A REVIEW OF
THE STATE OF VERMONT OFFICE OF RACIAL EQUITY

2023 Language Access Report

Tuesday February 8, 2023

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Today's Agenda

Process & Structure

Anatomy of the Report

The report is 100 pages from cover to cover. Approximately half of it is appendices and reference materials. There is a hyperlinked Table of Contents and a one-page summary, as well as an Executive Summary with a table of findings and recommendations.

Executive Summary

Findings & Recommendations

Infographic One-pager

Components & Standards

Appendices & References
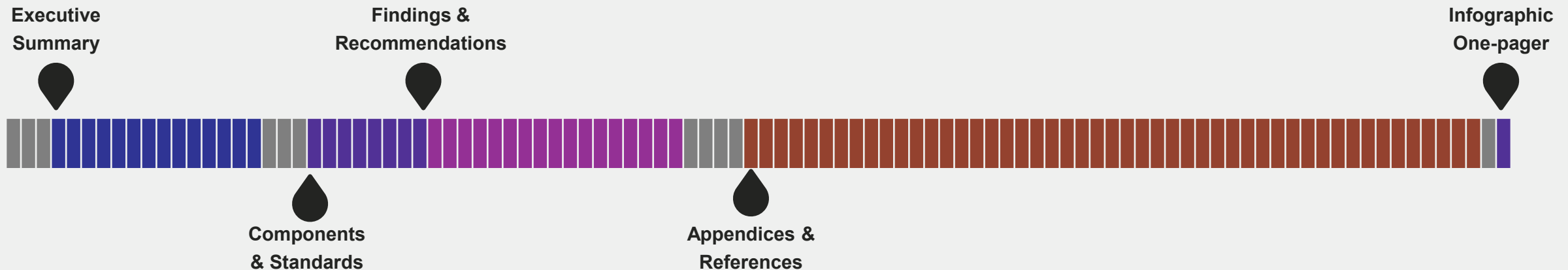
Process & Highlights

**Education is ●
Bi-directional**
Community informs about needs
& learns about processes.

**Research is ●
Slippery**
Some info is hard to find;
some is not VT-specific.

**Community drives ●
recommendations**
Most recommendations are
directly from impacted
communities.

Evaluate,
Recommend,
& Decide

Community

Qualitative &
Quantitative
Research

Implement

Educate & Recognize
Needs

Communicate &
Improve

Processes

Assess &
Monitor
Outcomes

**● Implementation has
costs & timeline**
Changes will not happen
overnight & must be budgeted
across SOV.

● Adjust as needed
While we implement a
Plan, we will need to
monitor & make tweaks.

● Feedback loop
Regular communication for
staff & public is ongoing &
essential.

Timeline & Milestones

This process is years in the making. In 2020, the Director surveyed State agencies to establish baseline data. As the COVID-19 pandemic continued, the State braided federal & state dollars to focus communications on emergency response & mission-critical functions. In Spring 2022, the legislature heard & held S.147 pending the Office's forthcoming recommendation. The Office continued its factfinding by convening community members with other key parties. The office reviewed the feedback and generated a draft list of recommendations. In Summer 2022, the Office presented those recommendations to the public for additional feedback. The Office conducted further research and collected updated information from State entities to create the report, published in January 2023.

AUGUST 2020: Survey of State agencies for baseline data

2020-2022: Everything is a complete mess

SESSION 2022: S.147 is introduced & heard

APRIL 2022: Brainstorm Session

AUGUST 2022: Re-convening

SEPTEMBER 2022-JANUARY 2023: Final research & drafting

02

Community Engagement

Entities Engaged

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

Varied feedback methods

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

Language Access Draft Recommendations - Additional Feedback

A space for stakeholders to share additional feedback on the draft recommendations

1. Your name *

Enter your answer

2. Your Organization & Role *

Enter your answer

3. What did we get right in the draft recommendations?

Enter your answer

Summary of Community Feedback

	We value...		We wonder...		We want...	
The Vision	To feel welcomed & feel like we belong.	Having high-quality options.	Where should this work sit?	What is the optimal tech?	Seamless, quick access.	Accurate, quality product.
The Assets	Grassroots orgs that push hard.	The force of relevant laws.	How do we make best use of tech we have?	Can State funding support coalitions?	More spaces to bring this convo.	Reliable support of community orgs.
The Challenges	Web & building accessibility.	Reliable & complete data.	How do we grow the profession?	How do we lower silos across agencies?	Clear minimum standards.	Predictable forecasting & budgeting.

03

Findings &
Recommendations

Super-Summary

Federal Requirement	Initial Cost	Accessibility	Uniqueness
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.	One of the first steps to providing language access is translating vital documents. ORE estimates this will cost $3.5M, then a much smaller cost to maintain them going forward.	Language access must include considerations of accessibility and disability.	Vermont experiences unique needs compared to its surrounding neighbors because the languages most spoken in Vermont are different than those most commonly spoken across the U.S.

Findings & Recommendations

No.	Topic	Finding	Recommendation
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.
			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.
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.
			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.

Findings & Recommendations

No.	Topic	Finding	Recommendation
2.B	Data, Evaluation, & Reporting	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 language in which services were provided or the type of language assistance that was provided.	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.
			Finalize the cost estimate for translation of vital documents on a programmatic level.
			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.
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.

Findings & Recommendations

No.	Topic	Finding	Recommendation
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 services more effectively.	Evaluate whether additional staff positions are necessary to support equitable language access implementation.
			Designate at least 1 primary State employee and 1 secondary to be a point of contact for language access within each department.
			Permit agencies to request additional staff positions for language access implementation.
			Permit agencies to exceed level funding budget requests if requests are related to vital 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.

Findings & Recommendations

No.	Topic	Finding	Recommendation
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.
			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.

Findings & Recommendations

No.	Topic	Finding	Recommendation
3.F	Operations & Staff Protocols	State employees can better utilize existing 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.	Audit all State records management software systems 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.

Findings & Recommendations

No.	Topic	Finding	Recommendation
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	Operations & Staff Protocols	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.	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.
			Consider creating a new time reporting code in the State employee timekeeping portal to pay certified multilingual employees for providing language services.

Findings & Recommendations

No.	Topic	Finding	Recommendation
3.J	Operations & Staff Protocols	Most State staff do not get enough practice with language access scenarios to confidently utilize the language access services available through State contracts.	Identify State employees to oversee testing and training for language access.
			Regularly test language access services with "secret shopper" programs.
			Provide additional support and training as needed if tests reveal deficiencies in State employees' language service skills.
4.A	Technology & Resources	State websites do not provide links to translated documents or notices of the availability of language assistance in obvious, easy to access places on the home page.	Include notices of the availability of language assistance on the home page of every State website.
			Make a video version of the notice of the availability of language assistance in ASL.
			Display the website links to notices of language services in the language they are translated into, not in English.

Findings & Recommendations

No.	Topic	Finding	Recommendation
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.

Findings & Recommendations

No.	Topic	Finding	Recommendation
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.
			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.
			Complete a disability accessibility and mobile/tablet usability audit each time there are significant updates made to State websites.

Findings & Recommendations

No.	Topic	Finding	Recommendation
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 <u>most commonly spoken</u> languages.
			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.

Findings & Recommendations

No.	Topic	Finding	Recommendation
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.	Choose one video conferencing platform to simplify language access protocols across all State government branches. OR Publish detailed guides on how to use in each of the video conferencing software platforms (Microsoft Teams, Zoom/ZoomGov, and WebEx).
			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.
			Translate video conferencing software guides into the most commonly spoken languages in Vermont and include notices of the availability of free language access services.

Findings & Recommendations

No.	Topic	Finding	Recommendation
4.G	Technology & Resources	Community feedback and national research indicates that Zoom/ZoomGov currently has the best suite of features for video remote signed language interpretation and other needs of people with hearing loss	Consider purchasing a paid ZoomGov account if a State entity frequently interacts with people who require video remote interpreting services.
			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.
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.	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.
			Increase compensation to State-contracted language assistance service providers.

Findings & Recommendations

No.	Topic	Finding	Recommendation
5.B	Professional Development & Qualifications	There is not enough consistency in the quality of language assistance services provided under State contracts.	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.
			Develop a complaint procedure for when State employees receive complaints regarding the quality of service provided by State-contracted language service providers.
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.
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.

Findings & Recommendations

No.	Topic	Finding	Recommendation
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.

Findings & Recommendations

No.	Topic	Finding	Recommendation
6.C	ADA Compliance	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.	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.
			Invest the resources necessary to ensure ADA compliance.
			Translate the links to disability accessibility resources into languages other than English.
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.

Findings & Recommendations

No.	Topic	Finding	Recommendation
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.	Use live or manually translated captioning services for all important public service announcements and emergency communications.
			If relying on automated captioning, review automated captioning for errors and correct them before distributing any video materials publicly.
			Add open captioning in English addition to videos in addition to closed captioning whenever possible.
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.

Findings & Recommendations

No.	Topic	Finding	Recommendation
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.	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.
			Provide sufficient resources to schools to remedy the current lack of multilingual liaisons following the statewide needs assessment.

04

Next
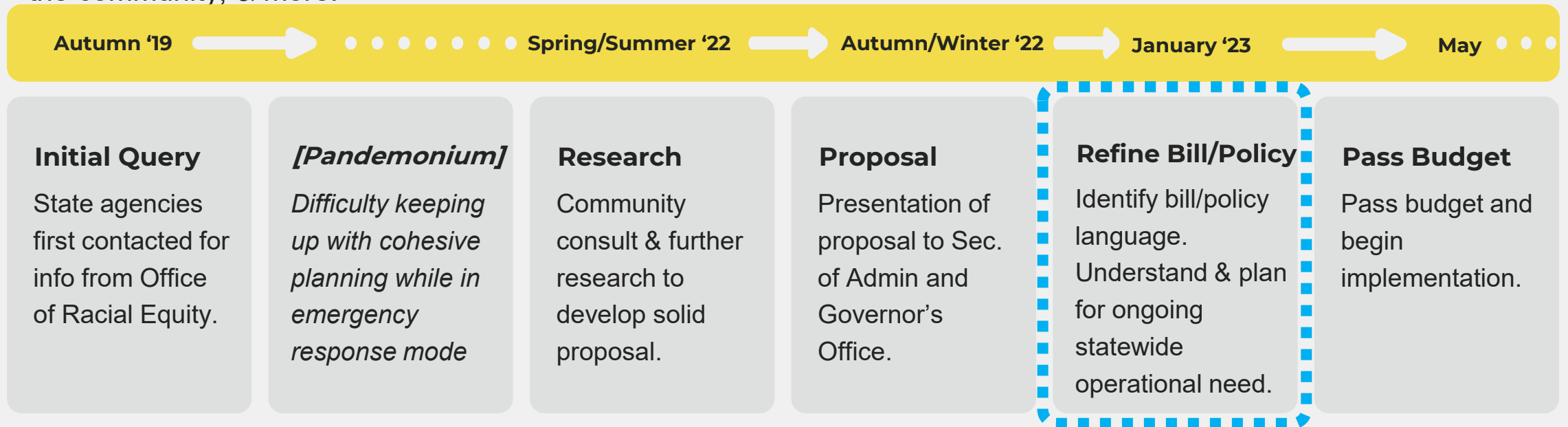# Steps

Recap & Action Steps

Today's draft recommendations do <u>not</u> guarantee these action steps. To create & implement a Plan, there will need to be agreement from many entities, including the Legislature, the Judiciary, the Governor, the Joint Fiscal Office, the community, & more.

Autumn '19		Spring/Summer '22	Autumn/Winter '22	January '23	May

Initial Query
State agencies first contacted for info from Office of Racial Equity.

[Pandemonium]
Difficulty keeping up with cohesive planning while in emergency response mode

Research
Community consult & further research to develop solid proposal.

Proposal
Presentation of proposal to Sec. of Admin and Governor's Office.

Refine Bill/Policy
Identify bill/policy language. Understand & plan for ongoing statewide operational need.

Pass Budget
Pass budget and begin implementation.

GOODBYE ▪ 再见 ▪ ADIÓS ▪ TẠM BIỆT ▪ 拜拜

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သွားတော့မယ် ▪ NABAD GALYO ▪ अलविदा

TOKOMONANA ▪ KWAHERI ▪ N'AGASAGA ▪ وداعا

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