



**State of Vermont**  
**Agency of Administration**  
**Office of the Secretary**  
Pavilion Office Building  
109 State Street, 5<sup>th</sup> Floor  
Montpelier, VT 05609-0201  
[www.aoa.vermont.gov](http://www.aoa.vermont.gov)

[phone] 802-828-3322 *Kristin L. Clouser, Secretary*  
[fax] 802-828-2428

---

**TO:** Senate Committee on Appropriations  
**FROM:** Xusana Davis, Executive Director of Racial Equity  
**DATE:** April 12, 2023  
**RE:** Letter of testimony on funding for State of Vermont language access services

---

Chair Kitchel and members of the Committee:

**This memorandum is submitted to the Committee in support of the Agency of Administration’s budget proposal for \$2.3M in one-time funding and \$700k in base funding for language access services.** The proposal addresses a critical need for the State to advance equity in State services and come into compliance with basic federal civil rights laws.

**PROCESS**

The proposed funding is a recommendation made in the Office of Racial Equity’s Language Access report, which was published in January 2023 and adapted into a plain-language summary, a video webinar, and 15 additional languages including ASL.<sup>1</sup> The report process is years in the making. In 2020, the Director surveyed State agencies to establish baseline data about their knowledge and capabilities for providing language access services. COVID-19 paused that process as the State shifted to braiding federal & state dollars to focus public-facing communications on emergency response & mission-critical functions. In the 2022 legislative session, the legislature heard S.147, An act relating to language access plans, and agreed to pause deliberations on the bill to allow the Office of Racial Equity to complete its research process and deliver its plan and recommendations. The Office continued its factfinding by engaging dozens of agencies, organizations, coalitions, and individuals who all have a vested interest in making Vermont more accessible and more efficient through language access services. We collected their feedback through discussions, surveys, and multi-voting exercises, after which we generated a draft list of recommendations. In the Summer of 2022, the Office presented those recommendations back to the public for additional feedback. The Office conducted further research and collected updated information from State entities to finalize the report and present it to the public, the House and the Senate Committees on Government Operations, and various state leaders.

**SIGNIFICANCE**

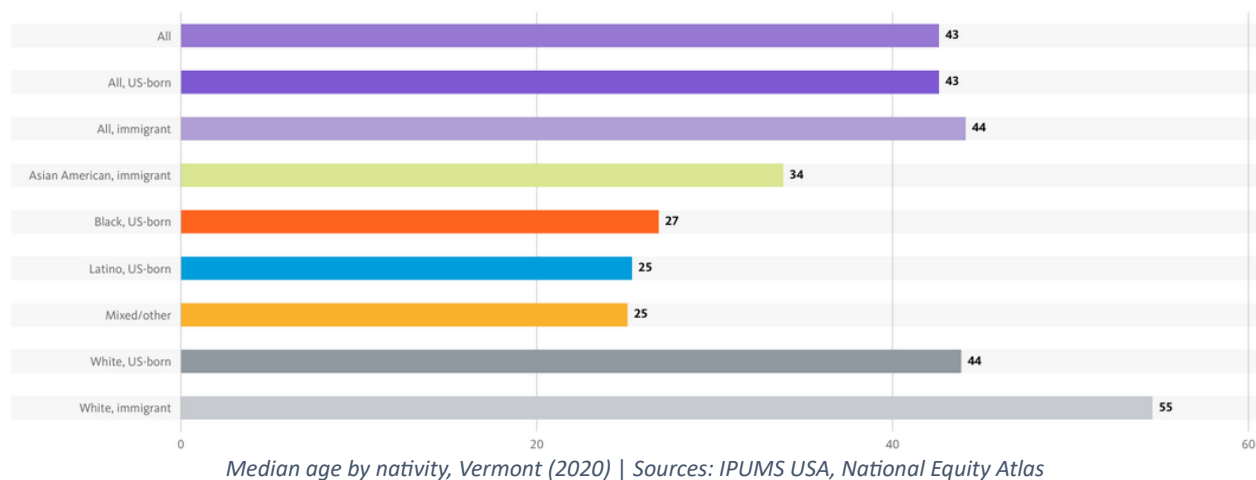
First, it is imperative to note that the budget proposal is neither a request nor a wish list—**it’s the law. All programs or entities that receive federal funding must provide language access services to comply with federal civil rights laws, including Title VI of the Civil Rights Act of 1964 & federal Executive Order 13166. The recommended investments proposed in this report are designed to bring Executive agencies uniformly into basic compliance with federal civil rights laws.** Just as with many other equity initiatives, many people will see this as “extra

---

<sup>1</sup> Find all versions of the report at [Office of Racial Equity Reports & Documents](#)

work” or “new requirements.” This effort is not new, and it is not extra: it is the bare minimum that has already been the law for decades, and that our peer states around the country already implemented years ago.

In the U.S., language access has the biggest impact on communities of color, who make up larger percentages of immigrant populations than White immigrants do. Further, language access is inextricably linked to accessibility, because not every language is spoken and not every spoken or signed language can be understood if there are other obstacles present. Obstacles to language access include website or infrastructural barriers for people living with disabilities. Knowing that most people age into disability and that Vermont is the second oldest state in the country, it is clear the provision of language access services is critical for the State to continue serving its aging and multicultural residents and visitors who are often—but not exclusively—of color. In fact, Vermont’s 2020 median age by nativity demonstrates the intersection of age (and consequently disability) with nativity, White immigrants, White U.S.-born people, and immigrants overall were the Vermonters with the highest median ages, respectively.



The Office of Racial Equity sees language access as a way to meet the State’s aims of growing, diversifying, and retaining its population. Without equitably addressing the ongoing needs of our residents and visitors, we cannot expect to retain them for long. Demonstrating a willingness to “meet people where they are” through language access services helps communicate to prospective residents that Vermont truly strives to be a welcoming place.

### **FISCAL IMPACT**

One of the first steps to providing language access is translating vital documents. Vital documents are public-facing, non-confidential documents of significant importance to the clients of a program or service.<sup>2</sup> The Office of Racial Equity estimates that translating the existing vital documents of the Executive agencies will require \$3.5M in one-time funding, then approximately \$790k to maintain the vital documents going forward. For details, see the summary enclosed herein or see Appendix G of the Language Access report. There would be separate costs for Judiciary and Legislative branch vital document translation. The Judiciary has already done substantial work on this over the last several years.

<sup>2</sup> Refer to the section “Vital Documents” on pages 20-21 and the Glossary of the 2023 Office of Racial Equity Language Access Report for additional details.

**The proposal received by the legislature includes \$2.3M in one-time funding and \$700k in base funding for FY'24 with the goal of beginning with these appropriations as a first phase of implementation of a language access plan, with the remainder to be appropriated for FY'25.** The Office of Racial Equity urges the legislature to approve the recommended spending, and simultaneously urges the Executive branch to adopt the recommendations in the report that require little or no financial investment. The exposure to civil suits that the State risks is not hypothetical—one only need look to the 2018 “Collaborative Technical Assistance Agreement” prompted by the U.S. Department of Justice in response to complaints made against the Vermont Judiciary regarding Title VI language access laws.<sup>3</sup> The Agency of Natural Resources has also been placed under federal oversight for failing to provide adequate language access services in the past 3 years. By leaving the State vulnerable to similar legal action, we risk a cost far greater than the few million dollars it would take to implement a language access plan.

Another critical early step of this work is based on a recommendation that was echoed numerous times by the community and language justice advocates: it was clear the public wanted to see a centralized unit of state government be responsible for coordinating language access services across all branches of state government. The 2023 Office of Racial Equity Language Access report contains a summary of the discussion around that point. It is imperative that the State come to agreement on which department(s), office(s), or unit(s) will be responsible for that **and resource them appropriately** so the State can begin implementing these recommendations right away.

Thank you for your consideration.

**END OF MEMORANDUM**

---

<sup>3</sup> [LEP.gov – Vermont Judiciary Collaborative Agreement](https://lep.gov)

**VITAL DOCUMENT TRANSLATION COST ESTIMATE (APPENDIX G OF LANGUAGE ACCESS REPORT)**

Agency/Department/Division	Tier 1 estimate: top 9 languages (Arabic, Burmese, French, Kirundi, Nepali, Somali, Spanish, Pashto, Dari according to AHS LEP committee)	Tier 2 estimate: 4 other languages (Bosnian, Swahili, Vietnamese, Mandarin [AALV recommended secondary language])	Total for Tier 1 and 2
Administration, Agency of (AOA)*	\$0.00	\$0.00	\$0.00
Agriculture, Food & Markets, Agency of (AAFM)	\$214,830.00	\$95,480.00	\$310,310.00
<b>Attorney General, Office of the</b>	\$35,887.50	\$15,950.00	\$51,837.50
<i>Auditor's Office</i>	\$0.00	\$0.00	\$0.00
<i>Buildings and General Services, Dept. of (BGS)</i>	\$20,295.00	\$9,020.00	\$29,315.00
<i>Children and Families, Dept. for (DCF)(AHS)</i>	\$111,375.00	\$49,280.00	\$160,655.00
Commerce & Community Development, Agency of (CCD)	\$214,830.00	\$95,480.00	\$310,310.00
<i>Corrections, Department of (DOC) (AHS)</i>	\$269,280.00	\$119,680.00	\$388,960.00
<b>Crime Victim Services, Center for</b>	\$35,887.50	\$15,950.00	\$51,837.50
<b>Defender General, Office of the</b>	\$35,887.50	\$15,950.00	\$51,837.50
<i>Disabilities, Aging and Independent Living, Dept. of (DAIL)</i>	\$59,400.00	\$26,400.00	\$85,800.00
Education, Agency of (AOE)	\$214,830.00	\$95,480.00	\$310,310.00
<i>Finance and Management, Dept. of (AOA)</i>	\$495.00	\$220.00	\$715.00
<b>Financial Regulation, Dept. of (DFR)</b>	\$0.00	\$0.00	\$0.00
<i>Health Access, Dept. of Vermont (DVHA) (AHS)</i>	\$0.00	\$0.00	\$0.00
<i>Health, Dept. of (VDH) (AHS)</i>	\$74,690.00	\$36,190.00	\$110,880.00
<i>Human Resources, Dept. of (DHR) (AOA)</i>	\$225,720.00	\$100,320.00	\$326,040.00
<b>Judiciary, Vermont State<sup>^</sup></b>	\$5,445.00	\$2,420.00	\$7,865.00
<b>Labor, Dept. of (VDOL)</b>	\$60,665.00	\$27,005.00	\$87,670.00
<i>Libraries, Dept. of (AOA)</i>	\$0.00	\$0.00	\$0.00
<b>Liquor and Lottery, Dept. of (DLL)</b>	\$14,355.00	\$6,380.00	\$20,735.00
<i>Mental Health, Dept. of (DMH)(AHS)</i>	\$27,225.00	\$12,100.00	\$39,325.00
<b>Natural Resources Board (estimate = PUC)</b>	\$27,225.00	\$12,100.00	\$39,325.00
<i>Natural Resources, Agency of (ANR)</i>	\$214,830.00	\$95,480.00	\$310,310.00
Public Safety, Dept. of (DPS)	\$214,830.00	\$95,480.00	\$310,310.00
Public Service, Dept. of (PSD)	\$3,960.00	\$1,760.00	\$5,720.00
<b>Public Utility Commission (PUC)</b>	\$27,225.00	\$12,100.00	\$39,325.00
Secretary of State (SOS)-OPR, VSARA, etc.	\$35,887.50	\$15,950.00	\$51,837.50
<b>State's Sheriff's and Attorneys, Department of</b>	\$35,887.50	\$15,950.00	\$51,837.50
<i>Taxes, Dept. of (TAX)(AOA)</i>	\$44,550.00	\$19,800.00	\$64,350.00
Transportation, Agency of (AOT)	\$52,965.00	\$24,200.00	\$77,165.00
<i>Treasurer's Office</i>	\$35,887.50	\$15,950.00	\$51,837.50
<b>Estimated totals:</b>	<b>\$2,314,345.00</b>	<b>\$1,032,075.00</b>	<b>\$3,346,420</b>
Agency of Human Services alone (DOC, VDH, DCF, DMH, DAIL, DVHA)	\$541,970.00	\$243,650.00	\$785,620.00
document survey responses (gold) (estimate used for late vital document survey respondents highlighted in green)	\$35,887.50	\$15,950.00	\$51,837.50

**Key:**

grey = ORE staff received no response to vital document survey, so had to extrapolate based on available returned vital document surveys

purple = vital document count conducted by ORE staff

green = waiting on return of vital docs survey by 9/30/22, survey sent out late by ORE staff

lavender = extrapolated data point, no vital docs survey sent out due to lack of point of contact at agency/department etc. Estimate based on best comparison to similar agency/department/division that did respond to vital document survey

gold = estimate based on returned vital document survey

*italics=division is part of larger Department or Agency*

**bold text=department or division is independent of larger Executive Agency structure**

<sup>^</sup>=estimate only includes documents that are under control of Vermont Judiciary Branch but were submitted on vital document survey from DAIL

\*=all Agency of Administration divisions not otherwise listed (ORE, CPO, CMO etc.)

This table is only intended to encompass the total cost of the initial translation of the vital documents that were identified at each Executive branch agency/department/division listed in this

document and the public-facing boards/commissions that they support, if any. The Office of Racial Equity cannot guarantee the accuracy of estimate extrapolation resulting from non-response to the vital document survey. These estimates are intended to be used in the aggregate to establish a total budget for the vital document translation process for the entirety of Executive branch entities and the public-facing boards/commissions they support. Costs for community-based nonprofit partners of State agencies are not included. The cost of American Sign Language video translations is not included in the estimates in this table. Additional information available in Appendix G of the 2023 Office of Racial Equity Language Access report.<sup>2</sup>