

SUMMARY

The COVID-19 pandemic has exacerbated the need for government services, and laid bare the failures of our state to provide these services in languages other than English. We need a comprehensive language access statute to make sure that our non-English speaking residents have a fair and equitable opportunity to apply for unemployment benefits, obtain an education, receive housing assistance and shelter, or navigate the process of getting a COVID-19 vaccine. An Act Relative To Language Access and Inclusion will standardize, and provide enforcement mechanisms for, language access at public-facing state agencies through:

1. Communications with the Public

State agencies must provide timely oral interpretation and translation of vital documents—such as notices, applications, and complaints — for limited English proficient individuals, in addition to translating their websites into commonly spoken languages. State agencies that significantly rely on outside service providers to fulfill the agency’s responsibilities to the public must also work with those outside providers to ensure the provision of timely oral interpretation and the translation of vital documents for limited English proficient individuals.

2. Language Access Plans

State agencies must develop a Language Access Plan that details the languages of the population they serve, the resources available to meet the needs of limited English proficient individuals and what protocols the agency has in place to ensure that limited English proficient individuals are receiving equal access to agency services in their primary language. The data gathered for the creation of these plans, updated every two years, must be reported biannually to the legislature, the Language Access Advisory Board, and the Office of Access and Opportunity – within the Executive Office for Administration and Finance.

3. Personnel

State agencies must designate a Language Access Coordinator whose sole responsibility is to focus upon language access issues and their agency’s compliance of this Act. State agencies with multiple offices/divisions must designate Regional Language Access Coordinators, who are responsible for addressing language-related issues of their region and training staff on language access requirements and protocols when staff are first hired, and annually thereafter.

4. A Language Access Advisory Board

A Language Access Advisory Board composed of members of the limited English proficient community, in conjunction with members of the legislature, the Attorney General’s office, the Massachusetts Commission Against Discrimination, and legal services advocates will provide technical assistance to state agencies in achieving compliance with this Act, in addition to submitting a biannual report to the legislature, and the Office of Access and Opportunity.

5. Implementation and Relief

Implementation of this Act will be in phases, starting with nine essential state agencies¹ before expanding to include Executive Offices in additional years. The Office of Access and Opportunity has responsibility for monitoring the implementation of this Act within those agencies. If agencies fail to meet the requirements of this Act, aggrieved individuals will have the right to sue for relief in court themselves, or with the help of the Massachusetts Commission Against Discrimination, or the Attorney General’s office.

¹ MassHealth, the Department of Children and Families, the Department of Early Education and Care, the Department of Elementary and Secondary Education, the Department of Housing and Community Development, the Department of Transitional Assistance, the Department of Unemployment Assistance, the Registry of Motor Vehicles, and the Department of Public Health.