An act relating to language access plans

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

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

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

CHAPTER 69. LANGUAGE ACCESS

§ 5051. TRANSLATION OF MATERIALS EXPLAINING AGENCY SERVICES

(a) Translated materials. Every State agency that serves a substantial number of non-English-speaking individuals and that provides materials in English explaining services is encouraged to provide equivalent material in any
non-English language spoken by a substantial number of the individuals served
by the agency. As used in this chapter, the term “non-English-speaking
individuals” includes individuals with limited English proficiency.

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

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

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

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

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

(1) the local office or facility serves a substantial number of non-
English-speaking individuals;
(2) written materials such as forms, applications, questionnaires, letters, or notices are used to ask or order an individual to provide information or to give an individual information; and

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

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

§ 5052. LANGUAGE ACCESS PLANS

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

(b) Language access plan requirements. A language access plan shall set forth the actions the agency is taking to ensure meaningful access to its services, including a list of translated documents and the languages into which those documents are translated, interpretation services provided by contract, the total number of staff with language access skills and ability to provide
interpretation services, a language access training plan, an annual monitoring plan, outreach strategies, and any additional information required by the Agency of Administration. The language access plan shall also:

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

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

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

(4) identify the section of the agency’s State emergency plan that describes the agency’s method of communicating life safety information and disaster relief materials to non-English-speaking Vermon ters.

(c) Annual monitoring. To best ensure ongoing compliance, State agencies shall regularly evaluate and monitor the composition of their service populations. Agencies shall annually examine their prior experiences with limited-English-proficiency encounters and determine the breadth and scope of language services that are needed.
Sec. 2. LANGUAGE ACCESS PLANS; REPORT

(a) Agency reports.

(1) The appointing authority of each State agency that is directly involved in furnishing information affecting an individual’s legal rights, privileges, or duties or rendering lifesaving services to the public and that serves a substantial number of non-English-speaking individuals shall submit a report to the Secretary of Administration on or before October 1, 2021 outlining the number of qualified bilingual employees needed in public contact positions, and the number of contract or employed interpreters needed to assist these positions, to ensure the provision of information and services in the language spoken by a substantial number of non-English-speaking individuals.

As used in this section, the term “non-English-speaking individuals” includes individuals with limited English proficiency.

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

(A) the number of individuals served by the agency:
(B) the number of non-English-speaking individuals served by the
agency;

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

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

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

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

(c) Report. The Chief Performance Officer shall submit a report on or
before January 15, 2022 to the House and Senate Committees on Government
Operations, on Appropriations, and on Judiciary with recommendations on
increasing or maintaining a sufficient level of translation and interpretation
services at State agencies. In making its recommendations, the Chief
Performance Officer shall take into account federal requirements and guidance for interpretation and translation services; recommendations from groups representing non-English-speaking individuals and regional planning commissions; and recommendations on the use of non-English videos outlining lifesaving services or information affecting an individual’s legal rights, privileges, or duties in order to expand access to those services and information. The Chief Performance Officer’s report shall note where an agency is not meeting federal requirements for language access plans and public participation as required under Title VI of the Civil Rights Act of 1964.

* * * Language Access; Emergency Management * * *

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

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

Sec. 4. EFFECTIVE DATES

This act shall take effect on passage, except that in Sec. 1, 3 V.S.A. § 5052 shall take effect on January 1, 2023.