

1.02 Language Access Policy

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Policy Statement:

This policy addresses the need to provide language access services to bridge the communication barrier with individuals who cannot speak, understand, read, or write English fluently or for those who are deafblind or hard of hearing who need interpretive services to enable meaningful access to Agency of Human Services programs.

Background:

Language access is essential to ensure that all Vermont residents can take part in Agency of Human Service programs. Language access is provided through the interpretive and translation services listed in the Scope section of this Policy. Other reasonable accommodation, such as provision of materials in braille, may also be provided when appropriate.

AHS adopts this policy as part of its efforts to comply with Title VI of the Civil Rights Act of 1964, 42 U.S.C. Section 2000d, et. seq., which prohibits discrimination on the basis of race, color or national origin, and the Americans with Disabilities Act, 42 U.S.C. 12101 et seq., which prohibits discrimination on the basis of disability.

Scope:

This policy applies to all Agency Departments, programs, and employees.

Interpretive and Translation Services:

The Agency maintains several forms of interpretive and translation services to assist its staff in providing services to persons whose native language is not English or who are deafblind and need other interpretive services. Those services are:

- **In-person Interpretive Services:** The Agency maintains contracts to provide in-person interpretive services in both spoken and sign language throughout the state.
- **Written Translation Services:** The State, through the Department of Buildings & General Services, maintains a contract to provide translation in both spoken and sign language of documents, brochures, application forms and any other needed written materials for all state agencies and departments.
- **Telephonic Services:** The State, through the Department of Buildings & General Services, maintains a contract for assistance to allow all state agencies and departments to access interpretive, translation and relay (for Deaf and Hard of Hearing and Deafblind) services telephonically. Telecommunications Relay Services (TRS) are compensated for the costs of providing TRS from either a state (Vermont Relay Service) or federal fund (Federal Communications Commission) for Deaf, Hard-of-Hearing, and DeafBlind.
- **Remote Virtual Interpretive Service:** The State, through the Agency of Digital Services, maintains a contract to provide remote virtual interpretive services during the use of a virtual platform (e.g. Microsoft Teams) in both spoken and sign language throughout the state.
- **Communication Access Realtime Translation (CART):** The Agency maintains to provide captioning services in English and other spoken languages case-by-case throughout the state.

Roles and Responsibilities:

Agency Roles

- The Agency's Central Office will maintain overall coordination of language access policies.
- The Agency's Central Office will coordinate and disseminate language access information for spoken and sign languages. Each department will have one or more representatives to serve on an Agency Language Access committee, which meets at least semi-annually.
- The Agency's Central Office will maintain the contracts for both in-person and virtual remote interpretive services for use by all departments. These are located on the BGS website: [Current Statewide Contracts | Buildings and General Services \(vermont.gov\)](https://www.vermont.gov/BGS/Current%20Statewide%20Contracts%20-%20Buildings%20and%20General%20Services)
- The Agency's Central Office will continue to work with the community, including service providers, to maximize resources and expand language assistance.
- The Agency will attempt to include in its contracts for interpretive and translation services that whenever possible, the contractor or grantee will allow community-based organizations serving the same population in concert with the Agency to have access the state's contract rates and the lowest rate possible.
- The Agency's Central Office will support efforts to provide electronic correspondence in languages other than English to the extent practicable. When developing public-facing Web sites and applications, the Agency will consider the potential impact to people who need language access services and ensure that language-specific responses are available as appropriate and necessary.

Department Responsibilities

The following departments are included in this policy: Department of Corrections, Department of Disabilities, Aging and Independent Living, Department of Health, Department for Children and Families, Department of Mental Health, and Department of Vermont Health Access. These responsibilities also apply to the Agency's Central Secretary's Office.

- Each department will designate a person who is responsible for coordination of language assistance for that department.
- Each department will inform contractors, grantees, and sub-grantees receiving federal funds of their requirements to ensure that persons with language access needs will have meaningful access to services provided by them. Organizations receiving support from the Agency or its departments will be required to provide such assurances as a condition of contract or grant that these requirements are met. If necessary, organizations should include this item in their budget when submitting requests for grants and contracts.
- Each department will develop practices for staff awareness or training outlining how the department provides language access.
- Each department will develop practices to ensure that supervisors and managers are aware of the resources that exist to assist persons who require language access services.
- Each department will modify casework methods and technological tools to ensure that record keeping includes the ability to notify staff that a client may need language assistance with oral or written casework materials.
- Each department will develop and implement a procedure that follows the protocol of the Agency for notifying clients of their rights to complain about meaningful access to services.
- To avoid duplication, each department will maintain a centralized record of applications, forms, and announcements that are translated into languages other than English, that can be available to all of their district offices and where applicable to other departments.
- Each Department will ensure that when client demographic data is captured electronically, this data will include fields to identify that the client has language access needs and the client's preferred language.
- On a periodic basis, assessments will identify languages likely to be spoken or signed by persons needing assistance, and to determine the extent of language access services that may be required.

Shared Responsibilities

- The Agency and departments will develop a program to inform staff on how to best serve persons who need language access services.
- The Agency and departments will include reference to this policy in new employee orientation, and references in ongoing training and orientation programs. The Agency's and departments' employee orientation packages will contain reference to this policy with guidance for new employees.
- The Agency and all departments will prominently display and maintain uniform signs in all lobbies or entrances to their offices, which tell clients (in languages frequently

encountered) of their ability to seek and receive language access services at no cost to the client.

- The Agency and its departments will maintain a uniform procedure for timely and effective telephone communication between staff and clients who have language access needs.
- The Agency and its departments will periodically assess public service announcements and public notices in order to begin to evaluate the need for notices and announcements to be communicated in languages other than English.
- The Agency and its departments will include instructions on how to request interpretative and CART services through the Intranet.

Protocols:

It is the policy of the Agency to provide language assistance as needed to ensure meaningful access to all of our programs. Each department will take appropriate steps to provide language assistance so that persons seeking services may communicate effectively with program providers and with Agency and department staff.

Departments must take steps to ensure persons seeking services are able to understand which services and benefits are available to them, and how they may best receive them, including timely language assistance for access to emergency services provided by the Agency.

The National Culturally and Linguistically Appropriate Service (CLAS) standards: The National CLAS Standards are a set of 15 action steps intended to advance health equity, improve quality, and help eliminate disparities in health care. Four of the standards (standards 5 – 8) apply directly to communication and language assistance and are considered best practice by the Department of Health and Human Services:

5. Offer language assistance to individuals who have limited English proficiency and/or other communication needs, at no cost to them, to facilitate timely access to all health care and services.
6. Inform all individuals of the availability of language assistance services clearly and in their preferred language, verbally and in writing.
7. Ensure the competence of individuals providing language assistance, recognizing that the use of untrained individuals and/or minors as interpreters should be avoided.
8. Provide easy-to-understand print and multimedia materials and signage in the languages commonly used by the populations in the service area.

Departments may refer to the CLAS standards when they develop their own Language Access practices and protocols. [Culturally and Linguistically Appropriate Services - Think Cultural Health \(hhs.gov\)](https://www.hhs.gov/cultural-competency)

Enforcement:

The enforcement of the Language Access Policy shall be specified within each Department's practices and procedures.

Authorities:

As an agency receiving federal funds, all departments and Offices are governed by Federal Executive Order# 13166 signed in August of 2000. This Order established a goal to improve access to federally conducted and assisted programs and activities for individuals who cannot speak, understand, read, or write English fluently or for those who are deafblind or hard of hearing who need interpretive services and have language access needs. This order required that federal agencies adopt plans to ensure that all persons "can meaningfully access programs and activities."

Most of the programs within the Agency are governed by Health and Human Services, which issued guidelines found at Federal Register Vol. 6571 No. 22 / Friday February 1, 2002, and published a revised guidance on August 8, 2003, found at Federal Register Vol. 68, No. 153, regarding implementation of services to persons with language access needs. Additionally, regulations governing non-discrimination on the basis of race, color or national origin can be found at 45 CFR Part 80 and on the basis of disability at 28 CFR parts 35 and 41. Other federal departments, such as the Department of Agriculture and the Department of Justice, have their own specific guidelines or regulations, and non-discrimination requirements under Section 1557 of the Affordable Care Act and its regulations under 45 CFR Part 92 provide specific access requirements for persons with language access needs applicable to Medicaid, Vermont Health Connect, and other health programs or activities receiving federal funds.

Document Review and Revision Control

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1.0			

Appendix:

None.