning is separate text file that is transmitted along with the audio/video information contained in a video (Lemar & Jayes, 2022).

engage with captioning and interpreters. The Executive branch uses Microsoft Teams, the Legislature uses Zoom, and the Judiciary uses Cisco WebEx.

F 4.G

Community feedback and national research indicate that Zoom/ZoomGov currently has the best suite of features for video remote signed language interpretation and other needs of people with hearing loss (National Association of the Deaf, 2020). Notably, Microsoft Teams is in the process of adding a sign language accessibility feature that will be distributed to all State employees using Microsoft Teams within the next few months.¹²

Recommendations:

R
4.F.1/4.G.1
E/L/J

EITHER select one video conferencing platform to be used across all State government operations to simplify language access protocols
OR publish detailed guides on how to use in each of the video conferencing software platforms. If the State elects not to unify under a single platform, Executive agencies and departments should consider using Zoom or ZoomGov rather than Microsoft Teams when interacting with people who require video remote interpreting services.

R 4.F.2
E/L/J

Distribute a link to the relevant videoconferencing software guide when arranging videoconferencing meetings with members of the public or when posting notices of public meetings that will have a remote access option. Video conferencing software guides must be translated into the most commonly spoken languages in Vermont. The software guides should include notices of the availability of language access services free to the recipients of the services.

EXAMPLE: For an excellent example of a videoconferencing software guide, see the Vermont Judiciary website here: [Participating in Remote Hearings](#).¹³

EXAMPLE: For a collection of best practices for using Zoom/ZoomGov with video remote interpreters, see **Appendix B**.

5. Professional Development and Qualifications

The following findings and recommendations reflect interested party and community perspectives surrounding the current economic and job conditions for language access service providers in Vermont.

FINDING 5.A:

F 5.A

National vendors offer interpreters who do not always understand local place names, geographic features, or other concepts relevant to people in Vermont.

¹² More information about this update can be found at <https://support.microsoft.com/en-us/office/use-sign-language-view-in-microsoft-teams-c6c11f67-0747-4598-ac27-c90801b94434>.

¹³ Full URL: <https://www.vermontjudiciary.org/about-vermont-judiciary/participating-remote-hearings>

Recommendations:

R 5.A.1 E	Implement job training programs or other initiatives designed to recruit interpreters and translators to Vermont to increase the pool of locally knowledgeable language service providers, which has the added benefit of growing and retaining the State’s multicultural population.
R 5.A.2 E/L/J	Increase compensation to State-contracted language assistance service providers, which will likely make the Vermont’s language service providers’ job postings to be more nationally competitive in attracting candidates.

FINDINGS 5.B AND 5.C:

F 5.B	There is not enough consistency in the quality of language assistance services provided under State contracts. Poor quality language services can have life-altering consequences, especially in medical and legal settings (Flores, 2012; Triano-López, 2015). Notably, the Judiciary is in the process of creating a certification system for language services providers who work with the Judiciary in legal settings.
F 5.C	Licensure and/or certification programs may create barriers to entering the language services profession, which may include financial barriers such as tuition fees or licensure fees. People who speak languages that are less commonly spoken in Vermont (also called languages of lesser diffusion) may be especially vulnerable to economic or educational barriers if they are recently relocated refugees or immigrants.

NOTE: Community-based language service providers contracted by the State report having their own internal training processes to ensure quality of service.

Recommendations:

R 5.B.1/ 5.C.1 E/L/J	Establish statewide translation and interpretation licensure and/or certification programs. The Legislature should consult further with the Judiciary, State-contracted language services providers, the Office of Racial Equity, and the Office of Professional Regulation to create statewide standards for language service providers. Any licensure/certification program should be designed to remove barriers to the profession, such as subsidizing the cost of licensure/certification so that such requirements do not decrease the availability of language services professionals.
R 5.B.2 E/L/J	Develop a complaint procedure for clients and State employees to provide feedback on language assistance service quality and a protocol to address quality issues when complaints are received regarding State-contracted language service providers.

FINDING 5.C:

F 5.C Many testing and professional exam materials are not translated into languages other than English, which reduces access to job opportunities for people who speak or sign languages other than English. Translating testing and professional exam materials into languages other than English for jobs where English proficiency is not required is part of ensuring federal compliance with language access regulations (U.S. Department of Health and Human Services, 2015).

Recommendation:

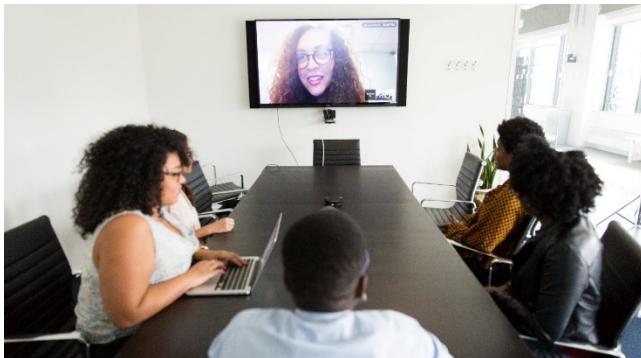
**R 5.C.1
E/L/J** Provide educational materials and tests for jobs that require licensing/credentialing but do not require English language proficiency in more languages than just English.¹⁴

¹⁴ To learn more about the impact that language access can have on communities, see “With bus drivers in short supply, Winooski’s immigrant parents take the wheel,” published December 29, 2022, by Auditi Guha at <https://vtdigger.org/2022/12/29/with-bus-drivers-in-short-supply-winooskis-immigrant-parents-take-the-wheel/>.

6. Recommendations for ADA Compliance for People Who Use Signed Languages and/or People with Disabilities

ORE was grateful to have members of the Deaf community and Deaf/disability advocacy organizations at the community discussions on language access. Between 62,000 and 125,000 Vermont residents have some degree of hearing loss, and 33-50% of Vermont residents older than 65 live with hearing loss (Siegel, n.d.). The framework of intersectionality states that all people hold many identities simultaneously; therefore, some people may experience oppression or discrimination along multiple identity dimensions at the same time, with different or compounding effects (Crenshaw, 1989; Crenshaw, 2016). Many people of color are also people with hearing loss. The history of systemic racism in health care systems in the U.S. continues to cause disparate health outcomes for people of color compared to White people (Yearby et. al, 2022). The Office of Racial Equity recognizes the intersectionality of disability with race and ethnicity, and seeks to support policies and practices that advance equity for all marginalized groups, regardless of race or ethnicity.

The federal ADA requires that employers, government entities, and businesses provide equal employment opportunities and equal access to services for people with disabilities or people whom others perceive to have a disability. Not only does the ADA assure physical access to buildings and spaces, but it also assures people can receive



and relay communication necessary to work and access services. The requirements for states to provide language services for people with hearing loss are covered by Titles II and III of the ADA, as well as Section 504 of the Rehabilitation Act of 1973 and other relevant guidance (National Resource Center for Reaching Victims & Vera Institute of Justice, 2019).

LEARN MORE: Additional information relating to ADA compliance for ensuring effective communication is available at the ADA website here: [Effective Communication](#). (U.S. Department of Justice, 2014).¹⁵

Note that under Title II of the ADA, State entities are required to give “primary consideration” to the method of communication preferred by the person with a disability who speaks or signs a language other than English (U.S. Department of Justice, 2014).

The following findings and recommendations are derived from the Office of Racial Equity’s community outreach process and contributions from leadership at DAIL.

¹⁵ Full URL: <https://www.ada.gov/resources/effective-communication/>

They are focused on improving language access and ADA compliance for Deaf, DeafBlind, late-deafened, DeafPlus, DeafDisabled and Hard-of-Hearing community members and/or people with disabilities.

FINDINGS 6.A AND 6.B:

F 6.A	Assistive technologies may not be able to facilitate access to websites if a website is not designed to work with assistive technology such as screen readers.
F 6.B	Conversations with ADS employees revealed that all State websites are designed on an accessible website template. However, the addition of content to the template may change whether the website remains truly accessible.

Recommendations:

R 6.A.1 E/L/J	Audit all State websites for accessibility to people with disabilities who rely on assistive technology.
R 6.B.1 E/L/J	Perform an accessibility audit any time a State website's content is added to or updated.

FINDING 6.C:

F 6.C	Few State websites have notices about the availability of disability accessibility accommodations for needs unrelated to language access in obvious, easy to find places on the website. An example of a disability accessibility accommodation unrelated to language access could include the provision of a ramp for a person who uses a wheelchair to enter a building that does not have a wheelchair-accessible entrance.
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Recommendations:

R 6.C.1 E/L/J	Create a dedicated link on the home page of every State entity discussing the available accessibility resources that members of the public can access if they need accommodations.
R 6.C.2 E/L/J	Translate the link to disability accessibility accommodations into languages other than English to facilitate accessibility accommodations for people with disabilities who speak or sign languages other than English.

FINDING 6.D:

F 6.D	Important public service announcements and emergency communications are frequently not translated into ASL or other signed languages.
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Recommendation:

R 6.D.1 E/L/J	Translate all public service announcements and emergency communications into ASL.
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FINDING 6.E:

F 6.E	Relying on automated captioning to provide captions is insufficient to ensure people with hearing loss can understand public service announcements and
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emergency communications. Automatic captioning can produce dangerous or nonsensical mistakes in the captioning. Automatic captioning is less accurate when transcribing the speech of a person with an accent that is not currently recognized by the transcription software or when transcribing speech from poor quality audio files.

Recommendations:

R 6.E.1 Use live or manually translated captioning services for all important public service announcements and emergency communications.
E/L/J

R 6.E.2 If relying on automatic captioning, review automated captioning for errors and correct them before distributing any video materials publicly.
E/L/J

R 6.E.3 Add open captioning in English addition to closed captioning whenever possible to assist people with hearing loss who may not be able to access English captioning.
E/L/J

R 6.E.4 Include closed captioning in English and other languages so that anyone who uses Braille displays, which rely on the presence of a separate text file to display the captions in Braille, can also access information in audio/visual messaging (Lemar & Jayes, 2022).
E/L/J

FINDING 6.F:

F 6.F Hearing loop systems provide communication access to people who rely on hearing aids and/or cochlear implants. When a hearing loop system is installed into a space, it allows the person to gain meaningful access to auditory communication and sounds occurring in that space. Currently there are no hearing loop systems installed in owned or leased State of Vermont buildings, which means State employees and members of the public with hearing loss may not be able to participate fully in meetings and events held in State buildings.

Recommendation:

R 6.F.1 Create a plan for addressing communication access within State buildings for people with hearing loss, such as installing hearing loops in at least one meeting room in each State-owned building.¹⁶
E/L/J

¹⁶ Not only must State office buildings meet ADA requirements for physical accessibility, but they must also provide accessible communication required for safe and meaningful use of the State office buildings. For example, when a person with a disability enters a state office building, the person must be able to find accessible meeting rooms and elevators, and must be able to know when there is an emergency and how to proceed in case of an emergency. Currently, State office buildings do not have a standard approach to accessibility maps, signs, and accessible emergency notifications. The lack of standardized accessibility protocols in State office buildings and the Capitol Complex was identified as a key deficit in planning for language accessibility for people who are DeafPlus and/or DeafDisabled by DAIL staff who contributed to this report. The State must assess the ADA access needs of State buildings and implement an improvement plan that addresses accessibility maps, signage, and emergency communication notifications.

Additional Policy Recommendation: Multilingual Liaison Needs Assessment

Title VI of the Civil Rights Act and the Equal Educational Opportunities Act of 1974, along with relevant case law, establish a legal mandate to provide students who speak or sign any languages with meaningful access to education in public schools. The legal mandate includes ensuring sufficient staffing, integrating English language learner (ELL) students with non-ELL students, and providing language assistance at no cost to students or their families (Feng, 2021).

According to the 2020 Vermont Early Childhood Systems Needs Assessment, children under the age of 6 are more racially and ethnically diverse than Vermont's population over the age of 6. Approximately 5% of Vermont's estimated 35,769 children aged 0-5 speak a language other than English at home (Building Bright Futures, 2020). These children will soon enter Vermont pre-kindergarten and elementary schools. It is essential that Vermont schools are prepared to welcome and nurture them with support staff including multilingual liaisons.

Multilingual liaisons are dedicated support staff who assist ELL students in the classroom and facilitate communication between teachers, administrators, and parents of ELL students with similar language access needs to their children (Davis et al., 2020). Multilingual liaisons serve both ELL students and their families who speak or sign languages other than English at home to help them navigate the complex bureaucracy of modern school systems (Feng, 2021).

Trends from the 2018-2019 academic year reported by the Vermont Agency of Education (AOE) School Snapshot Data indicate that the approximately 1,478 ELL students in Vermont are not achieving satisfactory academic progress (Agency of Education, 2021). Trends were not reported in the 2019-2020 academic year and the 2020-2021 academic year due to the disruption of in-person learning related to the COVID-19 pandemic. Assessing the need for more multilingual liaisons to assist ELL students is the first step towards ensuring that ELL students have equitable opportunities for education in Vermont. More details on the proposal to assess the needs of ELL students can be found on pages 11-12 of the First Report of the Vermont Racial Equity Task Force (Davis et. al, 2020).

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Appendix A: Glossary of Abbreviations and Terminology

ACS	American Community Survey
ACCD	Agency of Commerce and Community Development
ADA	Americans with Disabilities Act
ADS	Agency of Digital Services
AHS	Agency of Human Services
AOA	Agency of Administration
AOE	Agency of Education
ASL	American Sign Language
BGS	Department of Buildings and General Services
CAPS	Center for Achievement in Public Service
CMO	Chief Marketing Office
COVID-19	Coronavirus disease identified in 2019
CPO	Chief Performance Office
DAIL	Department of Disabilities, Aging & Independent Living
DCF	Vermont Department for Children and Families
DHR	Vermont Department of Human Resources
DMV	Department of Motor Vehicles
DVHA	Department of Vermont Health Access
ELL	English language learner
FY	Fiscal Year
HHS	United States Department of Health and Human Services
ID	Identification Document
LEP	Limited English Proficient
MS	Microsoft
ORE	Office of Racial Equity
RBA	Results Based Accountability
USCRI VT	United States Committee for Refugees & Immigrants Vermont
USRPC	United States Refugee Processing Center
VCDP	Vermont Community Development Program
VDH	Vermont Department of Health
VDOL	Department of Labor
V.S.A.	Vermont Statutes Annotated
WCAG	Website Content Accessibility Guidelines

AMERICANS WITH DISABILITIES ACT (ADA) – The federal law that requires equal access for people with disabilities. There are five titles within the ADA that outline rights and responsibilities of employers, state and local government, businesses and non-profits, architects and designers, and individuals and advocates. The different Titles of the ADA apply in the following manner:

- Title I regulates employers and employment law.
- Title II regulates the conduct of state and local governments.
- Title III regulates the conduct of public accommodations and commercial facilities, such as businesses and non-profit organizations.
- Title IV regulates telecommunications companies.
- Title V contains other miscellaneous requirements related to implementing accessibility accommodations.

COMMUNICATIVE AUTONOMY - “The capacity of each party in an encounter to be responsible for and in control of his or her own communication” (Garcia-Beyaert, 2015, p.363). In practical terms, communicative autonomy means that each person retains the ability to make informed decisions on their own behalf and communicate their feelings accurately with people who do not speak the same language as them. Communicative autonomy is only preserved when interpreters accurately communicate the feelings and intentions behind the words used, without leaving out any uncomfortable information. Failing to maintain communicative autonomy can have life-altering consequences, especially in medical and legal contexts.

INTERPRETATION - the practice of communicating the meaning of different languages between parties who do not speak and/or sign the same language. A person who provides interpretation services is called an interpreter. For more detailed information on different types of interpretation, see [The Terminology of Healthcare Interpreting: A glossary of terms](#) (The National Council on Interpreting in Healthcare, 2008).

LIMITED ENGLISH PROFICIENCY (LEP) – term used widely in federal documentation and some government of the State of Vermont resources to refer to people who have a lesser ability to speak, read, write, or comprehend the English language than most people who speak English as their first language. As discussed in “Note on Preferred Terminology to Replace ‘Limited English Proficiency’ or ‘LEP’,” “people who speak or sign languages other than English” or “people with communication access needs” are both more respectful substitutes for LEP.

LANGUAGE ACCESS SERVICES/LANGUAGE ASSISTANCE SERVICES - The provision of assistance to someone with communication access needs and notices about the availability of such services. Some examples of language assistance services include, but are not limited to:

- notices of the availability of interpretation services,

- use of an interpreter (which may include hearing and deaf interpreters in the case of signed languages)¹⁷,
- written or audio/visual translation,
- the use of assistive hearing technology to facilitate communication between someone who is hearing and a person with hearing loss¹⁸, and
- the use of “I Speak” cards to determine what language a person speaks when requesting an interpreter. See Appendix B: Additional Resources for resources related to “I Speak” cards.

MEANINGFUL ACCESS – language service provided in a way such that the person with communication access needs receives the same quality service as someone who speaks English fluently, at no cost to the person with communication access needs, and in a timely and efficient manner. Communicative autonomy is a key component of meaningful access. Communicative autonomy must be maintained for language services to be considered “meaningful access.” For example, having a minor child serve as an interpreter for their parent in a medical appointment would not constitute meaningful access. Although the interpretation is done at no financial cost to the parent, there is a great deal of risk that the child will not be able to translate complex medical instructions accurately or may be uncomfortable communicating details of their parent’s personal health to the medical provider (Flores et. al, 2012). Meaningful access would be preserved in a medical appointment if the health care provider arranged for in-person or video remote interpretation services prior to the appointment and the patient was able to see the provider with the assistance of said interpreter, with another entity besides the patient providing reimbursement to the interpreter.

PLAIN-LANGUAGE – “writing that an audience can understand easily the first time they read or hear it” (U.S. General Services Administration, n.d.b). Plain-language uses simple sentence structure, active rather than passive voice, and other features that make the writing easy to understand. Plain-language is easier to read for people with cognitive, developmental, or learning disabilities.

TRANSLATION - the conversion of written documents or other recorded media from one language to another. Translation may take the form of a video of a signer for signed languages like American Sign Language (ASL). Audio or video recordings of a person reading a document can also be considered translation, since the audio or video recording is conveying the meaning from a written document and not another speaker. A person who prepares translations is called a translator.

¹⁷ Some people with hearing loss also require the assistance of a special support provider, who is not an interpreter, to facilitate communication and perform other tasks. See Appendix B: Additional Resources for resources on ADA compliance and resources with further discussion of specific terms related to disability supports.

¹⁸ Note that such assistive technologies serve to amplify sound and only assist people with hearing loss to perceive sounds, not necessarily to understand the meaning of English communications. See Appendix B: Additional Resources for additional discussion of assistive hearing technologies.

VIDEO REMOTE INTERPRETATION – “A video telecommunication system that uses devices such as tablets, computers, web cameras or videophones to provide spoken [and sign] language through remote, off-site interpreters” (Vermont Judiciary, 2021c). Note that a stable, reliable internet connection is a necessary condition for using video remote interpretation as participants need to see the hands and facial expressions of all signers and speakers.

VITAL DOCUMENTS – Vital documents are public-facing, non-confidential documents of significant importance to the clients of a program or service (U.S. Department of Health and Human Services, 2003). For more information, see “Vital Documents” and Appendix G: Summary of Executive Branch Agencies’ Vital Document Translation Cost Estimate.



Appendix B: Additional Resources

LANGUAGE ACCESS PLANNING RESOURCES

[American Community Survey Information Guide](#): Important information on the limitations of the ACS population data. See “Vital Documents” and Appendix C: Population Estimates of People who Speak or Sign Languages Other than English in Vermont for additional discussion of the limitations of ACS data.

[Census Bureau Data](#): resource to help find population size estimates for people who speak or sign languages other than English and may speak English less than “very well.” See Appendix C: Population Estimates of People who Speak or Sign Languages Other than English in Vermont for additional details on the number of people with communication access needs in Vermont. See also <https://www.census.gov/programs-surveys/cps/technical-documentation/subject-definitions.html> for the definition of each characteristic (U.S. Census Bureau, 2021).

[Chief Performance Office](#): “The vision of the Chief Performance Office (CPO) is a modern Vermont State Government that fully leverages its resources to meet the needs of all Vermonters. The CPO's mission is to provide information, tools, expertise, and services that strengthen the state's ability to effectively solve problems, manage operations, and improve results” (Chief Performance Office, 2022).

[Current Statewide Contracts-Buildings and General Services](#): This website link contains a current list of language access service providers contracted with the State of Vermont from the Department of Buildings and General Services (BGS), as well as links to view their contracts. Please note that the BGS website does not list the specific department/division level billing codes needed to appropriately bill a specific department/division for language services. Contact the accounting or financial services personnel of your department/division for more information on department/division-specific billing codes.

[LEP.gov](#): LEP.gov is a website published by the U.S. Department of Justice. The website contains additional resources describing the federal regulations relating to language access, guidance for entities interested in expanding the language access services, resources for facilitating language access, and more.

[Model Protocol on Services for Limited English Proficient Immigrant and Refugee Victims of Domestic Violence](#): specific guidelines for serving survivors of domestic violence who speak or sign languages other than English from the Washington State Coalition Against Domestic Violence.

[PlainLanguage.Gov Checklist for Plain Language](#): website with resources from the U.S. General Services Administration about how to write plain-language documents.

[Results-Based Accountability | Agency of Human Services \(vermont.gov\)](#): Overview of results-based accountability and continuous improvement.

[Translation: Language Identification and I Speak Cards, LEP.gov](#): contains examples of “I Speak” cards, translated taglines for notifying people of the availability of language services, and more.

[Vermont Judiciary Language Access Operations Manual](#): an example of a thorough, detailed language access operations manual from a State of Vermont source.

RESOURCES FOR FACILITATING LANGUAGE ACCESS & ADA ACCESSIBILITY COMPLIANCE FOR PEOPLE WHO ARE DEAF, HARD-OF-HEARING, DEAFBLIND, AND DEAFPLUS

[ADA Requirements - Effective Communication](#): website from the U.S. Department of Justice Civil Rights Division that details the requirements for effective communication services under Title II and Title III of the ADA. ADA.gov contains a plethora of guidance and resources on communication accessibility and physical accessibility.

[Anti-Ableist Glossary of Disability Terms](#): Additional resource from the National Resource Center for Reaching Victims on terminology to use when discussing disabilities. Includes discussions of disability justice and cultural frameworks for disability as well as cultural considerations for disability justice in Latin American and Spanish-speaking cultures. Also available in Spanish at <https://www.reachingvictims.org/resource/anti-ableist-glossary-of-disability-terms/>.

[Designing Accessible Events for People with Disabilities and Deaf Individuals](#): website from the Vera Institute of Justice Center on Victimization and Safety with checklists, toolkits, and planning advice for designing accessible events. Topics include event registration, budgeting, meetings, venues, and working with sign language interpreters.

[Hearing Terminology](#): Resource developed by Director of Deaf, Hard of Hearing, and DeafBlind Services Laura Siegel to inform people of the preferred terminology for describing people living with hearing loss. Includes a glossary of specific terminology related to assistive hearing technology.

[Just Ask: A Toolkit to Help Advocates, Attorneys, and Law Enforcement Meet the Needs of Crime Victims with Disabilities](#): comprehensive toolkit from the Vera Institute and the National Resource Center for Reaching Victims for making crime victims services more inclusive, including resources on language access. Includes an advocate toolkit, attorney and prosecutor toolkit, and a law enforcement toolkit.

[Registry of Interpreters for the Deaf](#): website for the national Registry of Interpreters for the Deaf, Inc. Includes information on sign language interpreter codes of conduct, certification programs for sign language interpreters, professional development resources for sign language interpreters, and more.

[Telecommunications Relay Service-Department of Public Service](#): “Vermont Relay is a free service that enables people who are Deaf, Hard of Hearing, DeafBlind, or those with Speech Disability to place and receive phone calls. The service is provided to Vermonters in accordance with 30 V.S.A. § 7512. Access to Telecommunications Relay Service is provided through a contractor. The State of Vermont pays for Vermonters' access to Telecommunications Relay Service (TRS) and Captioned Telephone (CapTel) on a charge-per-minute basis (no charge to users)” (Department of Public Service, 2022a). Additional assistance and information available at <https://vermontrelay.com>.

[Vermont Community Development Program \(VCDP\) Resources](#): website with list of links to information, programs, and opportunities for modifying buildings for physical accessibility from the Agency of Commerce and Community Development (ACCD).

[Vermont Universal Service Fund-Department of Public Service](#): “The Vermont Universal Service Fund (VUSF) was established by Vermont law in 1994 through the enactment of 30 V.S.A. § 7501 for the purpose of creating a financial structure that will allow every Vermont household to obtain basic telecommunications service at an affordable price, and to finance that structure with a proportional charge on all telecommunications transactions that interact with the public switched network” (Department of Public Service, 2022b).

[Working with Deaf, Hard-of-Hearing, DeafBlind, and DeafPlus People](#): Training available to State employees via DHR CAPS to help employees understand how to work with individuals with hearing loss. Includes sections on how to request an interpreter through Vancro Integrated Interpreting Services, the State contractor for ASL interpretation, and links to many other resources to support people with hearing loss. This resource also contains a glossary of specific terminology related to assistive hearing technology and best practices for assisting people with hearing loss. The training also discusses ADA job accommodations for people with hearing loss and contains links to the relevant ADA websites. A transcript of the training and slides with links to the AHS Accessibility Intranet Resources Page is available at [Working with Deaf, Hard-of-Hearing, DeafBlind, DeafPlus People Transcript and Slides](#). You may be prompted to submit a request to a website administrator to gain access to the AHS Intranet Resources Page if you are not an employee of AHS.

WEBSITE ACCESSIBILITY RESOURCES

[Accessible Communications-State of Vermont Chief Marketing Office](#): Website with guidelines specifically for State employees on best practices for making websites and communications accessible to people who use assistive technologies.

[Accessible Web - WCAG & ADA Audits, Certifications, & Accessibility Tools](#): Additional free website accessibility checker tool.

[WAVE Web Accessibility Evaluation Tools](#): Tools developed by WebAIM allow you to test whether a website follows Web Content Accessibility Guidelines (WCAG) and whether a website has other design features that may cause problems for people using assistive technology to access the website.

EQUITABLE OUTREACH AND ENGAGEMENT RESOURCES

[Changing Power Dynamics among Researchers, Local Governments, and Community Members: A Community Engagement and Racial Equity Guidebook](#): guidelines from the Urban Institute discussing best practices for community engagement and outreach with a racial equity lens.

[Community-Engaged Methods Guidebook](#): additional resources from the Urban Institute on conducting equitable outreach.

[National Standards for Culturally and Linguistically Appropriate Services in Health and Health Care: A Blueprint for Advancing and Sustaining CLAS Policy and Practice](#): Document from the federal Office of Minority Health with guidelines for health care systems on incorporating cultural considerations into health care services to improve health equity. For more information, visit <https://thinkculturalhealth.hhs.gov>.

[Office of Racial Equity Reports and Documents](#): Office of Racial Equity website listing reports and resources prepared by Office of Racial Equity personnel and associated workgroups on racial equity in Vermont.

[The Spectrum of Community Engagement to Ownership](#): Guide that explains the International Association for Public Participation “Public Participation Spectrum” and lists activities and tools that government entities can use to empower communities to make decisions on policy changes that impact their lives.

[Vermont Department of Libraries Inclusive Services](#): website developed by the Vermont Department of Libraries with information on diversity, equity, inclusion and justice,

including translated versions of their “What Is a Public Library?” resource guide in 16 written non-English languages.

BEST PRACTICES FOR USING ZOOM/ZOOMGOV WITH VIDEO REMOTE INTERPRETERS

The following are recommended best practices for using Zoom/ZoomGov with video remote interpreters using signed languages:

- ◆ Spotlight all interpreters and participants who are signing or speaking so they are easily visible. “Spotlighting” is a feature of Zoom/ZoomGov that allows the meeting host to keep the interpreter(s)’ video visible to all participants regardless of the viewing option they are using. For more information, see <https://support.zoom.us/hc/en-us/articles/201362653-Spotlighting-participants-videos> (Zoom Support, 2022).
- ◆ Ask all non-speaking/signing participants to turn their video off to preserve bandwidth for the video remote interpreter and the participant who is currently speaking/signing. Preserving bandwidth increases the video resolution, which makes it easier to see the hands and facial expressions of the speakers and signers.

Appendix C: Population Estimates of People who Speak or Sign Languages Other than English in Vermont

Table 1. 10 Year Refugee Resettlement Data from U.S. Refugee Processing Center (Refugee Processing Center, 2022)

COUNTRY OF ORIGIN:	TOTAL NUMBER OF RESETTLED PEOPLE, FY2012-FY2021:	LANGUAGE(S) SPOKEN IN COUNTRY OF ORIGIN THAT CORRESPOND WITH AHS LEP COMMITTEE LANGUAGE LIST:
Bhutan	1270	Nepali
Burma	123	Burmese
Burundi	25	Kirundi, French
Congo	1	French ¹⁹
Dem. Rep. Congo	380	Swahili, French
Eritrea	2	Arabic
Ethiopia	2	Somali
Iran	3	
Iraq	119	Arabic
Nepal	13	Nepali
Rwanda	1	Swahili, French
Somalia	272	Somali, Arabic
Sudan	14	Arabic
Syria	14	Arabic
TOTAL	2239	

*Table 1. The number of refugees admitted to the United States by the federal U.S. Refugee Processing Center (USRPC) in Fiscal Year (FY) 2012-2021 who relocated to Vermont. **Note that these data do not include refugees who moved to Vermont before 2012, people who have since moved out of Vermont, or people born outside the U.S. who immigrated to Vermont voluntarily rather than being assigned to resettle in Vermont by the USRPC.***

¹⁹ Lingala is commonly spoken in Congo (also known as Republic of the Congo) and the Democratic Republic of the Congo but is not included in the AHS LEP Committee list of commonly spoken languages among people served by AHS. According to Vermont community-based language service providers, people who speak Lingala also commonly speak French and/or Swahili, and it is easier to find language service professionals who are skilled in French and/or Swahili than Lingala.

Table 2. Additional Refugee Populations Resettled in Vermont in 2022:

COUNTRY OF ORIGIN	ESTIMATED TOTAL NUMBER OF RESETTLED PEOPLE, CALENDAR YEAR 2022:	LANGUAGES SPOKEN IN COUNTRY OF ORIGIN
Afghanistan	260	Pashto, Dari
Ukraine	Unknown	Ukrainian, Russian

Table 2. The approximate number of people from Afghanistan who have resettled in Vermont in calendar year 2022 according to the Vermont State Refugee Office. There is currently increasing demand for language access service providers who speak Ukrainian and Russian. Current ACS 2021 5-year population estimates of the number of people who speak English less than “very well” do not reflect the resettlement of refugees from Afghanistan or Ukraine that has occurred in calendar year 2022.²⁰

VERMONT AGENCY OF HUMAN SERVICES LEP COMMITTEE

The information below is intended to inform readers of the ongoing work to promote language access within the State of Vermont Executive Branch. ORE does not recommend that all State entities simply rely on the AHS LEP Committee’s list of languages when determining which languages to translate vital documents into.

The Vermont Agency of Human Service (AHS) has a working group called the AHS LEP Committee, made up of State employees who provide services to people who speak or sign languages other than English from within AHS and other State Executive branch agencies, such as the Vermont Department of Labor (VDOL). The AHS LEP Committee meets regularly to discuss language access services across the Executive agencies that regularly provide services to people with language access needs. The committee is chaired by the State Refugee Office Director.

The AHS LEP Committee maintains a list of the languages that members report are most used by clients of AHS programs who speak or sign languages other than English. As of Summer 2022, the languages selected by the AHS LEP Committee that AHS documents must be translated into (Tier 1) include:

- Arabic
- Burmese
- French
- Kirundi
- Nepali
- Somali
- Spanish

According to the State Refugee Office Director, the following languages may also be appropriate for translation of vital documents based on the recent increase in people from Afghanistan resettling in Vermont (also Tier 1):

²⁰ Visit <https://data.census.gov/table?q=B16001&g=0400000US50&tid=ACSDT5Y2021.B16001> to see the 2021 ACS detailed table for language spoken at home for the population 5 years and over, disaggregated by whether the person speaks English “very well” or less than “very well” (U.S. Census Bureau, 2020). See “Vital Documents” for a detailed discussion of the limitations of ACS data.

- Pashto
- Dari

According to the AHS LEP Committee, AHS Departments, Divisions, and program stewards can choose whether to translate vital documents and other translated materials into the following other languages based on demand (Tier 2):

- Bosnian
- Swahili
- Vietnamese

Community-based language service provider Association of Africans Living in Vermont, Inc. added that Mandarin Chinese is also frequently requested for translation purposes.

Appendix D: Recommended Model Minimum Language Access Plans

The Office of Racial Equity (ORE) is situated within the Vermont Agency of Administration (AOA). The following model minimum language access plan is designed to incorporate the findings and recommendations from the preceding report, which is the result of extensive community outreach and research by ORE staff and statewide colleagues.

The model minimum plan for AOA is intended to serve as the model minimum language access plan that would be acceptable for State agencies that do not provide walk-in services to clients. As used here, walk-in services are those where any person may enter the office of a State agency and request services related to government functions. An example of a State agency that commonly provides walk-in service is the Department of Motor Vehicles. One notable exception to the general rule that AOA does not provide walk-in service is the Department of Libraries. Librarians serve an essential function as communicators of information between the government and the general public.²¹ The Department of Libraries, despite being located within AOA, should create a separate language access plan that builds on the minimum AOA plan to account for the need for walk-in services.

The following model minimum plan is subject to change if the Vermont General Assembly or Governor's administration takes regulatory action on the findings and recommendations in the 2023 ORE Language Access Report. Although AOA is used as the model, other agencies, departments, and divisions are encouraged to adapt this plan to their needs. Additional optional elements that will assist State entities with higher levels of walk-in service are listed after the model minimum plan. Agencies may wish to include a glossary of terms such as "vital document" and "meaningful access" with their Language Access Plan. A glossary of relevant terms is available in Appendix A of the 2023 ORE Language Access Report.

Plan last updated: Tuesday, January 23, 2023

1. VALUES STATEMENT

The Vermont Agency of Administration (AOA) is tasked with overseeing the functions of the state government and includes several departments and divisions involved in administering statewide government functions, including management of State office buildings and facilities, taxation, financial management, and human resources for State of Vermont government employees. The mission of AOA is "[t]o provide responsive and centralized support services to the employees of all agencies and departments of state government so they may deliver services to Vermonters in an efficient, effective and fiscally prudent manner." (Agency of Administration, n.d.) The Department of Buildings and General Services, Department of Finance and Management, Department of Human Resources, Department of Taxes, Office of Racial

²¹ ORE commends the Vermont Department of Libraries for already taking steps to translate its information pamphlet, "What is a Public Library?" into 16 non-English languages and to provide resources on equity and inclusion via its website https://libraries.vermont.gov/services/inclusive_services.

Equity, Department of Libraries, Chief Performance Office, Financial Services Division, and Office of Risk Management reside within AOA (Agency of Administration, n.d.).²²

Given the wide breadth of responsibilities encompassed by AOA departments, the purview of AOA includes all residents and visitors to Vermont. As such, the AOA commits to providing meaningful language access and effective communication to all persons requiring language assistance services throughout the state of Vermont who interact with AOA departments. AOA commits to providing language services with respect to cultural differences that exist among people of different ethnicities, national origins, and other social identity dimensions and proactively training the employees of AOA to be cognizant of the cultural dimensions of communication. These strategies support AOA's intent to respect communicative autonomy and collective liberation for all of Vermont's residents and visitors.

2. NEEDS ASSESSMENT/OUTREACH PLANS

AOA faces several challenges to identifying the size of the population of people with language access needs in Vermont, including lack of current population data disaggregated by language spoken as of January 2023. Therefore, AOA commits to recording the language spoken and type of service needed (for example, interpretation versus translation) when interacting with people who speak or sign languages other than English starting immediately, to establish baseline data on service needs. AOA will instruct employees not to record personally identifiable information of people who speak or sign languages other than English (such as name or date of birth) in the same data sets as the records of language used and type of language assistance given to protect the privacy of people who speak or sign languages other than English.

AOA will use those data on the type of language services needed and the language in which services were provided to inform the implementation of comprehensive language assistance services throughout the agency. AOA will reassess the data collected on language assistance service utilization yearly for the first 5 fiscal years that language access is implemented, then once every 5 years thereafter.²³

As required by Presidential Executive Order 13166 of 2000, AOA will conduct proactive outreach to include people who speak or sign languages other than English during the language access planning and implementation process starting in FY'24 (Clinton, 2000). Such proactive outreach may include, but is not limited to:

- ◆ hosting public in-person meetings around the state with an online video conferencing participation option to discuss community members' needs for language access;

²² This paragraph may be replaced with the relevant description of the State agency for which the model minimum language access plan is adapted.

²³ This paragraph applies specifically to AOA, which does not currently (as of January 2023) have frequent contacts with people who speak or sign languages other than English. Other State entities that do currently serve clients of their programs with language access needs should evaluate the languages spoken by their client population and immediately begin the process of translating vital documents into the most frequently used languages. See Appendix G: Summary of Executive Branch Agencies' Vital Document Cost Estimate for additional discussion of methods for evaluating languages spoken by clients of a State entity.

- ◆ providing interpretation services as requested by participants who speak or sign languages other than English at public comment meetings on language access;
- ◆ providing notice of said public meetings to discuss language access on the AOA website in the 14 languages identified by the 2023 ORE Language Access Report, plus a video version in American Sign Language (ASL);
- ◆ conducting proactive outreach to community organizations who serve people with language access needs in Vermont to inform people who speak or sign languages other than English of the public meetings and comment periods;
- ◆ providing opportunities to give comments on AOA language access plans online through translated web pages and feedback forms, translated into the 14 most commonly spoken languages identified in the ORE Language Access Report, plus a video ASL version, along with information on how to file a comment; and
- ◆ keeping active comment and complaint pages related to language access on the AOA website even after the language access planning phase has passed to serve as continuous improvement tools in the future.

3. NOTIFICATION OF SERVICES

Given that AOA does not have current data on languages spoken by people who interact with AOA and speak or sign languages other than English, AOA will begin in its first year of language access planning in FY'24 by translating all notices of language assistance into the 14 recommended most commonly spoken languages identified in the 2023 ORE Language Access Report plus a video version in ASL that can be added to AOA websites and electronic communications.

The 14 written languages identified in the 2023 ORE Language Access Report include:

- | | | |
|-----------|----------------------|--------------|
| ◆ Arabic | ◆ Kirundi | ◆ Spanish |
| ◆ Bosnian | ◆ Simplified Chinese | ◆ Swahili |
| ◆ Burmese | ◆ Nepali | ◆ Ukrainian |
| ◆ Dari | ◆ Pashto | ◆ Vietnamese |
| ◆ French | ◆ Somali | |

AOA will also upload a video version in ASL of the notice of language assistance services to its website. The notices of language assistance on the AOA website will be written on the AOA homepage in large, easy to read font, at the top of the page, in the language into which the notice is translated.

In addition, any written communication sent out from a department or division within AOA that requires a response or notifies the recipient of important information related to AOA programs and policies will include a page notifying the recipient of the availability of language assistance services at no cost to the recipient. The written notice will also inform people who have additional communication access needs in English of the availability of accessible telecommunications resources.

4. LANGUAGE ASSISTANCE SERVICES

AOA will consider four factors when assessing which language services to provide, including which vital documents to proactively translate:

1. How many people with communication access needs are served by the program, activity, or service? What proportion of the total number of people served is comprised of people with communication access needs?
2. How often do people with communication access needs interact with the program, activity, or service?
3. What is the nature of the program, activity, or service? How important is the program, activity, or service to the lives of people served?
4. What resources are available to the entity providing the program, activity, or service? Would providing certain types of language access services be prohibitively expensive?

However, AOA will not disregard the individual needs of a person who speaks or signs a language other than English who requests language assistance when communicating with AOA personnel based on Factor 4 (resources available). AOA employees will access the services of language assistance service companies contracted through Buildings and General Services (BGS) to communicate with any person who contacts the AOA and needs language assistance.

Each Department or Office within AOA will designate at least one primary employee and one secondary employee to be the point of contact to coordinate language access needs within its Department or Office. If existing employees do not have capacity to handle the additional responsibilities of coordinating language access services, AOA will permit each Department or Office to hire additional employees as needed to allow for meaningful language access as required by federal regulations.

AOA will instruct its employees to prioritize the use of trained language access service providers available through State-contracted language services rather than relying on multilingual employees unless and until appropriate standard operating procedures are implemented by the Department of Human Resources to evaluate multilingual employees for their language skills and compensate fairly them for providing additional language access services in the course of their normal duties. Multilingual State employees will not be required to provide language access services if doing so would violate the Vermont State Employees' Code of Ethics as developed pursuant to 3 V.S.A. §1202.

When AOA personnel use videoconferencing software to conduct meetings, AOA personnel will provide a link to a guide on how to use that videoconferencing software with the announcement of the meeting. The guides on videoconferencing software will be translated into the 14 languages other than English identified in the 2023 ORE Language Access Report plus an ASL video version. In written communications and on the AOA website, the links to the videoconferencing software guides will be displayed in the languages into which they are translated.

Vital Documents

AOA will immediately begin to evaluate which of its documents may be considered vital documents. Vital documents will automatically be translated into languages other than English if the number of people in Vermont who speak or sign that language is at least one thousand (1,000) people or five percent (5%) of Vermont's population, whichever is fewer, in accordance with federal safe harbor provisions (U.S. Department of Health and Human Services, 2003). AOA will translate other documents into languages other than English upon request from members of the public who speak or sign languages other than English.

AOA will translate very long, technical documents such as Administrative Bulletins on grantmaking into plain language before translating them into languages other than English.²⁴

AOA commits to appointing at least one employee in each AOA department or office, or a team of employees, if necessary, to be responsible for reviewing and updating vital documents. Vital documents will be reviewed to ensure the translations are up to date at least once per year or each time the document is updated, whichever is sooner.

When vital documents are translated and uploaded to the relevant department or office's website, the website links to the titles of the vital documents will be written in the language into which they are translated to ensure that people who speak languages other than English can understand how to access the documents.

Website and Electronic Communications

AOA and all its departments/offices will update their websites to include a welcome message on the home page notifying people of the availability of language assistance services at no cost to the recipient. The links to the notices of language assistance services will be displayed in the languages into which they are translated.

AOA recognizes that Google Translate can produce potentially harmful errors in translation when used on the AOA website. Therefore, AOA and all its departments or offices will upload disclaimers on the limitations of Google Translate wherever the Google Translate option is included on an AOA website. The Google Translate disclaimers will be translated into the 14 written languages listed in the 2023 ORE Language Access Report plus an ASL video version. The disclaimers on the limitations of Google Translate will include a notice of the availability of language assistance services free of charge to the recipient of those services. The links to the disclaimers will appear on the website in the languages into which the disclaimer is translated. The

²⁴ Other State entities not responsible for Administrative Bulletins on grantmaking should retain the text relating to plain-language versions of long or technical documents but remove the reference to AOA documents.

links will be in a location that is easy to see when interacting with the Google Translate feature.

AOA and its departments and offices will audit their websites for accessibility for people with low vision or other disabilities and will audit the mobile and tablet versions of its websites whenever a major change to the content or structure of a website is made.

AOA will upload links to a version of the public comment website translated into the 14 languages recommended by the 2023 ORE Language Access Report. A video version in ASL will be posted on the English language public comment website.

5. EMPLOYEE TRAINING ON LANGUAGE ACCESS SERVICES

In addition to the language access plan, each department or office within AOA will maintain its own language access operations manual detailing the specific information necessary for employees to provide language assistance to people who speak or sign languages other than English.²⁵ That information will include, but is not limited to:

- ◆ details of the relevant billing procedure to pay the language service provider for services, including the specific account codes for the office or department;
- ◆ contact information, such as e-mail address or phone number, for a point of contact for each State-contracted language service provider;
- ◆ guidelines on working with interpreters and other language service providers;
- ◆ mechanisms for State employees to provide feedback or complaints about the language service providers they interact with for the purpose of quality improvement; and
- ◆ a list of the relevant billing codes for different languages and different forms of language assistance services.

AOA departments and offices will print out a physical copy of the information contained within the language access operations manual in case of power outages or internet service interruptions.

AOA will require all its employees to complete yearly refresher training on how to provide language access services to people who speak or sign languages other than English. The training will include:

- ◆ understanding the importance of cultural competence and intercultural adaptation in interactions with people of different national origins, ethnicities, or other social dimensions of identity from the employee;
- ◆ how to work with interpreters and other language service providers; and

²⁵ In the recent language access report, ORE recommends using the same SharePoint website model as the Vermont Department of Labor to develop language access operations manuals that all employees in a department or office can easily access from their computer.

- ◆ how to request language assistance services through State-contracted service providers.

All AOA employees will be required to participate in language services training when they begin employment with AOA if they have not taken a State language services training before, then once per year thereafter. Each AOA department or office will designate employees in leadership positions to be accountable for overseeing the training of their employees in language access procedures found in the department or office's language access operations manual.

As needed, AOA employees with billing/invoicing duties will receive training on how to correctly create invoices for language access services in order to track the overall cost of providing language assistance, including:

- ◆ language the vital document is translated into or language in which interpretation services are provided;
- ◆ vendor used for language assistance services;
- ◆ total costs for translating each document into another language or costs for providing interpretation services;
- ◆ whether a plain-language summary of a vital document or another document is needed, and how much producing the plain-language summary costs; and
- ◆ best practices for maintaining the privacy of people who request language assistance services, including maintaining clients' personally identifiable information separately from billing records related to the provision of language services in order to preserve clients' privacy.

6. LANGUAGE ACCESS PROGRAM EVALUATION

The State relies on a Results Based Accountability (RBA) framework for determining the effectiveness of its programs. RBA asks three questions:

- ◆ How many people have been served by this program/service?
- ◆ How well were they served?
- ◆ Is anyone better off because of the service received?

AOA will develop a comprehensive evaluation framework to determine whether language access programs at AOA have successfully ensured meaningful access to AOA's programs and services for people who speak or sign languages other than English. Each department or office within AOA will report on the data required to evaluate the RBA metrics. Example RBA metrics for language access may include:

- ◆ How many people requested language access services through the department or office?
- ◆ When language assistance services were provided, was the department or office employee able to accomplish the goals of meeting with the person with language assistance needs?
- ◆ What was the average time between the request for language assistance and the employee being able to provide language assistance services?

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ADDITIONAL CONSIDERATIONS: COUNTER SERVICE/“I SPEAK” CARDS

Some State Agencies, such as the Department of Motor Vehicles, have office locations where they provide services to members of the public. The following additional elements are recommended to be added to language access plans for State agencies that have direct client-facing office locations or programs. “[State Agency]” indicates the location where one can substitute the name of one’s own agency, department, office, or division when modeling language assistance plans using this sample plan.

[Optional Addition] 4. Language Assistance Services (Counter Service/“I Speak” Cards)

[State Agency] employees will use “I Speak” cards to interact with people who speak or sign languages other than English when they request counter service at a [State Agency] office in-person or via phone. An electronic device such as a tablet or laptop computer with a video version of the “I Speak” card in ASL will also be made available in case a person who signs ASL requests counter services.

[Optional Addition] 5. Training on Language Access Plans (Counter Service/“I Speak” Cards)

[State Agency] will train employees who work in public-facing positions where they need to provide counter service to use “I Speak” cards when they begin their position at [State Agency] and yearly thereafter.

Additionally, [State Agency] will employ multilingual people to test its employees on their skill in providing language assistance services at least once per quarter per office. The multilingual person will be paid to call or walk in to a/an [State Agency] office to ask for counter service on a regularly requested topic for the [State Agency] in a language other than English. After the encounter, the multilingual person will submit an evaluation of the service they received at the office location and submit it anonymously to the supervisory employees of the [State Agency] office location to assist with improving language assistance services. If a/an [State Agency] employee who is

providing counter service receives an unsatisfactory evaluation of their language assistance skills, they will receive additional coaching and training on language access procedures.

[Optional Addition] 6. Language Access Program Evaluation (Counter Service/“I Speak” Cards)

[State Agency] will include RBA metrics for evaluating the success of its language access program, including metrics for evaluating counter services and the use of “I Speak” cards. The RBA metrics for evaluating the success of counter service and “I Speak” cards include:

[list of RBA metrics for how much language access service is being provided, how well language access services are being provided, and whether people who speak or sign languages other than English are better off because of the language access services that are being provided by the State agency. The Chief Performance Office can assist with developing RBA metrics.]

ADDITIONAL CONSIDERATIONS: EMERGENCY COMMUNICATIONS

Some State entities such as the Department of Public Safety and the Department of Health communicate with members of the public on topics related to public safety, health, or emergency management. Such entities should refer to findings and recommendations 4.E, 6.D, and 6.E in the 2023 ORE Language Access Report to develop communications plans that consider the needs of people who speak or sign languages other than English when developing public health, safety, or emergency communications messaging.

Example language appears below for State entities that create public service announcements, emergency communications, or emergency management:

[Optional Addition] 3. Notification of Language Assistance Services (Emergency Communications)

When posting written content to a/an [State Agency] website or creating press releases related to emergency communications, [State Agency] will include notices of language services available at no cost to the recipient within all emergency communications. At a minimum, the notices language services availability will be written in the 14 languages recommended by the 2023 ORE Language Access Report, plus a video version in ASL.

[Optional Addition] 4. Language Assistance Services (Emergency Communications)

[State Agency] commits to translating the written copies of emergency notices into the 14 languages recommended by the 2023 ORE Language Access Report and producing a video version in ASL. [State Agency] commits to providing language

assistance services as requested to make sure that all people in Vermont can receive and understand important information related to protecting their health or safety.

[State Agency] recognizes that video versions of emergency communications are far more accessible to people who have difficulty reading in their primary language and people with low vision than written announcements of emergency communications alone. Therefore, [State Agency] will prioritize producing video versions of emergency communications. In cases where emergency communications are time-sensitive, [State Agency] will release written transcripts of the emergency communications in addition to the video if adding closed captions to the emergency communications would slow down the video production process past the timeframe during which the emergency communications are needed.

ADDITIONAL CONSIDERATIONS: JOB EDUCATION AND TRAINING MATERIALS

Some State entities are responsible for administering certification or licensure tests for jobs that do not require English language proficiency. The educational materials and exams for these jobs should be translated into languages other than English to remain in compliance with federal regulations on language access. More importantly, doing so will provide job opportunities for people who speak or sign languages other than English in Vermont.

[Optional Addition] 4. Language Assistance Services (Educational Materials and Exams for Jobs that Do Not Require English Proficiency)

[State Agency] commits to translating the educational materials and exams related to jobs that do not require English language proficiency into the languages identified as commonly spoken by the populations who interact with [State Agency]'s programs and services during the evaluation process.

[State Agency] will by default translate educational materials and exams into languages spoken or signed by at least one thousand (1,000) people or five percent (5%) of Vermont's population, whichever is fewer, in accordance with federal safe harbor provisions (U.S. Department of Health and Human Services, 2003). [State Agency] will also examine which other languages should be prioritized for the translation of educational materials and exams even if the number of speakers or signers of that language is less than one thousand (1,000) people based on the community outreach conducted by [State Agency] during the language access planning process.

Appendix E: Department of Labor SharePoint Language Access Operations Manual

The screen captures below appear courtesy of the Vermont Department of Labor (VDOL), and show VDOL's SharePoint website containing language access operations protocols and informational resources.

The screenshot shows a SharePoint page with a search bar at the top and navigation tabs for 'OL Resources' and 'SOV & Other Resources'. The main heading is 'Working with Interpreters & Translators'. Below this, there is a quote: "An interpreter is a person specially trained to convert oral messages from one language to another. A translator is a person specially designed to convert written text from one language to another." attributed to 'USCRI - VT, Frequently Asked Questions'. To the right is a colorful, abstract image. Below the quote is a call to action: 'Let us know about your experience. Interpreter Feedback Form'. Further down, text states: 'The State of Vermont has statewide contracts with the vendors listed below for translation and interpretation services. Please contact them directly and use the contract number in your correspondence.' The page is divided into sections: 'Interpreter Services (for meetings planned in advance)' and 'Interpreter Services (for immediate support) & Translation Services'. The first section lists three vendors: AALV Language Services, U.S. Committee for Refugees and Immigrants (USCRI), and Vancro Integrated Interpreting Services, each with a brief description and links to 'How to Use' guides and request portals. The second section lists 'Telelanguage (most commonly used by VDOL programs)'.

[How to Use Vancro Integrated Interpreting Services](#)

Interpreter Services (for immediate support) & Translation Services

[Telelanguage](#) (most commonly used by VDOL programs)

Best for: Interpreter services for phone meetings that are short and in-person meetings (interpreter on the phone), Translation

[How to Use Telelanguage Interpreter Services](#)

For Translation services, email document to translations@telelanguage.com

[Corporate Translation Services Inc. \(DBA Language Link\)](#)

Best for: Interpreter services over the phone and video meetings

[How to Access Language Link Interpreter Services](#)

[Poster - Point to Your Language](#)

Interested in working with Language Link? Contact [Beth Meyer-Ehrlich](#) in the Business Office for account set-up.

[Worldwide Interpreters, Inc.](#)

Best for: Interpreter services over the phone, Translation

[How to Use Worldwide Interpreters, Inc. Services](#)

Resources

Working with deaf, hard-of-hearing, DeafBlind and DeafPlus people. Read the Slides below or watch the training on SOV LINC.

Slides

Best Practices for Working with an Interpreter

Slides

Interested in learning more about different refugees populations? Click on the button below to be redirected to the Cultural Orientation Resource Center.

Learn More

Telecommunications Relay Services in Vermont

Learn More

Who are the Afghan Newcomers?

Video

Refugees and Asylees Have the Right to Work

Video

[Like](#) [148 Views](#) [Save for later](#)

The following guidelines for working with interpreters were developed by the VDOL Workforce Development Division State Monitor Advocate & Foreign Labor Certification Program Administrator and shared in an August 26, 2022 presentation. They are reproduced here with permission from the author.

Figure 4. Evolving Practices for Working with Interpreters

BEST EVOLVING PRACTICES	
DO	DON'T
Hire a PRO!	Use a family, child, or volunteer interpreter
Schedule enough time (1.5-2x)	Side conversations (everything will be interpreted)
Pre- and Post- Session	Jargon, acronyms, slang, idioms
PAUSE. Be Ready for clarifications	Chain questions together
First Person. "What is your phone number?"	Third Person. "Ask her what her phone number is."
Learn greetings and name pronunciations	Give an Americanized nickname
Check in: speed, volume, clarity	Mumble or rush.
Provide feedback (form on SharePoint)	"Explain this"
Reach out for help!	Worry or feel alone!

Figure 4 shows the evolving recommended practices for working with interpreters.

Figure 5. "Script for Breaking Old Habits" when Working with People Who Speak or Sign Languages Other than English

SCRIPT FOR BREAKING OLD HABITS...

Example: Using family or community member as interpreter

- Validate concerns: I know you're comfortable with X as interpreter...
- Civil Rights Act / Title 6: Ensure equal access
 - Provide linguistically-appropriate services
 - Government funding (i.e. WIOA)
- Our office will provide a professional interpreter, who will:
 - maintain confidentiality, and
 - be accurate and impartial
 - No cost to participant
- We'll try our best to find an in-person or remote interpreter
- You can let me know any feedback about interpreters
- X can still come to meetings to support you

Figure 5 emphasizes the importance of relying on qualified interpreters who will maintain communicative autonomy for all participants, no matter what topic is being discussed (as opposed to friends or family, who may have conflicts of interest or feel embarrassed to talk about some subjects.)

Appendix F: April 2022 Language Access Brainstorm Session Summary Document

LANGUAGE ACCESS BRAINSTORM SESSION

WEDNESDAY APRIL 13, 2022

SUMMARY NOTES

PREPARED BY XUSANA R. DAVIS



INTRODUCTION

CONVENING DETAILS

Title: Language Access Brainstorm Session.

Date & Time: Wednesday April 13, 2022 at 9:00-11:30 a.m.

Locations: In-person at Waterbury State Office Complex and Virtual via Zoom.

Host: Office of Racial Equity, Agency of Administration, State of Vermont.

Invitees: Representatives from State agencies, community organizations, universities, and coalitions.



See Appendix A for the full list of invitee organizations.

PURPOSE OF CONVENING

To join a wide set of stakeholders in discussion of how to create a strong statewide language access plan. The plan will be developed in summer 2022 and formally proposed in autumn 2022 by the Office of Racial Equity to the state's Executive, Legislative, and Judiciary branches.

INTENDED OUTCOMES

Outcome 1: The VT Office of Racial Equity receives valuable feedback and suggestions on what to include/omit/consider in the development of a statewide language access plan.

Outcome 2: Stakeholders meet one another and learn what work is being done on language justice and by whom.

Outcome 3: Attendees receive a summary document that recaps the discussion and lists resources that arose in the conversation.

PROCESS

A combination of large-group discussion, idea-generating breakout spaces, and multivoting.¹

SUMMARIZED FINDINGS

The discussions among participants were rich and winding. Several themes were raised in all 6 breakout groups, including

¹ Multivoting is a group voting technique through which members of a group cast multiple votes for items chosen from a list of options.

- Funding for technology and staff.
- Need for more awareness of the issues and resources.
- Desire for centralized repository or office to coordinate language access work.
- Importance of building trust with communities and building capacity for organizations.

In particular, the logistical setup of the session highlighted the very challenges the group was there to discuss, including the audio/visual hiccups that can arise with hybrid meetings and the importance of pairing interpreters with those who are utilizing their services in ways that are seamless and efficient.

DISCUSSION

PARTICIPANTS

The participants represented a wide variety of lived and professional experiences. Of the roughly 48 participants who attended the session, there were

- members of at least three generational cohorts;
- members of the Black, Latin@, Asian, and Indigenous communities, as well as members of several additional ethnic groups;
- people who identify as deaf, Deaf, and hearing;
- people who speak multiple languages, including those whose primary language is not English;
- people who immigrated to the U.S., including those who arrived with refugee status;
- people who identify as or serve members of the neurodivergent community;
- people who identify as or serve members of the LGBTQIA+ community.

DISCUSSION QUESTIONS

The group was divided into 6 breakout groups and presented with a set of 5 questions. The questions were designed to identify who needed to be engaged in this process, positive and negative experiences, needs, assets, and vision for success. Below is a summary of the responses shared by the attendees.

QUESTION 1: WHAT IS THE VISION?

Description

This question asks what Vermont would be like if there were language access statewide. Participants shared their vision for a linguistically accessible Vermont.

Selected excerpts

- Concept, Values, and Framework.
 - We aim for the “Better Way,” not just the “Getting By” Level: “Getting by” level is having essential access for public safety needs (example: water main break causes unsafe drinking water, and the government needs to inform people of a Boil Water Advisory), or voting rights access. The better way is having equality of living for all, where information is shared freely with everyone (example: educational info about nature for signs/placards at parks).
 - Access is as seamless for people as it would be if they spoke English.
 - We don’t have to justify why languages other than English are being spoken or resources are being provided.
 - We don’t make assumptions about what people know or what systems they have grown up in (example: some people have never had health insurance or tax withholding requirements).
 - No one would feel isolated due to language.
 - Every Vermonter can participate in, learn about, and be active in government regardless of what language they speak.
 - Not only can we understand and be understood, but we also feel welcome and like we belong in every situation.
 - The availability of and access to interpreters is just a given.
 - There are pathways to learning different languages because we establish a culture that values understanding other languages.
 - Families get to experience the world in the language of their heart.
 - We aim to provide language access across 6 dimensions: Awareness, Accommodation, Availability, Accessibility, Affordability, and Acceptability (quality).

- Logistics, Operations, and Program Design.
 - State agencies can prioritize essential services because they have limited resources and time.
 - We build language access into the core principles of any new projects or new materials.
 - We ensure there is adequate funding for language access so that funding is not a barrier. This includes insurance reimbursement.
 - Translation is available to anyone at any time. We can click a button and be able to access a language at any time, anywhere. There is a person available at any time. You don't have to make a request; it just appears.

- The State recognizes basic minimum standards for linguistically accessible service, and it is written down in a Plan.
- We have a central contact for language access initiatives, such as the Office of Racial Equity, where people can be referred with their challenges or questions or needs for translation and interpretation.
- We have a registry of translators and interpreters.
- We have a certain standard for technology.
- We have backup options if preferred options for translation and interpretation are unavailable.
- We do not rely on Google Translate.
- When we design our systems, we put the burden of language access on the organization, not on the individual.
- People who need language access services have options for what kind of language access services they want.
- We regularly test our language access services, even if we use them infrequently, the same way we regularly test and inspect heavy machinery.

QUESTION 2: WHO ARE THE PLAYERS?

Description

This question asks participants to identify the people, organizations, and agencies that are relevant to the creation or implementation of language access policies in Vermont.

Selected excerpts

- Government at All Levels.
 - Information technology professionals.
 - People who have access to the funding.
 - Each individual State agency, because State government is siloed.
 - Department of Buildings & General Services (BGS); architects; and others who design, update, or maintain buildings.
 - Subject matter experts who can revise translated technical documents for accuracy.
 - Agency of Natural Resources, which is currently finalizing an agency-level language access plan.
 - Legislators.
 - Leaders of divisions/agencies.
 - Lawyers who assist divisions.

- U.S. Committee for Refugees and Immigrants (USCRI).
 - Office of Professional Regulation, Secretary of State's Office (SOS-OPR).
 - Vermont Human Rights Commission (HRC).
 - Schools.
 - Multi-lingual liaisons in schools.
- Community Organizations and Coalitions.
 - Information technology professionals.
 - People who have access to the funding.
 - Association of Africans Living in Vermont (AALV).
- Individuals and the General Public.
 - Communities that are requesting interpretive services.
 - Members of linguistically isolated community.
 - Multi-lingual people.
 - Community Outreach & Resource Advocacy (CORA).
 - National Association of Social Workers (NASW).
 - People who train interpreters.
 - People who have arrived to the U.S. within the last 5 years.
 - Children of immigrants.

QUESTION 3: WHAT ARE THE ASSETS?

Description

This question asks participants to identify the positive or helpful factors impacting linguistic accessibility in Vermont.

Selected excerpts

- Agencies and Organizations.
 - Department of Disabilities, Aging, and Independent Living (DAIL).
 - Association of Africans Living in Vermont (AALV).
 - U.S. Committee for Refugees and Immigrants (USCRI).
 - Vermont Language Justice Project.
 - Vermont Department of Health (VDH).
 - Burlington school district.
 - Winooski school district.
 - Office of Professional Regulation, Secretary of State's Office (SOS-OPR).

- The Executive Director of Racial Equity and the Office of Racial Equity.
 - Vermont Legal Aid.
 - AgeWell.
 - The federal government, since it sets minimums for meaningful language access through the Civil Rights Act and Presidential Executive Order 13166.
 - Grassroots organizations that "make trouble and push the buttons" on laws.
 - Education Justice Coalition.
 - Vermont Professionals of Color Network.
 - Migrant Justice.
 - Vermont Health Equity Initiative.
- Projects, Initiatives, and Resources.
 - Vermont Language Justice Project and United Way are working on a grant together through the Department of Vermont Health Access (DVHA) that brings government and other partners together to build capacity of partners to do the work.
 - Deaf Vermonters Advocacy Services conducts regular, continuous training to the police department every 6 months.
 - The Legislature has added Google Translate on its webpage, and a place to request services.
 - Interpreters.
 - The State uses the Microsoft suite, which lets you translate Forms and provide captioning in virtual meetings.
 - English Language Learner (ELL) classes: Some state-funded groups provide in-house teaching (example: Vermont Adult Learning partners with workplaces to have a teacher teach staff business English or English relevant to their work).
- Cohesion.
 - The general willingness of people to address language access concerns.
 - The commitment and willingness to learn.
 - The recognition that we are not doing enough and we should do more to provide language access.
 - The opportunities to learn from others, including those out of state.
 - The growing conversations over the past few years around race have opened some people up to self-reflection and critical thinking about these issues.
 - Our strong communities. "Vermonters love to fix things."

- The willingness of people who may be linguistically isolated to help with the process of achieving language access.
- Community leaders are generous w/ their time and resources.
- Religious organizations and the faith community.

QUESTION 4: WHAT ARE THE ROADBLOCKS?

Description

This question asks participants to identify the negative or challenging factors impacting linguistic accessibility in Vermont.

Selected excerpts

- Technology and Logistics.
 - Web accessibility needs to be improved (example: picking a language in scroll-down menus is not accessible if you don't speak English to read the "pick a language" phrase).
 - There are too few interpreters serving Vermont, and we have a limited number of people who have the bilingual skills for interpretation.
 - It is difficult to know what resources exist because it seems like people are constantly reinventing the wheel.
 - Funding.
 - Workload for people who translate or interpret in addition to their regular jobs.
 - Very skilled interpreters have seen less need and/or decreased profitability for less-requested languages.
 - It is a challenge to help people be able to make a living in interpretation.
 - Every state agency needs a budget line item for language access.
 - Lately there have been many funding opportunities and desire to do equity work, but resources are required to build these partnerships and trust.
 - Lack of reliable or complete data. Our decisions will only be as good as our information.
 - Agencies working in silos, duplicating resources, and making plans that don't align across state government.
 - Onboarding for workplaces can be challenging because some employers have more intensive orientation processes.
 - In healthcare, patients can experience huge insurance/billing problems if the process is not linguistically accessible throughout their journey.

- For the language access services we do have in Vermont, it's not easy to find out how to access it, who does interpretation, who arranges it, etc.
 - Quality control of translated documents is critical, especially for services like legal, health, police, etc. "It is a craft to be able to do interpretation and translation."
 - The federal government can be a roadblock because its laws require language access based on minimum population size, but places like Vermont don't meet those population minimums.
 - Even without language barriers, it's hard to navigate life at all, much less with a language barrier. Often, essential basic needs are not accessible even to English speakers.
- The Art of Translating and Interpreting.
 - English idioms or untranslatable phrases/concepts can be barriers to translation.
 - Direct word-for-word translation is not always helpful.
 - Interpreters don't always recognize dialect signs, nuance, body language, or facial expression.
- Culture.
 - language access often has to be justified, explained, or fought for.
 - People often seek the quickest or cheapest solutions, like Google Translate, which is often worse than having no translation at all.
 - Terms like "Limited English proficient" frame the issue as if people who don't speak English are somehow deficient or hierarchically inferior.
 - Hardheaded people who assume or make decisions for others instead of being flexible and asking what the needs are.
 - Lack of awareness and lack of empathy. language access is not an everyday concern for most people.
 - Increasing fatigue. "People want to do the right thing but may be starting to feel exhausted by all of the considerations and can become less sensitive over time."
 - We need to make families feel welcome. Some new immigrants feel shame because they don't want to bother anyone to ask for support, even if it's a legal right to have language access. They become translators for their parents and find workarounds. "They need to know they're not asking for a favor; they're asking for their rights."

QUESTION 5: WHAT IS NEEDED FROM WHOM?

Description

This question asks participants to describe what support would be helpful going forward, and which entities should be the ones to provide it.

Selected excerpts

- We need buy-in from those in power.
- We need to change the baseline for what people consider “appropriate” language accessibility.
- We need reliable data sources and planning around data, perhaps from a coalition. This may include a data dashboard.
- Department of Human Resources should set a clear pathway for a State employee to request services (example: the National Life Building provides a phone number for interpretation services on a sign near the elevator. This is unlikely to be effective if you are calling right before a meeting).
- Department of Human Resource should include information about the State’s translation and interpretation contracts as part of onboarding and training.


HIGHLIGHTS: WHAT PART OF TODAY’S DISCUSSION RESONATED MOST WITH YOU?

Participants were asked to reflect on their breakout group discussions and identify the most important, salient, or illuminating point they heard in the discussion. These responses were compiled into a list of 12 items, and participants were invited to vote on the ones they thought were most important. Attendees were given four “hearts,” to distribute among as many or as few items as they desired.

Of the 12 listed items, the three with the highest number of votes were

- Have a central office: One voice across the state needs to be able to provide effective and timely Language Access. Contains adequate insurance, funding, and training. Create a one-stop-shop approach.
- Clear, broad laws informed by stakeholder input that have strong enforcement mechanisms.
- More state funding to train and educate people on best practices in using interpreters and training and certification processes.

- Provide data pertaining to language access and de-siloing data. Gathering accurate data and making it publicly available.

 **See Appendix B for the full voting results.**

CONCLUSION

Overall, the session was well-attended and well-received. Its success is directly attributable to the expertise and passion of the attendees, and the Office of Racial Equity expresses its deep gratitude to each attendee, facilitator, notetaker, interpreter, presenter, and organizer who contributed to the event.

The Office will utilize the valuable feedback from this session and continue to work with State partners to draft a proposed Language Access Plan that is inclusive of the communities described above, and that can be implemented in all three branches of State government.

APPENDIX A: LIST OF INVITEE ORGANIZATIONS

The list below represents organizations who were invited to the session, but is not an exhaustive list of those whose input will inform a statewide plan.

Association of Africans Living in Vermont
Association of Sign Language Vermonters, Inc
Deaf Vermonters Advocacy Services
Disability Rights Vermont
Migrant Justice
National Association of Social Workers (NASW)
National Association of Social Workers
State of Vermont - Agency of Human Services
State of Vermont - Agriculture, Farms, and Markets
State of Vermont - Buildings and General Services
State of Vermont - Corrections
State of Vermont - Defender General
State of Vermont - Developmental Disabilities Council
State of Vermont - Disability, Aging, Independent Living
State of Vermont - Health
State of Vermont - Health Care Advocate
State of Vermont - Human Rights Commission
State of Vermont - Judiciary
State of Vermont - Legislature
State of Vermont - Libraries
State of Vermont - Natural Resources
State of Vermont - Public Safety
State of Vermont - Racial Equity
State of Vermont - Secretary of State
State of Vermont - State Refugee Office
State of Vermont - Tax
State of Vermont - Transportation
Sudanese Foundation of Vermont
U.S. Committee for Refugees and Immigrants
United Way
University of Vermont Extension - Bridges to Health
University of Vermont Extension - EXCITE
University of Vermont Medical Center
Vancro Integrated Interpreting Services
Vermont Language Justice Project
Vermont Registry of Interpreters of the Deaf
Vermont Professionals of Color Network

APPENDIX B: MULTIVOTING RESULTS

The list below represents the points raised in the session that attendees found to be most important, salient, or illuminating. While the list is sorted by the number of votes received, all items below will be considered high-importance.

Have a central office: One voice across the state needs to be able to provide effective and timely Language Access. Contains adequate insurance, funding, and training. Create a one-stop-shop approach

♥ 28

Clear, broad laws informed by stakeholder input that have strong enforcement mechanisms.

♥ 18

More state funding to train and educate people on best practices in using interpreters and training and certification processes.

♥ 16

Provide data pertaining to Language Access and de-siloing data. Gathering accurate data and making it publicly available.

♥ 15

Language Access needs to go hand-in-hand with plain language.

♥ 9

Change attitudes away from "fear of failure" and towards "curiosity and learning from mistakes"

♥ 8

Changing the baseline about what the costs are and what is an "acceptable" cost.

♥ 5

All the solutions don't rest with the State, but this work needs a home that is more than just a volunteer committee.

♥ 5

People in power being and remaining at the table to provide buy-in.

♥ 4

Understand populations without assuming. Acknowledge the past in order to move forward.

♥ 2

Info about what needs to be done should be as clear as ADA guidance.

♥ 2

All State agencies must demonstrate they are open to inclusion.

♥ 1

Appendix G: Summary of Executive Branch Agencies' Vital Document Translation Cost Estimate

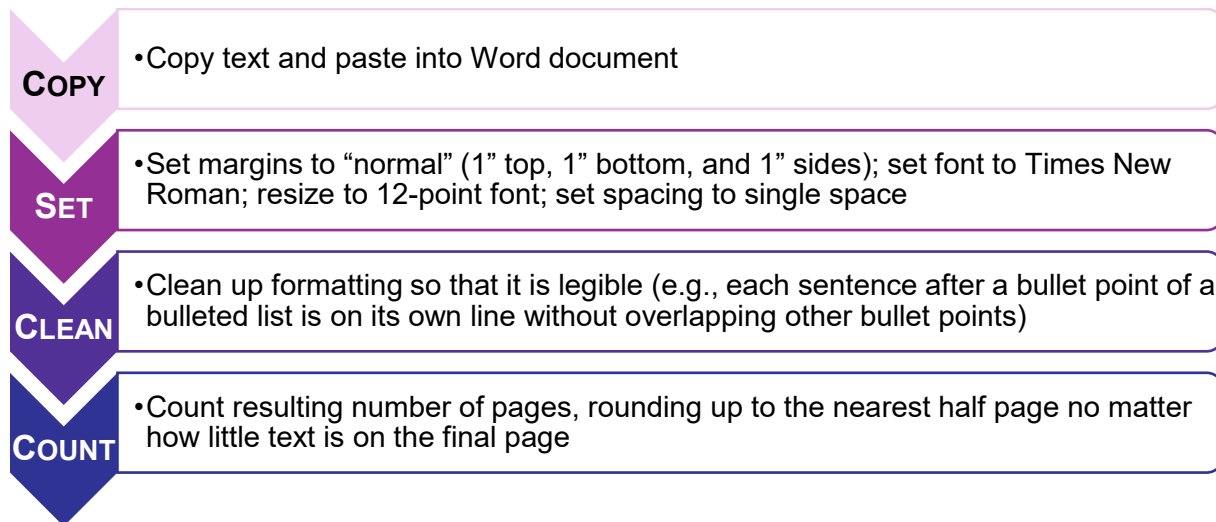
RESEARCH PROCESS

In 2022 the Office of Racial Equity developed a cost estimate for translating the vital documents from all Vermont Executive Branch government bodies. The research team, led by the Racial Equity Policy & Research Analyst, began by developing a web survey, hereafter referred to as the “vital documents survey,” to collect a list of potential vital documents from as many Executive branch agencies/departments/divisions as possible. The Office provided guidance and meetings as needed to assist statewide staff with identifying which documents constituted vital documents.

Simultaneously, the research team interviewed staff from State-contracted language access services providers to determine how to calculate the cost of translating documents. By cross-checking calculations with historical invoices from previous agency translation projects, the research team developed the following method for estimating the cost of translating a single document.

DOCUMENT STANDARDIZATION AND TRANSLATION COST ESTIMATION PROCESS

1. Standardize the document according to the following procedure:²⁶



2. Determine if the original document is sufficiently complex in its formatting to require additional “desktop publishing” time, or additional translator time to re-format after translation is complete. Complex formatting includes the addition of elements such as pictures, columns, bulleted lists, and different text colors. An example of a document that would require additional desktop publishing time after translation is the Buildings and General Services (BGS) Building Communities Grants Program flyer:

²⁶ Some documents are sufficiently close to the standardized format that they did not require additional standardization before estimating their translation cost. For example, see <https://bgs.vermont.gov/sites/bgs/files/files/property-management/BGS-Facilities-StateHouse-Lawn-Rules.pdf>.

Figure 6. BGS Building Communities Grants Program flyer



Figure 6 shows the Buildings and General Services Building Communities Grants Program flyer before standardization.

Figure 7. Buildings and General Services Building Communities Grants Program flyer after standardization using the research team’s method

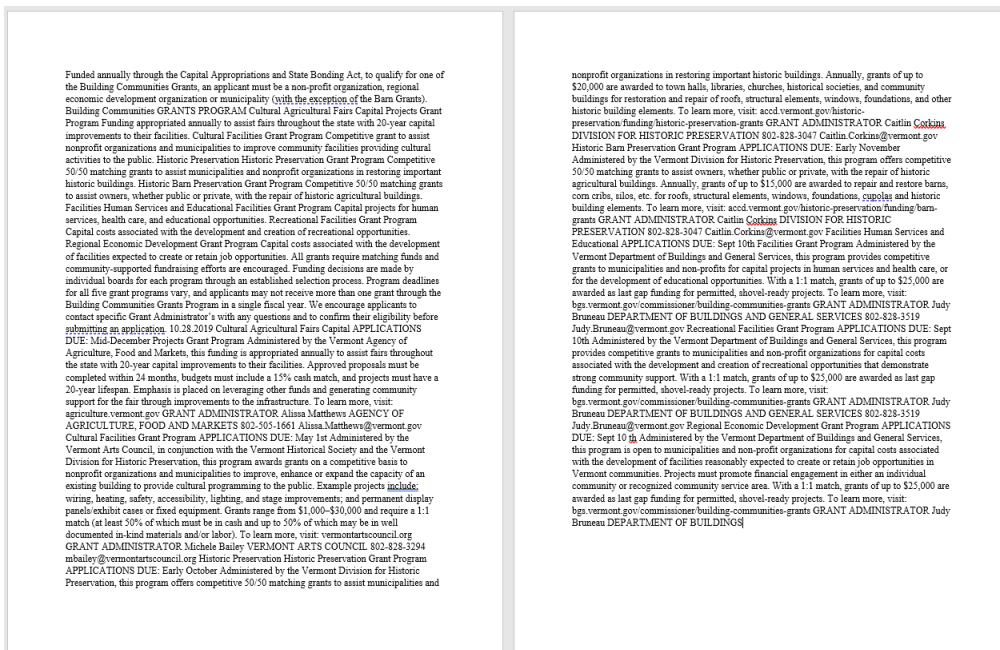


Figure 7 shows the Building Communities Grant Program flyer after standardization. The Building Communities Grants Program flyer comprises 2 standardized pages.

3. Community language service providers confirmed that each page of standardized text takes approximately one hour for a translator to translate from one written language to another. The State-contracted rate for translators employed by community language service providers is \$55 per hour of work. Therefore, one standardized page is calculated to cost \$55 to translate into one other written language.²⁷

SPECIAL CASE: FILLABLE FORMS

Figure 8. VL-017 Application for Non-Driver ID, Pages 1-2

Figure 8 shows the first two pages of the Vermont Department of Motor Vehicles VL-017 Application for Non-Driver ID.

During the standardization process, the copy-and-paste method described above will not yield the correct results due to incompatibility in the formatting between fillable PDF documents and MS Word documents. Instead, a more successful approach is to count the number of pages of the fillable form. This method accounts for the time needed to reformat the document without requiring conversion to a standardized format. Figure 9 below shows the third page of the Vermont Department of Motor Vehicles VL-017 Application for Non-Driver ID before and after standardization. A document like VL-017 Application for Non-Driver ID which contains both fillable forms and complex

²⁷ This translation cost estimate method cannot be applied to calculating ASL translation, which requires producing a video of a signer.

formatting as shown in Figure 9 will then be multiplied by a special formatting modifier of 2 to find the total number of standardized pages for the purposes of cost estimation.

VL-017 Application for Non-Driver ID: (2 pages fillable forms + 2.5 standardized pages) x 2 special formatting modifier = 9 total page-hours of work for cost estimation purposes

Figure 9. VL-017 Application for Non-Driver ID, Page 3, Pre- and Post-Standardization

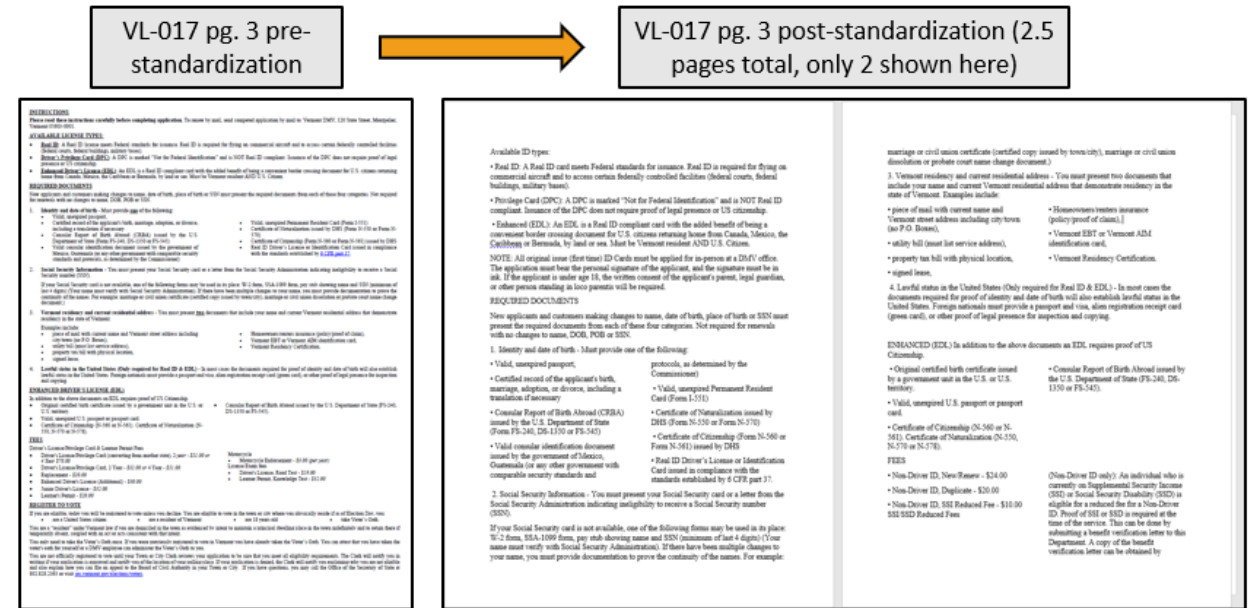


Figure 9. The third page of VL-017 comprises 2.5 standardized pages total.

4. If the document is sufficiently complex to require additional publishing time, multiply the number of standardized pages by a special formatting modifier of 2. For example, the page count for the Building Communities Grants Program would be:

*2 standardized pages x 2 special formatting modifier
= 4 total page-hours for cost estimation purposes.*

5. Multiply the number of page-hours by \$55 to return the cost of translating the document into one other language.

*Building Communities Grants Program flyer:
4 page-hours x \$55 per hour per page = \$220*

6. Multiply the cost for translating the document into one language by the number of languages into which the document needs to be translated. For the example above, assume using the AHS LEP Committee’s list of nine “Tier 1” languages and three “Tier 2” languages plus Simplified Chinese for a total of four “Tier 2” languages to create a final Tier 1 and Tier 2 estimate. Then combine the Tier 1 and Tier 2 estimates for a total cost estimate.

$\$220 \times 9$ total languages in Tier 1 list = \$1,980
 $\$220 \times 4$ total languages in Tier 2 = \$880
 $\$1,980 + \$880 = \$2,860$
Total for translating the Buildings and General Services Building Communities Grants Program flyer from English into 13 other languages = \$2,860

Using the methods described, the total cost to translate the BGS Building Communities Grant Program flyer into 13 written languages is approximately \$2,860. This method does not account for the costs of producing an ASL translation of an English written document, which requires video of the signer.

FINAL EXECUTIVE BRANCH VITAL DOCUMENT TRANSLATION COST ESTIMATE

Table 3. Total Estimated Vital Document Translation Costs, Department of Buildings and General Services (BGS)

Notes	Document web link	Standardized pages	No. of languages other than English currently available	Tier 1 estimate (based on AHS LEP work group required languages: Spanish, Pashto, Dari)	Tier 2 estimate (depending on demand, optional additional languages: Bosnian, Swahili, Vietnamese, Mandarin [AALV recommended secondary language])
	https://bgs.vermont.gov/facilities/forms/rules	4	0	1980	880
simple word doc	https://bgs.vermont.gov/gbs/rust/shlawn	1	0	495	220
website	https://bgs.vermont.gov/content/request-use-state-facilities	4	0	1980	880
Special formatting modifier=2	https://bgs.vermont.gov/sites/bgs/files/2021%20Building%20Communities%20Grants%20Programs%20One%20Pager-FINAL.pdf	4	0	1980	880
	Recreational Grant Application Instructions September 2021.pdf (vermont.gov)	5	0	2475	1100
	Regional Economic Development Grant Instructions September 2021.pdf (vermont.gov)	5	0	2475	1100
	Human Services and Educational Grant Instructions September 2021.pdf (vermont.gov)	5	0	2475	1100
	Human Services and Educational Facilities Grant Application September 2021.pdf (vermont.gov)	4	0	1980	880
Special formatting modifier=2	Regional Economic Development Grant Application September 2021.pdf (vermont.gov)	4	0	1980	880
Special formatting modifier=2	Recreational Facilities Grant Application September 2021.pdf (vermont.gov)	4	0	1980	880
Special formatting modifier=2	Recreational Facilities Grant Application September 2021.pdf (vermont.gov)	4	0	1980	880
total translation cost for BGS				19800	8800
grand total				28600	

Table 3 shows the total vital document costs estimated for BGS.

The total for the 10 documents identified as potential vital documents for BGS alone was \$28,600. A table similar to Table 3 was created for each response to the vital document survey. The cost estimates for respondents were used to extrapolate cost estimates for non-respondents. The Office notes that despite the statutory provisions in 3 V.S.A. §5003 and 3 V.S.A. § 2102 granting the Director access to information and cross-departmental cooperation to carry out the Director’s mandate, the refusal of some departments to respond to the vital documents survey made the research team’s work slower, more difficult, and potentially less accurate than it could have been. At least one of the replies the Office received from non-respondents was akin to “sorry, but our General Counsel said we shouldn’t answer these questions.” Making best efforts to estimate the costs for the missing departments, the research team developed the following table reflecting estimated costs for each Executive branch agency.

Table 4. State Executive Branch Vital Document Translation Cost Estimate

Agency/Department/Division	Tier 1 estimate: top 9 languages (Arabic, Burmese, French, Kirundi, Nepali, Somali, Spanish, Pashto, Dari according to AHS LEP committee)	Tier 2 estimate: 4 other languages (Bosnian, Swahili, Vietnamese, Mandarin [AALV recommended secondary language])	Total for Tier 1 and 2
Administration, Agency of (AOA)*	\$0.00	\$0.00	\$0.00
Agriculture, Food & Markets, Agency of (AAFM)	\$214,830.00	\$95,480.00	\$310,310.00
Attorney General, Office of the	\$35,887.50	\$15,950.00	\$51,837.50
<i>Auditor's Office</i>	\$0.00	\$0.00	\$0.00
<i>Buildings and General Services, Dept. of (BGS)</i>	\$20,295.00	\$9,020.00	\$29,315.00
<i>Children and Families, Dept. for (DCF)(AHS)</i>	\$111,375.00	\$49,280.00	\$160,655.00
Commerce & Community Development, Agency of (CCD)	\$214,830.00	\$95,480.00	\$310,310.00
<i>Corrections, Department of (DOC) (AHS)</i>	\$269,280.00	\$119,680.00	\$388,960.00
Crime Victim Services, Center for	\$35,887.50	\$15,950.00	\$51,837.50
Defender General, Office of the	\$35,887.50	\$15,950.00	\$51,837.50
<i>Disabilities, Aging and Independent Living, Dept. of (DAIL)</i>	\$59,400.00	\$26,400.00	\$85,800.00
Education, Agency of (AOE)	\$214,830.00	\$95,480.00	\$310,310.00
<i>Finance and Management, Dept. of (AOA)</i>	\$495.00	\$220.00	\$715.00
Financial Regulation, Dept. of (DFR)	\$0.00	\$0.00	\$0.00
<i>Health Access, Dept. of Vermont (DVHA) (AHS)</i>	\$0.00	\$0.00	\$0.00
<i>Health, Dept. of (VDH) (AHS)</i>	\$74,690.00	\$36,190.00	\$110,880.00
<i>Human Resources, Dept. of (DHR) (AOA)</i>	\$225,720.00	\$100,320.00	\$326,040.00
Judiciary, Vermont State^	\$5,445.00	\$2,420.00	\$7,865.00
Labor, Dept. of (VDOL)	\$60,665.00	\$27,005.00	\$87,670.00
<i>Libraries, Dept. of (AOA)</i>	\$0.00	\$0.00	\$0.00
Liquor and Lottery, Dept. of (DLL)	\$14,355.00	\$6,380.00	\$20,735.00
<i>Mental Health, Dept. of (DMH)(AHS)</i>	\$27,225.00	\$12,100.00	\$39,325.00
Natural Resources Board (estimate = PUC)	\$27,225.00	\$12,100.00	\$39,325.00
Natural Resources, Agency of (ANR)	\$214,830.00	\$95,480.00	\$310,310.00
Public Safety, Dept. of (DPS)	\$214,830.00	\$95,480.00	\$310,310.00
Public Service, Dept. of (PSD)	\$3,960.00	\$1,760.00	\$5,720.00
Public Utility Commission (PUC)	\$27,225.00	\$12,100.00	\$39,325.00
Secretary of State (SOS)-OPR, VSARA, etc.	\$35,887.50	\$15,950.00	\$51,837.50
State's Sheriff's and Attorneys, Department of (SSA)	\$35,887.50	\$15,950.00	\$51,837.50
<i>Taxes, Dept. of (TAX)(AOA)</i>	\$44,550.00	\$19,800.00	\$64,350.00
Transportation, Agency of (AOT)	\$52,965.00	\$24,200.00	\$77,165.00
<i>Treasurer's Office</i>	\$35,887.50	\$15,950.00	\$51,837.50
Estimated totals:	\$2,314,345.00	\$1,032,075.00	\$3,346,420
Agency of Human Services alone (DOC, VDH, DCF, DMH, DAIL, DVHA)	\$541,970.00	\$243,650.00	\$785,620.00
document survey responses (gold) (estimate used for late vital document survey respondents highlighted in green)	\$35,887.50	\$15,950.00	\$51,837.50

Key:

grey = ORE staff received no response to vital document survey, so had to extrapolate based on available returned vital document surveys

purple = vital document count conducted by ORE staff

green = waiting on return of vital docs survey by 9/30/22, survey sent out late by ORE staff

lavender = extrapolated data point, no vital docs survey sent out due to lack of point of contact at agency/department etc. Estimate based on best comparison to similar agency/department/division that did respond to vital document survey

gold = estimate based on returned vital document survey

italics=division is part of larger Department or Agency

bold text=department or division is independent of larger Executive Agency structure

[^]=estimate only includes documents that are under control of Vermont Judiciary Branch but were submitted on vital document survey from DAIL

^{*}=all Agency of Administration divisions not otherwise listed (ORE, CPO, CMO etc.)

LIMITATIONS OF VITAL DOCUMENT TRANSLATION COST ESTIMATE PROJECT

Table 4 is only intended to encompass the total cost of the initial translation of the vital documents that were identified at each Executive branch agency/department/division listed in this document and the public-facing boards/commissions that they support, if any. ORE cannot guarantee the accuracy of extrapolated estimates due to non-response to the vital document survey.

These estimates are intended to be used in the aggregate to establish a total budget for the vital document translation process for the entirety of Executive branch entities and the public-facing boards/commissions they support. Costs for community-based nonprofit partners of State agencies are not included. However, any entity that receives federal funding is already individually subject to language access regulations including, but not limited to, Title VI of the Civil Rights Act of 1964 (U.S. Department of Health and Human Services, 2003).

The cost of vital document translation for the Judicial and Legislative branches are not included, except as noted by the ^ symbol. The final cost of vital document translation at each State entity listed will need to be determined in consultation with legal experts and program stewards using the 4-factor test.

Before a final individualized vital document translation budget estimate can be reached, additional information to be determined by each Executive branch entity may include:

- ◆ Which documents are truly vital documents for the purposes of compliance with applicable federal regulations;
- ◆ Whether to translate other documents that may be useful or aid in public transparency efforts, but do not rise to the level of vital document;
- ◆ The cost of translating documents which may need a plain-language summary before translation due to the complex or technical nature of the contents; and
- ◆ Which languages to translate vital documents into based on the languages most frequently spoken by the populations served by each entity.

Other limitations of this estimate include:

- ◆ the estimate does not account for interpretation needs or translation needs related to non-vital documents or individual client-specific documents.
- ◆ the cost of American Sign Language (ASL) translation of vital documents is not included in this budget, as ASL translation requires video production.
- ◆ the cost of implementing website accessibility modifications or website translations is not included in this estimate.
- ◆ the cost of producing video/audio versions of a translator reading the translated documents is not included in this estimate.

The languages chosen for Tier 1 and Tier 2 priority are based on the AHS LEP Committee language list and the feedback from State-contracted language assistance service providers. The language list may not reflect actual needs of people who speak

languages other than English, depending on the specific populations served and the services provided by each program.

Some people who speak languages other than English cannot read in their primary language and may thus require extra language access supports, such as an audio or video recording of a translator reading a document in the individual's primary language. This estimate does not account for the additional language assistance supports that some individuals may need.

VITAL DOCUMENT MAINTENANCE COSTS

The research team did not generate an estimate for the ongoing costs of keeping vital documents up to date. It is not possible to generate one estimate for the cost of vital document translation maintenance that would apply to every State Executive branch entity because there are too many factors to consider that differ from department to department.

Information content

A key consideration is how often each vital document is updated with new information that would require a review of the translation. For example, the Vermont Department of Health (VDH) frequently needed to update emergency health information related to the COVID-19 pandemic as new guidelines were created. VDH would have far higher costs for vital document upkeep compared to the Vermont Department of Motor Vehicles (DMV), which has not updated its Driver's License application form since the form was translated in 2019.

Number of documents

An additional factor to consider is the number of vital documents. VDH will probably have a higher cost of keeping its vital documents up to date than DMV because there are more vital documents at VDH, which is responsible for many public-facing programs related to population health. DMV has fewer public-serving programs, has fewer emergency communications bulletins which would be considered vital documents, and undergoes less change in its programs and regulations year-to-year than VDH.

Factors to consider when estimating the cost of keeping vital documents up to date

- ◆ the number of and length of vital documents;
- ◆ whether the information in the documents is final or whether it is subject to change;
- ◆ the frequency with which changes occur that would require the vital documents to be updated (quarterly, yearly, once a decade, only when rules and regulations change); and
- ◆ the number of languages into which the vital documents are translated, as the more languages a document is translated into, the higher the cost of maintaining all of the translated versions will be.

COSTS ASSOCIATED WITH THE PROVISION OF INTERPRETATION AND TRANSLATION SERVICES

As part of this project, the research team also reviewed several State departments' costs associated with language services in previous fiscal years. Fiscal analysts in willing departments identified all costs associated with interpretation and translation services by querying the billing codes paid to State-contracted language service providers. Representatives from the Office of the Defender General (DGO), DMV, Department for Children and Families (DCF), Legislative Branch, and Judiciary Branch all contributed to this data set.

The language in which services were provided usually could not be identified by looking up the billing code alone, as invoices did not list the language in which services were provided. A notable exception was that ASL interpretation services could sometimes be identified by counting invoices paid to Vancro Integrated Interpreting Services (IIS), the sole ASL interpretation service provider contracted by the State. However, this was complicated by the fact that invoices were sometimes listed as paid to an individual directly under their first and last name rather than to the language services provider. The discrepancies in billing practices likely led to undercounting the number of times that ASL interpretation was used. The undercounting of ASL interpretation invoices would also decrease the estimated cost of ASL interpretation services as compared to services in other languages. This portion of the research project led directly to the inclusion of findings 2.B and 2.C of this report. Table 5 below summarizes the results of this portion of the research project.

Table 5. Historical data on individual agency yearly spending on interpretation and/or translation services

C19 $= (D10+D11+D14+D15+D16+D8+D9)/6$

	A	B	C	D	E
1					
2					Key:
3					yellow = costs related to interpretation services only
4					blue = costs related to translation services only
5	Historical data: SOV individual agency yearly spending on interpretation and/or translation				pink = unable to separate interpretation from translation expenses with available information
6					
7	Fiscal year	Agency	Billable Hours of Services	Cost (dollars)	Source of Information
8	2019	Office of the Defender General (DGO)	unknown	\$31,166.98	from DGO Attorney Rebecca Turner-interpretation/translation utilization decreased dramatically during JUD branch slowdowns related to COVID-19 Pandemic in FY21-FY22
9	2020	Office of the Defender General (DGO)	unknown	\$41,869.12	from DGO Attorney Rebecca Turner
10	2021	Judiciary Branch (all programs)	unknown	\$32,314	from Judiciary Branch Overview, Results Based Accountability, and Key Initiatives Report 2022 pg 16: 360 separate instances of interpreter service utilization
11	2021	Department for Children and Families (DCF), all divisions	unknown	\$92,736	from DCF accounting/invoicing-combination of interpretation and translation costs
12	2021	Office of the Defender General (DGO)	unknown	\$25,124.05	from DGO Attorney Rebecca Turner
13	2022	Department of Motor Vehicles (DMV)	7	Estimated cost <\$1000	from Matt Kostik, DMV Program Coordinator: 3 hours Telelanguage (Spanish), 2 hours Vancro ASL in-person (2 hour travel time plus 2 hours service) (different BGS vendors charge different hourly rates for interpretation services, from \$55-\$150, plus any service fees associated with travel/appointment reminders etc.)
14	2022	Judiciary Branch (all programs)	unknown	\$62,000	from Seema Kumar, Judiciary Branch language access program coordinator
15	2022	Department for Children and Families (DCF), all divisions	unknown	\$104,703	from DCF accounting/invoicing-combination of interpretation and translation costs
16	2022	Judiciary Branch (all programs)	unknown	\$15,000	from Seema Kumar, Judiciary Branch language access program coordinator
17	2022	Office of the Defender General (DGO)	unknown	\$25,104.50	from DGO Attorney Rebecca Turner-interpretation/translation utilization decreased dramatically during JUD branch slowdowns related to COVID-19 Pandemic in FY21-FY22
18	2022	Legislative Branch	unknown	\$2,466.95	from accounts payable/receivable department via Mike Ferrant, Dir. of Legislative Operations-for Vancro IIS interpretation services for the second half of the 2022 Legislative Session only
19		Average cost of combined I and T services per year (DMV excluded, Legislature excluded-see "Source of Information" note)	\$63,298		

Table 5 shows the results of the research into calculating the average cost of providing interpretation and/or translation services from a variety of State sources. The mean cost in cell C19 is highlighted in light green. The formula bar at the top of the image shows the equation used to calculate the mean cost across the available data sources. The mean should be considered with caution because of the small sample size and vastly different levels of interaction with clients who speak or sign languages other than English found in each entity included in the calculation of the mean.

Several of the contributors noted that a significant decrease in requests for language assistance occurred during the COVID-19 pandemic while State offices were temporarily closed or limited to remote services only. Future attempts to estimate the yearly cost of language assistance services should rely on data collected before or after, not during, the fiscal years during which services were disrupted by the COVID-19 pandemic.

LANGUAGE ACCESS

IN VERMONT STATE GOVERNMENT

Summary of the State of Vermont Office of Racial Equity 2023 Language Access Report

3

average number of languages spoken by someone from Central Africa (besides English) ¹

\$283.1M

state and federal taxes paid by VT's immigrant-led households in 2018 ²

70,000

number of people in VT affected by hearing loss ³

34+

languages spoken or signed in Vermont ⁴

ORIGIN & PURPOSE

The Office of Racial Equity (ORE) was established in Vermont state government pursuant to 3 V.S.A. §5003 to "identify and work to eradicate systemic racism within State government." ORE has generated a comprehensive summary of the language access policy and procedural recommendations to expand access to government for all Vermont's residents and visitors who speak or sign more languages than English.



THE PROCESS

+ COMMUNITY-DRIVEN

Nearly all the recommendations come directly from the community. We also seek to anticipate the needs of prospective & future Vermonters we want to attract.

+ VALUES-DRIVEN

In addition to the values that guide the State's equity work, we regard communicative autonomy as a human right.

+ RESULTS-DRIVEN

A core component of the recommendations is the collection and analysis of key metrics, including accessibility, cost, and languages offered/requested.

JUST A FEW OF THE REPORT'S MANY CONCLUSIONS



All programs that receive federal funding **must provide language access services** to comply with federal civil rights laws, including Title VI of the Civil Rights Act of 1964 & Federal Executive Order 13166.



We estimate a one-time investment of approximately **\$3.5 million to translate the Executive branch's vital documents**. Additional investment is required for Legislative & Judiciary translation. The State must budget for continuing services annually.



Any meaningful policy on language access must **include considerations of accessibility & disability**. This will require technological, procedural, and culture change upgrades.

DATA & METHODOLOGY

Key support and contributions were provided throughout the multi-year process from all three branches of government and from concerned parties across the state.

Methodology for estimating vital document translation costs were validated by experienced language service providers, and historical cost trends were shared by budget and operations staff in the Legislature, Judiciary, and Executive branches.

USEFUL LINKS

- Read the full report: [ORE Reports](#) ⁵
- See the HHS guidance: [What is a Vital Document](#) ⁶
- Review the federal compliance checklist: [Planning Tool](#) ⁷

1. Source: World Factbook, accessed 2023

2. Source: New American Economy, "Map the Impact," 2020.

3. Source: Vermont Deaf, Hard of Hearing and Deaf/Blind Advisory Council, Report to the Governor and General Assembly, 2022.

4. Source: U.S. Committee for Refugees & Immigrants, Language Access Plan for Vermont, 2022.

5. Full URL: <https://racialequity.vermont.gov/reports-documents>

6. Full URL: <https://www.hhs.gov/civil-rights/for-individuals/faqs/what-is-a-vital-document/707/index.html>

7. Full URL: https://www.lep.gov/sites/lep/files/resources/2011_Language_Access_Assessment_and_Planning_Tool.pdf

“If you talk to a man in a language he understands, that goes to his head. If you talk to him in his own language, that goes to his heart.”

NELSON MANDELA

“The difference between the right word and the almost right word is really a large matter—it’s the difference between lightning and a lightning bug.”

MARK TWAIN

“With languages, you are at home anywhere.”

EDMUND DE WAAL