



**Massachusetts
APPLESEED** | Center for
Law & Justice

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September 22, 2021

Honorable Marc R. Pacheco, Senate Chair
Honorable Antonio F. D. Cabral, House Chair
Joint Committee on State Administration and Regulatory Oversight
State House, Room 22
Boston, MA 02133

RE: Testimony in Support of S.2040/H.3199, *An Act Relative to Language Access and Inclusion*

Dear Chairman Pacheco, Chairman Cabral, and Members of the Committee,

The Massachusetts Appleseed Center for Law & Justice (“Massachusetts Appleseed”) respectfully submits the following letter in support of S.2040/H.3199, *An Act Relative to Language Access and Inclusion*, and strongly urges the Joint Committee on State Administration and Regulatory Oversight to report the bill favorably.

The mission of Massachusetts Appleseed is to promote equal rights and opportunities for Massachusetts residents by developing and advocating for systemic solutions to social justice issues. Appleseed centers across the country work both collectively and independently to build a society in which opportunities are genuine, access to the law is universal and equal, and government advances the public interest. Central to this mission is identifying ways to make state administrative agencies in Massachusetts more inclusive, fair, and accessible for everyone in the Commonwealth – including the nearly 1 in 10 Massachusetts residents that speak a primary language other than English.

As part of this work, in 2018 Massachusetts Appleseed began examining the extent to which Massachusetts’ administrative state agencies accommodated limited English proficient (LEP) individuals who require such agency’s services. Following our initial research, we identified the Massachusetts Department of Children and Families (DCF) as an agency whose provision of language access services for limited English proficient families necessitated further review, given the significant consequences of child removal that may come with DCF involvement. This review led to our most recent report *Families Torn Apart: Language-Based Discrimination at the Massachusetts Department of Children and Families*.¹ Our report found that 1) an interpreter is present in only 25% of the LEP home visits DCF conducts, 2) LEP families regularly do not receive essential documents translated into their primary languages, and 3) LEP parents experience wait-times double those that English-speaking parents face when trying to attend the

¹ <https://massappleseed.org/wp-content/uploads/2021/01/Families-Torn-Apart-Final.pdf>

social services (such as therapy, substance use disorder meetings, or parenting classes) that are mandated by DCF.

Ultimately, our report found that DCF-involved LEP parents are unable to meaningfully comprehend or participate in the Department’s process. As a result, LEP families face an increased likelihood of separation compared to their English-speaking counterparts.

While our research focused solely on language access issues at DCF, we know non-English speakers are unable to equally access services across almost every public-facing state agency in Massachusetts. This issue has been exacerbated due to the COVID-19 pandemic; LEP individuals have been unable to receive unemployment benefits, apply for housing assistance, or get a COVID-19 vaccine appointment simply due to their native language.

An Act Relative to Language Access and Inclusion would address this crisis by mandating uniform language access standards across all public-facing state agencies and establish multiple enforcement mechanisms for holding state agencies accountable to these standards.

Key provisions of *An Act Relative to Language Access and Inclusion* are:

(1) Accessible Communications with the Public: Public-facing agencies, and outside service providers that agencies rely on, would be required to provide oral interpretation services to all non- English speakers, and to provide those who speak the most populous languages with translated copies of vital documents, along with translated versions of their websites. This is critical because if an individual can’t understand their conversations with a government employee or can’t understand the forms they need to fill out, it will be impossible for them to access government services, programs, or benefits that they need and are entitled to.

(2) Robust Language Access Plans: Language Access Plans are key documents outlining the resources, protocols, and policies that state agencies and their employees are guided by when providing language access; but there is a wide disparity in how helpful these plans actually are. This bill details the particular types of resources, protocols, and policies which must be included in these plans, and requires that the data gathered for the maintenance of these plans be publicly reported every two years. This data collection is essential for state agencies as it dictates the types of bilingual workers they recruit and which languages documents must be translated into, and simultaneously provides the public and the legislature with the ability to hold state agencies accountable for meeting the needs of the populations they serve.

(3) More Language Access Coordinators: Public-facing state agencies need staff in charge of prioritizing language access. While most Massachusetts agencies have a Language Access Coordinator, these staffers often hold multiple positions and place language access on the backburner. This bill mandates that Language Access Coordinators at applicable state agencies are to be tasked solely with implementing language access. These coordinators would also be aided by Regional Language Access Coordinators, sensitive to the regional language needs across our state, who would be able to provide mandatory trainings for all agency staff on language access policies and procedures.

(4) The Creation of a Language Access Advisory Board: This bill would create a Language Access Advisory Board made up of community members from common non-English speaking

communities, legislators, community advocacy groups, and legal service providers, and would be tasked with providing technical assistance to state agencies in achieving compliance with this bill. The Advisory Board would serve as a key partner to state agencies navigating the requirements of this bill and ensure that the provisions of this bill are meaningfully implemented.

(5) Mechanisms for Implementation, Enforcement, and Relief: This bill would initially apply to nine essential public-facing state agencies² that provide services such as healthcare, housing, education, and childcare, before expanding to include Executive Offices in additional years. This bill specifies that the Office of Access and Opportunity – within the Executive Office for Administration and Finance – is to be tasked with monitoring the implementation of this bill within those agencies. If agencies fail to meet the requirements of this bill, aggrieved individuals would 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.

Non-English-speaking residents of Massachusetts deserve to be treated with the respect, dignity, and equality to which they are entitled. For all of these reasons, and especially because Massachusetts is one of the most linguistically diverse states within our nation, **Massachusetts Appleseed strongly urges you to issue a favorable report for S.2040/H.3199, *An Act Relative to Language Access and Inclusion***. This bill represents the opportunity to ensure that our state’s governmental agencies, programs, and services are equally inclusive to all eligible residents regardless of primary language.

Respectfully submitted,



Deborah M. Silva,
Executive Director
Massachusetts Appleseed Center for Law & Justice

² 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.