

**HOUSE . . . . . No. 3384**

**The Commonwealth of Massachusetts**

PRESENTED BY:

*Adrian C. Madaro and Carlos González*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to language access and inclusion.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>	<i>1/17/2025</i>
<i>Carlos González</i>	<i>10th Hampden</i>	<i>1/17/2025</i>
<i>Samantha Montañaño</i>	<i>15th Suffolk</i>	<i>2/5/2025</i>
<i>Erika Uytterhoeven</i>	<i>27th Middlesex</i>	<i>2/6/2025</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/24/2025</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>	<i>2/24/2025</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>2/24/2025</i>
<i>Steven Owens</i>	<i>29th Middlesex</i>	<i>2/24/2025</i>
<i>Judith A. Garcia</i>	<i>11th Suffolk</i>	<i>2/24/2025</i>
<i>Tara T. Hong</i>	<i>18th Middlesex</i>	<i>2/24/2025</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>2/24/2025</i>
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>	<i>2/24/2025</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Norfolk</i>	<i>3/1/2025</i>
<i>Thomas W. Moakley</i>	<i>Barnstable, Dukes and Nantucket</i>	<i>3/13/2025</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>3/12/2025</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>3/16/2025</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>3/16/2025</i>
<i>Priscila S. Sousa</i>	<i>6th Middlesex</i>	<i>3/19/2025</i>

<i>Michelle L. Badger</i>	<i>1st Plymouth</i>	<i>3/24/2025</i>
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>	<i>3/26/2025</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>	<i>3/26/2025</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>4/5/2025</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>4/7/2025</i>
<i>Homar Gómez</i>	<i>2nd Hampshire</i>	<i>4/8/2025</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>4/8/2025</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>4/17/2025</i>
<i>James C. Arena-DeRosa</i>	<i>8th Middlesex</i>	<i>4/17/2025</i>
<i>Leigh Davis</i>	<i>3rd Berkshire</i>	<i>4/17/2025</i>
<i>Dennis C. Gallagher</i>	<i>8th Plymouth</i>	<i>4/24/2025</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>5/7/2025</i>
<i>Sean Reid</i>	<i>11th Essex</i>	<i>5/13/2025</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>	<i>5/13/2025</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>	<i>5/14/2025</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>5/15/2025</i>
<i>Lydia Edwards</i>	<i>Third Suffolk</i>	<i>5/22/2025</i>
<i>Estela A. Reyes</i>	<i>4th Essex</i>	<i>7/2/2025</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>7/16/2025</i>

**HOUSE . . . . . No. 3384**

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By Representatives Madaro of Boston and González of Springfield, a petition (accompanied by bill, House, No. 3384) of Adrian C. Madaro, Carlos González and others relative to state agency language access and inclusion. State Administration and Regulatory Oversight.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Fourth General Court  
(2025-2026)**  
\_\_\_\_\_

An Act relative to language access and inclusion.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 [Legislative Statement]

2 Consistent with Title VI of the Civil Rights Act of 1964, Executive Order No. 13166 and  
3 federal rules and regulations adopted in implementation thereof, this legislation seeks to codify  
4 and expand federally enacted protections for Limited English Proficient (LEP) and deaf or hard  
5 of hearing persons to receive equal access to services, programs, and activities from public-  
6 facing state agencies of the Commonwealth.

7 SECTION 1. Chapter 6 of the General Laws is hereby amended by inserting after section  
8 222 the following section:-

9 Section 223. The office of access and opportunity.

10 (a) There shall be within the office of the governor an office of access and opportunity  
11 (the “OAO”) to ensure ready access to the status of and advise on the work conducted by the  
12 OAO.

13 (b) The OAO shall be led by a deputy chief, access and opportunity (the “deputy chief”),  
14 who shall be appointed by the governor and directly report to the governor’s chief of staff. The  
15 deputy chief shall advise the governor and the cabinet and work to foster within state  
16 government non-discrimination and equal opportunity for all irrespective of race, color, age,  
17 gender, ethnicity, sexual orientation, gender identity or expression, religion, creed, ancestry,  
18 national origin, disability, veteran or active military status (including Vietnam-era veterans), or  
19 socio-economic background.

20 (c) There shall be a steering committee on access and opportunity (the “steering  
21 committee”) which the deputy chief will chair and convene regularly for advice on the state of  
22 access and opportunity across the executive branch and how best to achieve goals of the OAO.  
23 The steering committee shall include: the chief human resources officer, human resources  
24 division; assistant secretary, operational services division; executive director of the  
25 Massachusetts supplier diversity office; director of office of diversity and equal opportunity;  
26 director of Massachusetts office on disability; commissioner, division of capital asset  
27 management and maintenance; director, compliance unit, division of capital asset management  
28 and maintenance; the chief operating officer, Massachusetts Department of Transportation;  
29 deputy director, office on diversity and civil rights, Massachusetts Department of Transportation;  
30 secretary of the Executive Office of Labor and Workforce Development or their designee;  
31 secretary of the Executive Office of Veterans’ Services or their designee; and representative(s)  
32 designated by the Secretary of the Executive Office of Education.

33 (d) The deputy chief shall have the following responsibilities:

34 (1) collaborate with and maximize relevant initiatives, work and potential of all existing  
35 executive branch agencies, offices and resources with the explicit goal of:

36 (i) increasing the total number of and dollar volume earned by MBEs, WBEs, and DBEs  
37 contracting with or doing business for the state; and

38 (ii) maintaining or increasing the number of minorities, veterans and individuals with  
39 disabilities who are state employees;

40 (2) develop with partnering agencies and offices, in consultation with the Steering  
41 Committee:

42 (i) an integrated body of policies and actions that reflect best practices and remove  
43 barriers to advance non-discrimination and equity in access to and opportunity in employment,  
44 procurement and the provision of services within state government;

45 (ii) ideas on how best to implement and incentivize compliance with such policies and  
46 procedures; and

47 (iii) performance metrics focused on outcomes, such as increasing the total number of  
48 and dollar volume earned by MBEs, WBEs, DBEs contracting with or doing business for the  
49 state; and maintaining or increasing the number of minority, veterans and individuals with  
50 disabilities who are state employees;

51 (3) convene meetings of key offices, individuals and external stakeholders as needed to  
52 accomplish specified objectives, resolve issues, and make and implement recommendations;

53 (4) identify state laws and regulations that obstruct or frustrate the state’s ability to  
54 provide within its own operations equity in access and opportunity for all persons;

55 (5) serve as a liaison to pertinent commissions, councils, task forces and offices  
56 throughout state government as needed to accomplish and advance the OAO’s goals; and

57 (6) develop for adoption administrative orders and bulletins to further the OAO’s goals,  
58 and prepare such other reports necessary to keep the Governor appropriately apprised of the  
59 work of the OAO.

60 (e) All state agencies shall provide assistance to the OAO by sharing information and  
61 expertise, as requested.

62 SECTION 2. The General Laws are hereby amended by inserting after chapter 6E the  
63 following chapter:

64 CHAPTER 6F.

65 LANGUAGE ACCESS AND INCLUSION.

66 Section 1. Definitions. For the purposes of this Act, the following terms shall have the  
67 following meanings—

68 “Auxiliary aids and services” mean items, equipment or services that provide effective  
69 communication access for persons with communication disorders including but not limited to  
70 persons who are deaf, hard of hearing, late deafened or blind.

71 “Culturally competent” means having a set of behaviors, attitudes and policies that  
72 enables effective work in cross-cultural situations which respects and responds to an individual

73 person’s culture and language, in a nonjudgmental and supportive manner, considering the  
74 service recipient as an individual and not making assumptions based on perceived or actual  
75 membership in any group or class.

76 “Equal access” means to be informed of, participate in, and benefit from public programs  
77 or services offered by a public-facing state agency, at a level equal to English proficient persons.

78 “Language access plan” is an administrative blueprint that defines the obligations and  
79 action plan of a public-facing state agency to comply with this Act. The plan shall outline all  
80 policies, procedures, and guidance enacted to ensure the provision of language access services as  
81 a constitutive element of equal access to state benefits, services, and activities. The plan shall  
82 also establish deadlines by which remedial or proactive actions to ensure language access will be  
83 taken, identify personnel responsible for implementation of the plan and establish priorities  
84 relative to the implementation of these plans.

85 “Language access services” means oral language services and written translation  
86 services, including auxiliary aids and services.

87 “Limited English proficient” or “LEP” are persons whose primary language is not  
88 English or who have a limited ability to speak, read, write or understand English.

89 “Machine translation” is when computer software is utilized for the automated translation  
90 of a text from one language to another and vice versa without human intervention.

91 “Oral interpretation” means the act of listening, understanding and analyzing a spoken  
92 message in one language and re-expressing that message faithfully, accurately and objectively in

93 another language and vice versa, enabling communication between two or more persons who do  
94 not speak one another's languages.

95 "Oral language services" means the various methods of providing verbal information and  
96 interpretation through staff interpreters, bilingual or multilingual staff, telephone interpreter  
97 services, or private interpreter services.

98 "Outside service providers" include, but are not limited to, organizations or other persons  
99 that formally or informally, through direct or in-kind compensation, contracts, provides, or  
100 administers services which the relevant public-facing state agency is required to provide or  
101 requires, recommends or refers its clients to utilize.

102 "Primary language" means the language in which an LEP person can most effectively  
103 and comfortably communicate.

104 "Public contact position" means a position determined by the public-facing state agency  
105 to be one that includes meeting, contacting and dealing with the public in the performance of the  
106 agency's functions.

107 "Public-facing state agency" means a Massachusetts executive office, department, or  
108 division thereof that provides assistance, services or information to the public. Any state agency  
109 included in the implementation schedule of this Act shall be identified as a "public-facing state  
110 agency" or when deemed as such under Section 9(a)(6) of this Act.

111 "Qualified bilingual employee" means a staff person who is proficient in both the English  
112 language and a non-English language. Qualified bilingual employees may be categorized as  
113 "Tier 1 Bilingual Employees" or "Tier 2 Bilingual Employees".

114 “Qualified interpreter” is a person who is fluent in both the English language and a non-  
115 English language and who, by certification, training or experience, is able to (1) perform  
116 consecutive interpretation; (2) maintain the tone, style, and complex meaning of speech from one  
117 language to another and vice versa; (3) convey cultural nuances; and (4) remain impartial in all  
118 interpreted interactions.

119 “Qualified multilingual employee” means a staff person who is proficient in the English  
120 language and more than one non-English language. Qualified multilingual employees may be  
121 categorized as “Tier 1 Multilingual Employees” or “Tier 2 Multilingual Employees”.

122 “Qualified translator” means a person who is fluent in writing, reading and proofreading  
123 in both the English language and a non-English language and who, by certification, training or  
124 experience is able to (1) render a text from one language into another language and vice versa;  
125 (2) maintain the tone, style and complex meaning of the original text from one language to  
126 another and vice versa; (3) convey cultural nuances; and (4) remain impartial in the translation  
127 process.

128 “Vital document” means a document or communication, in print or digital form,  
129 containing information that, if not provided accurately or in a timely manner, affects a person’s  
130 rights or access to, retention in, denial or termination of services, benefits or programs,  
131 including, but not limited to, applications, consent forms; complaint forms; intake forms;  
132 informational material on eligibility for benefits; notices; requests for documentation or  
133 information; documents that must be provided by law; and notices regarding the availability of  
134 free language assistance services for LEP persons.

135           “Written translation” means the rendering of a written text from one language to an  
136 equivalent written text of another language.

137           Section 2. Communications with the public.

138           (a) A public-facing state agency shall provide equal access to services, programs, and  
139 activities serving limited English proficient and deaf or hard of hearing persons by the provision  
140 of the following services:

141           (1) Oral interpretation and auxiliary aids and services

142           (i) A public-facing state agency shall provide timely, culturally competent oral language  
143 services to all LEP persons or auxiliary aids and services to deaf or hard of hearing persons who  
144 seek to access state services, programs, or activities or those of outside service providers.

145           (ii) A public-facing state agency shall notify every person of their right to timely oral  
146 interpretation in their primary language or auxiliary aids and services, regardless of their status  
147 as an inquirer into, applicant for, recipient or beneficiary of a state service, program, or  
148 information.

149           (iii) A public-facing state agency shall utilize qualified interpreters or Tier 1 bilingual or  
150 multilingual employees to provide oral language services or auxiliary aids and services.

151           (iv) A public-facing state agency may contract with telephone-based interpretation  
152 services or community-based organizations to provide interpretation to LEP and deaf or hard of  
153 hearing persons or utilize Tier 1 bilingual or multilingual employees.

154 (v) A public-facing state agency that contracts or utilizes an outside service provider to  
155 fulfill the agency's responsibilities to the public shall ensure that the outside service provider  
156 implements the requirements of Section 2(a)(1) of this Act.

157 (2) Written translation

158 (i) A public-facing state agency shall issue vital documents in the following languages:  
159 Arabic, Cape Verdean Creole, Chinese (Simplified and Traditional), French, Haitian Creole,  
160 Khmer, Korean, Portuguese, Russian, Spanish, Vietnamese and any other languages deemed  
161 necessary by the agency's assessments required under Section 4 of this Act.

162 (ii) A public-facing state agency shall translate all notices and materials that explain its  
163 services in the languages stated in Section 2(a)(2)(i) of this Act..

164 (iii) A LEP person whose primary language is not required to be translated into writing  
165 under Section 2(a)(2)(i) of this Act is entitled to the oral interpretation of vital documents,  
166 notices and materials into their primary language.

167 (iv) A public-facing state agency shall utilize qualified translators or Tier 1 bilingual or  
168 multilingual employees, to translate vital documents.

169 A) State agencies shall not solely rely on machine translation to translate vital documents.

170 B) State agencies shall have qualified translators or Tier 1 bilingual or multilingual  
171 employees verify all translations of vital documents generated through machine translation  
172 before such documents are published, conveyed, sent, or posted.

173 (v) A public-facing state agency that contracts or utilizes an outside service provider to  
174 fulfill the agency's responsibilities to the public shall ensure that the outside service provider  
175 implements the requirements of Section (2)(a)(2) of this Act.

176 (3) Websites

177 (i) If a public-facing state agency maintains one or more websites for use by the public,  
178 the agency shall provide the website in the following languages: Arabic, Cape Verdean Creole,  
179 Chinese (Simplified and Traditional), French, Haitian Creole, Khmer, Korean, Portuguese,  
180 Russian, Spanish, Vietnamese and any other languages deemed necessary by the agency's  
181 assessments required under Section 4 of this Act.

182 A) The state agency shall ensure that its websites and online application materials are  
183 mobile compatible and that they satisfy or exceed the official Federal Plain Language  
184 Guidelines, March 2011, Rev. 1, May 2011 for the Plain Writing Act of 2010.

185 (ii) Agencies shall not solely rely on machine translation to translate its websites.

186 A) A public-facing state agency shall utilize qualified translators or Tier 1 bilingual or  
187 multilingual employees to verify the translation of its websites for accuracy.

188 (iii) A public-facing state agency that maintains one or more websites for use by the  
189 public shall (1) provide forms and instructions for submitting complaints of alleged violations of  
190 this Act; (2) link such and instructions on the homepage of the state agency's website; and (3)  
191 translate all such forms and instructions into the languages listed in Section 2(a)(3)(i) of this Act.

192 Section 3. Language access plan.

193 (a) A public-facing state agency shall develop a language access plan every 2 years based  
194 on community and agency assessments required by Section 4 of this Act, to guide the provision  
195 of language access services to LEP and deaf or hard of hearing persons. When drafting the  
196 language access plan, a public-facing state agency shall ensure that:

197 (1) a summary of the rights of LEP and deaf or hard of hearing persons to oral  
198 interpretation or auxiliary aids and services, respectively, and the public-facing state agency's  
199 obligations to protect these rights are detailed at the outset of the language access plan;

200 (2) the mandated translated languages are listed, as required by Section 2(a)(2)(i) and  
201 Section 2(a)(3)(i);

202 (3) a plan of action is instituted for the implementation of all provisions of Sections 2, 4,  
203 5 and 7 of this Act;

204 (4) the plan is made publicly available in the translated languages required by Section  
205 2(a)(2) on the main page of the public-facing state agency's website and in its central and local  
206 offices; and

207 (5) a complaint process is developed with complaint forms that are publicly accessible on  
208 the main page of the public-facing state agency's website and in its central and local offices.

209 Section 4. Assessments.

210 (a) Community needs assessment.

211 (1) A public-facing state agency shall conduct a community needs assessment every 2  
212 years that compiles data on the language composition of the agency's eligible populations,  
213 including American Sign Language. The community needs assessment shall also collect data on

214 the engagement and interaction of eligible populations with the public-facing state agency. The  
215 agency shall determine:

216 (i) the percentage of the eligible service population who are LEP or deaf or hard of  
217 hearing;

218 (ii) the primary languages used by LEP or deaf or hard of hearing persons in all  
219 geographic areas the agency serves its eligible populations ;

220 (iii) the frequency with which the agency provides services to LEP or deaf or hard of  
221 hearing persons;

222 (iv) all points of contact whereby the eligible populations can engage with the public-  
223 facing state agency; and

224 (v) all potential language or language-related barriers that may arise in the engagement of  
225 eligible populations with the public-facing state agency.

226 (b) Internal state agency assessments.

227 (1) A public-facing state agency shall conduct a language services inventory every 2  
228 years to identify available language services and staff to serve LEP persons and deaf or hard of  
229 hearing persons. A public-facing state agency shall:

230 (i) determine the number of qualified bilingual or multilingual employees in public  
231 contact positions in each central and local office, who can provide linguistically, culturally and  
232 technically proficient language access services. This data shall be disaggregated by language and  
233 by the Tier 1 and Tier 2 classification required by Section 5(b)(3) of this Act.

234 (ii) detail the language access services, including technology and equipment, available  
235 within the state's resources or under state contracts, including in-person interpretation, telephone  
236 interpretation, video interpretation, translation and auxiliary aids and services.

237 (2) A public-facing state agency shall generate a language access status report every 2  
238 years of each of its statewide and local offices evaluating the agency's capacities in serving LEP  
239 and deaf or hard of hearing persons. This status report shall include the following:

240 (i) a calculation of the percentage of LEP and deaf or hard of hearing persons presently  
241 served by the public-facing state agency's central and local offices, categorized by primary  
242 language;

243 (ii) a determination of whether the current oral language and written translation services  
244 are effectively meeting the language needs of LEP persons served by the public-facing state  
245 agency;

246 (iii) a determination of whether the current auxiliary aids and services are effectively  
247 meeting the language needs of deaf or hard of hearing persons served by the public-facing state  
248 agency;

249 (iv) a description of the agency's procedures for identifying vital documents for  
250 translation;

251 (v) an evaluation of whether contracted interpreter services are effectively meeting the  
252 language needs of LEP and deaf or hard of hearing persons;

253 (vi) an evaluation of operational protocols for staff to effectively access language access  
254 services as outlined in Section 5(c) of this Act;

255 (vii) an evaluation of staff proficiency to effectively and appropriately utilize language  
256 access services as outlined in Section 5(c) of this Act;

257 (viii) a description of any language access training the public-facing state agency provides  
258 to its staff to ensure the agency is effectively serving provision of services to LEP and deaf or  
259 hard of hearing persons individuals, including the frequency of training, and date of most recent  
260 training;

261 (ix) a determination of whether the allocation and assignment of qualified bilingual and  
262 multilingual employees to central and local offices is effectively meeting the identified language  
263 needs in those offices;

264 (x) an evaluation of agency procedures for recruiting and retaining qualified bilingual or  
265 multilingual employees in central and local offices; and

266 (xi) a description of the public-facing state agency's procedures for receiving and  
267 resolving complaints regarding language access as well as the number of complaints received.

268 (c) The assessments in this Section shall be completed prior to the drafting of the  
269 language access plan as required by Section 3 of this Act. The results of these assessments shall  
270 inform all content, policies, recommendations and guidance in the language access plan.

271 Section 5. Personnel.

272 (a) Language access coordinator.

273 (1) A public-facing state agency shall designate a language access coordinator whose sole  
274 responsibility on a full-time basis shall be to address language access needs and the public-facing

275 state agency's compliance with this Act, in consultation with the language access advisory board  
276 established in Section 6 of this Act.

277 (2) Language access coordinators shall maintain a centralized, electronic, searchable  
278 language access database of the following:

279 (i) all formal and informal requests for language access services and the status of those  
280 requests;

281 (ii) all language access-related complaints, including complaints of language  
282 discrimination and/or disability discrimination in cases of the deaf or hard of hearing;

283 (iii) the status and progress of all such requests and complaints;

284 (iv) the resolution of all such requests and complaints, including decisions by the regional  
285 and central offices;

286 (v) the reasons for full and partial denials of requests for language services; and

287 (vi) the office(s) handling the relevant case or request for service.

288 (3) A public-facing state agency may also designate regional language access  
289 coordinators to address the language access needs of relevant regions and train the regions' staff  
290 on compliance with this Act.

291 (i) Regional language access coordinators shall report to the language access coordinator  
292 of their respective public-facing state agency's central office.

293 (b) Staffing.

294 (1) A public-facing state agency shall employ a sufficient number of qualified bilingual  
295 or multilingual employees in public contact positions or as interpreters to assist employees in  
296 public contact positions, to ensure the provision of information and services in a person's  
297 primary language.

298 (2) A bilingual or multilingual staff member shall not provide interpretation in adversarial  
299 proceedings when the public-facing state agency that employs the bilingual or multilingual staff  
300 member is a party to the proceedings.

301 (3) A bilingual or multilingual staff member may provide language services to LEP and  
302 deaf or hard of hearing persons, in accordance with their skill level as determined by the  
303 language access coordinator. A state agency shall classify bilingual or multilingual employees  
304 into one of two tiers, and shall only provide interpretation services in accordance with that tier as  
305 follows:

306 (i) Tier 1 bilingual or multilingual employee: Tier 1 employees must have formal  
307 certification, training, or sufficient experience in interpretation in the specific subject matter. If  
308 the employer does not regularly employ a person that may be classified as a Tier 1 employee, the  
309 employer must hire a third-party contractor to fulfill the need for interpretation services Tier 1  
310 employees shall agree to abide by the ethical and confidentiality requirements for interpreters  
311 and translators in accordance with the American Translators Association Code of Ethics and  
312 Professional Practice.

313 (ii) Tier 2 bilingual or multilingual employee: Tier 2 employees have the language  
314 proficiency to communicate directly with LEP or deaf or hard of hearing persons regarding

315 routine or common business matters. Tier 2 employees shall not serve as interpreters or  
316 translators.

317 (4) An employee of a public-facing state agency who regularly acts as an interpreter or  
318 translator shall be reasonably compensated for that additional work.

319 (5) A public-facing state agency shall ensure that all processes and procedures for staff to  
320 request language access services require minimal approval or documentation and are not overly  
321 burdensome.

322 (c) Training.

323 (1) Language access coordinators shall train employees about all processes and  
324 procedures needed to effectively obtain and utilize all language access services mandated by  
325 Section 2 of this Act as part of an employee's onboarding process and on an annual basis  
326 thereafter.

327 (i) Training shall include (1) instruction on process and procedures for requesting  
328 language access service, (2) guidance on how to effectively work with interpreters or translators  
329 and (3) explanation of procedures for reporting deficiencies to language access services.

330 (2) A public-facing state agency shall ensure the provision of language access training for  
331 an outside service provider.

332 Section 6. Language access advisory board.

333 (a) Mission, organization and institution.

334 (1) There shall be a language access advisory board to provide guidance and technical  
335 assistance to public-facing state agencies in order to ensure equal access for LEP and deaf or  
336 hard of hearing persons to services, programs, and activities offered by a public-facing state  
337 agency.

338 (2) The board shall be co-chaired by a staff member from the office of access and  
339 opportunity, and one other member of the advisory board elected by the board.

340 (3) The members of the advisory board shall be appointed within 6 months of the  
341 effective date of this Act, and shall serve 4-year terms. Members whose terms have expired may  
342 serve until a successor is appointed.

343 (4) The board shall meet no less than 4 times annually.

344 (b) Composition.

345 (1) The language access advisory board shall include: 3 members appointed by the  
346 Massachusetts Immigrant and Refugee Advocacy Coalition from prevalent LEP populations  
347 within Massachusetts, as determined by the most recent United States Census data; 1 member  
348 appointed by the Disability Law Center from the deaf or hard of hearing community; 1 member  
349 appointed by the Massachusetts Law Reform Institute; 1 member appointed by the  
350 Massachusetts Appleseed Center for Law & Justice; 1 member appointed by the Massachusetts  
351 Language Access Coalition; 1 member appointed by Greater Boston Legal Services; 1 member  
352 appointed by the Justice Center of Southeast Massachusetts; 1 member appointed by MetroWest  
353 Legal Services; 1 member appointed by the Central West Justice Center; and 1 member  
354 appointed by the Northeast Justice Center.

355 (c) Advisory board responsibilities.

356 (1) The advisory board shall support public-facing state agencies to achieve compliance  
357 with this Act by:

358 (i) providing guidance and technical assistance to the state agencies;

359 (ii) advising language access coordinators of public-facing state agencies in the  
360 development and review of language access plans;

361 (iii) reviewing all assessments and surveys from state agencies as required by Section 4  
362 of this Act; and

363 (iv) providing recommendations to state agencies to reduce identified barriers for the LEP  
364 and deaf or hard of hearing persons.

365 (2) The language access advisory board, in formulating its recommendations, shall take  
366 into account the best practices and policies in other states and jurisdictions, and may undertake  
367 further steps to help state agencies achieve compliance with this Act.

368 Section 7. Reporting requirements.

369 (a) Upon a public-facing state agency's full implementation of this Act as required by  
370 Section 11 and every 2 years thereafter, the agency shall submit to the office of access and  
371 opportunity and the language access advisory board the following:

372 (1) the community needs assessment as stated in Section 4(a)(1);

373 (2) the language services inventory as stated in Section 4(b)(1); and

374 (3) the language access plan as stated in Section 3.

375 (b) Upon a public-facing state agency's full implementation of this Act as required by  
376 Section 11 and every 2 years thereafter, the agency shall submit the language access status report  
377 required by Section 4(b)(2) of this Act to the joint committee on ways and means, the joint  
378 committee on state administration and regulatory oversight, the office of access and opportunity  
379 and the language access advisory board.

380 (c) Upon a public-facing state agency's full implementation of this Act as required by  
381 Section 11 and every year thereafter, the agency shall submit the language access database as  
382 outlined in Section 5(a)(2) to the office of access and opportunity and the language access  
383 advisory board.

384 (d) A public-facing state agency shall ensure, in reporting of all materials outlined in this  
385 Section, that the following standards are maintained:

386 (1) all data is disaggregated and cross-tabulated by primary language, disability status,  
387 race, ethnicity, age, gender and low-income status;

388 (2) all materials are made publicly available in the list of translated languages required by  
389 Section 2(a)(2);

390 (3) all materials are presented in plain language; and

391 (4) all data is presented in a manner that protects the privacy of all surveyed persons.

392 Section 8. Relief.

393 (a) Any person claiming to be aggrieved by a public-facing state agency for failure in the  
394 provision of language access services in order to provide equal access to services, programs, and  
395 activities of a public-facing state agency according to the provisions of this Act shall have the  
396 right to initiate and prosecute a civil action in the district, superior, housing, probate and family,  
397 Boston municipal or land court department for injunctive and other appropriate equitable relief  
398 or an award of actual and consequential damages.

399 (1) Should the person or persons prevail, they shall be entitled to an award of actual and  
400 consequential damages, that is the costs of the litigation including expert witness fees, reasonable  
401 attorneys' fees in an amount to be fixed by the court, and prejudgment and post judgment  
402 interest.

403 (b) The Massachusetts commission against discrimination may commence a civil action  
404 to seek relief for a violation of this Act.

405 (c) The attorney general may also commence a civil action to seek relief for a violation of  
406 this Act.

407 Section 9. Office of access and opportunity.

408 (a) The office of access and opportunity within the governor's office shall have the  
409 following responsibilities:

410 (1) accept and investigate complaints submitted to the office of access and opportunity by  
411 persons who have been unable to obtain timely language access services in any public-facing  
412 state agency;

413 (2) provide copies of all complaints annually as required by Section 5(a)(2) of this Act to  
414 the language access advisory board;

415 (3) eliminate the language access barrier when an agency does not provide equal access  
416 using informal methods, including conference, conciliation, mediation, or persuasion. Where the  
417 language access barrier cannot be eliminated by informal methods, the office of access and  
418 opportunity shall submit written compliance requirements to the public-facing state agency. The  
419 office of access and opportunity may request the public-facing state agency to notify it within a  
420 specified time of any action taken on its requirements, and may require a public-facing state  
421 agency to increase the frequency of reporting required by Section 9(a)(2) of this Act every six  
422 months, as needed, or as requested by the language access advisory board;

423 (4) create, in consultation with the language access advisory board, multilingual signage  
424 informing LEP and deaf or hard of hearing persons of their right to free oral language services or  
425 auxiliary aids and services, for dissemination to state agencies

426 (5) shall promulgate regulations no later than 1 year after the effective date of this Act  
427 after receiving input from stakeholders and the language access advisory board; and

428 (6) identify additional state agencies that shall be subject to this Act upon its  
429 determination in consultation with the language access advisory board.

430 (i) This determination shall be made:

431 A) in the 5th year following the enactment of this Act and every 5 years thereafter or at  
432 the discretion of the office of access and opportunity in consultation with the language access  
433 advisory board; and,

434 B) by conducting an inventory and evaluation of newly formed and existing state  
435 agencies' engagement with the public.

436 Section 10. Conflicting law.

437 (a) In the event any law of the Commonwealth prescribes stronger protections, the  
438 services, programs and activities of public-facing state agencies required by this Act shall be  
439 subject to the stronger protections.

440 SECTION 3. Public-facing state agencies shall comply with the requirements set forth in  
441 Sections 2, 3, 4, 5 and 7 of SECTION 2 of this Act in the manner established by the following  
442 implementation schedule:

443 (a) On or before the second year after enactment, there shall be implementation by each  
444 of the following public-facing state agencies and their divisions thereof:

445 (1) MassHealth;

446 (2) the department of children and families;

447 (3) the department of transitional assistance;

448 (4) the department of unemployment assistance; and

449 (5) all departments, divisions and offices within the executive office of housing and  
450 livable communities that administer emergency shelter assistance, rental assistance, housing  
451 subsidies or other housing benefits to state residents.

452 (b) On or before the third year after enactment, there shall be implementation by each of  
453 the following public-facing state agencies and their divisions thereof:

454 (1) the department of early education and care

455 (2) the registry of motor vehicles;

456 (3) the department of public health; and

457 (4) the department of mental health.

458 (c) On or before the fourth year after enactment, there shall be implementation by each of  
459 the following public-facing state agencies and their divisions thereof:

460 (1) the child support enforcement division of the department of revenue;

461 (2) the department of elementary and secondary education;

462 (3) the Massachusetts office on disability;

463 (4) the department of public utilities; and

464 (5) MassDigital.

465 (d) On or before the fifth year after enactment, there shall be implementation by each of  
466 the following public-facing state agencies and their divisions thereof:

467 (1) the department of revenue;

468 (2) the executive office of health and human services, specifically,

469 (i) the department of youth services,

470 (ii) the department of developmental services,

471 (iii) the executive office of elder affairs,

- 472 (iv) MassAbility,
- 473 (v) the office for refugees and immigrants;
- 474 (3) the executive office of labor and workforce development, specifically,
- 475 (i) the department of family and medical leave,
- 476 (ii) the department of industrial accidents; and
- 477 (4) the executive office of public safety and security, specifically,
- 478 (i) the Massachusetts department of correction,
- 479 (ii) the department of fire services,
- 480 (iii) the Massachusetts state police,
- 481 (iv) the Massachusetts emergency management agency,
- 482 (v) the state 911 department.

483 SECTION 4. This Act shall take effect upon passage.