

# **Massachusetts Commission for the Blind, MCB**

## **Language Access Plan**

February 2013

### **I. AGENCY DESCRIPTION**

The Massachusetts Commission for the Blind (MCB) provides the highest quality rehabilitation and social services to individuals in Massachusetts who are blind, leading to independence and full community participation. MCB accomplishes this critical mission by working in partnership with consumers who are legally blind, families, community agencies, health care providers, and employers.

MCB, established in 1906, provides a wide range of social and rehabilitation services to Massachusetts residents of all ages who are legally blind. Agency services may address a number of varied needs of individuals who are blind. Massachusetts law (C.6, s. 136) requires that all eye care providers who find a person to be legally blind report this person to MCB within 30 days of the date of examination. Those individuals reported to be legally blind are registered with the agency and a Register is continuously maintained.

The reason for this law is to ensure that individuals who are legally blind get the supporting services and benefits they may need. Additionally, the information gathered is of great value in estimating national rates and causes of legal blindness, as well as advancing research related to the field of blindness. Agency social workers and counselors contact individuals who are legally blind and reported to the agency to explain and offer appropriate services. There are currently more than 30,000 individuals who are legally blind registered with MCB.

### **II. INTRODUCTION**

Most individuals living in the Commonwealth read, write, speak and understand English. There are many individuals, however, for whom English is not their primary language. For instance, based on the 2010 census data, approximately 1.38 million or nearly 21% of Massachusetts residents speak a language other than English at home. Persons who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English may be limited English proficient, or “LEP,” and are eligible to receive language assistance with respect to a particular type of service, benefit, or encounter. If we were to use the 2010 Census figures, approximately 6,420 MCB clients (21.4% of 30,000) or families would be limited English proficient.

Language for non-English speakers and LEP individuals can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, and/or understanding other information provided by state programs and activities.

MCB, like many other state agencies, provide (in English) an array of services that can be made accessible to otherwise eligible LEP persons. State government is committed to improving the accessibility of these programs and activities to eligible non-English speakers and LEP persons, a goal that reinforces its equally important commitment to promoting programs and activities designed to help individuals learn English. As a state agency, MCB has an obligation, when reasonably possible; to reduce language barriers that can preclude meaningful access by non-English speakers and LEP persons to important government services.

### **III. PURPOSE AND AUTHORITY**

In certain circumstances, failure to ensure that non-English speakers and LEP persons can effectively participate in or benefit from state programs and activities may violate Title VI of the Civil Rights Act of 1964, federal Executive Order 13166 and associated Title VI regulations and guidance against national origin discrimination, the state's anti-discrimination statute – Chapter 151B of the General Laws, and Executive Order 526.

The objectives of these Language Access Guidelines (Guidelines) are to: (a) Improve access to and the quality of state services, programs and activities for non-English speakers and LEP persons; (b) Reduce disparities and delays, if any, in the provision of state services/programs to eligible non-English speakers and LEP persons compared with eligible English speakers; and, (c) Increase agency effectiveness and public satisfaction. Additionally, these Guidelines are meant to establish a common baseline for creating access to non-English speakers and LEP persons. MCB will make every attempt to go beyond these Guidelines as needs and circumstances dictate (and, in many instances where MCB may be a recipient of federal financial assistance, it may have to go beyond these Guidelines). Finally, these Guidelines shall serve as the basis for the development of the state agency access plans.

The purpose of the MCB Language Access Plan is to ensure that consumers of the agency have meaningful access to services, programs and activities although they may be limited in their English language proficiency. MCB is committed to this Language Access Plan as the appropriate response to meeting our consumers' needs. MCB's LAP is consistent with the requirements of Administrative Bulletin #16. According to ANF Administrative Bulletin #16, a Limited English Proficient ("LEP") person is someone who is not able to speak, read, write or understand the English language at a level that allows him/her to interact effectively with MCB staff. A client maintains the right to self-identify as a LEP person.

The role of the Office of Access and Opportunity under Executive Order 527 is to ensure non-discrimination, diversity and equal opportunity in all aspects of executive branch operations. Consistent with this authority, the Office of Access and Opportunity seeks to ensure consistency across state agencies in the treatment of LEP persons by way of creating a common baseline among agencies, while recognizing the various roles and needs of these agencies. Inconsistencies and contradictions across state agencies may needlessly increase costs without rendering meaningful access to non-English speakers and LEP persons.

This effort requires a balanced approach. On the one hand, we must ensure that executive branch programs do not leave behind individuals simply because they face challenges communicating in English. On the other hand, we must achieve this goal while not creating undue administrative burdens on agencies. Pursuant to Executive Order 526, executive branch agencies should use these guidelines in developing language access plans. This Administrative Bulletin is intended for the guidance of executive branch agencies, and nothing in it establishes any legally enforceable rights.

#### **IV. GENERAL POLICY**

It is the policy of the Commonwealth that programs, services and activities that executive branch agencies normally provide in English be accessible to non-English speakers and LEP persons, pursuant to these guidelines. In furtherance of this policy, the Commonwealth's executive branch agencies shall take all practical and reasonable steps to provide non-English speakers and LEP persons with meaningful access to services, programs, and activities, and shall work to ensure that such access is not inferior or substantially delayed.

These Guidelines incorporate the substance of the Department of Justice guidance relative to language access services. Specifically, these guidelines are premised on the following factors:

- (1) The number and proportion of non-English speakers and LEP persons served by the agency in its services, programs and activities;
- (2) The frequency with which non-English speakers and LEP individuals come in contact with the service, program or activity;
- (3) The nature and importance of the service, program or activity provided by the agency; and
- (4) The fiscal resources available to the agency and/or costs incurred by the agency.

These Guidelines seek to balance the objective of creating reasonable access to services on the part of LEP persons with administrative fiscal limitations. Each agency shall develop a language access plan through which it works to implement protocols for providing services to non-English speakers and LEP persons. Said language access plan shall be consistent with these Guidelines. Each agency shall have 120 days from the issuance of these guidelines to develop and implement its language access plan.

## **V. MASSACHUSETTS COMMISSION FOR THE BLIND LANGUAGE ACCESS PLAN(S)**

The Massachusetts Commission for the Blind (MCB) has prepared this Language Access Plan (“LAP” or “Plan”), which defines the actions to be taken by MCB to ensure meaningful access to MCB’s services, programs and activities on the part of persons who have limited English proficiency. MCB will review and update, on a biannual basis, this LAP in order to ensure continued responsiveness to community needs and compliance with the Executive Order for Administration and Finance (“ANF”) Administrative Bulletin #16.

(a) Approach. MCB, as a state agency, provides services, programs and activities to citizens of the Commonwealth, and as a result; is establishing a language access plan, whose full implementation shall be subject to the availability of fiscal resources to implement said language access plan. MCB’s LAP was developed following the LEP Guidelines that were provided by ANF. The language access plan is an administrative blueprint by which MCB will use to comply with language access requirements. The plan outlines the tasks to be undertaken, establishes deadlines by which actions will be taken, identifies responsible personnel assigned to implement the language access plans, and establishes priorities relative to the implementation of such plans. Language access plan protocols are detailed explanations that identify the steps to be followed to access language services, gather data, and deliver services to LEP individuals. MCB’s language access plan will be updated every two (2) years. In the event that said language access plan cannot be fully implemented due to fiscal limitations or costs, MCB Commissioner Janet L. LaBreck, in consultation with and approval from EOHHS Secretary John Polanowicz, shall identify (a) the specific element(s) that require a delay in implementation due to such limitations, (b) a revised time frame for implementing any delayed specific element(s), and shall communicate both (a) and (b) to the Office of Access and Opportunity.

(b) Components of the Plan:

(1) Coordinator. MCB has designated Wayne Levy, Director of Multicultural Outreach, as the agency’s language access coordinator. He will be responsible for MCB’s implementation and compliance with the agency’s language access plan. Wayne’s contact information is:

Wayne Levy  
Director of Multicultural Outreach  
Massachusetts Commission for the Blind  
600 Washington Street  
Boston, MA 02116  
617-626-7586  
[Wayne.levy@state.ma.us](mailto:Wayne.levy@state.ma.us)

(2) Action Steps. Each plan shall outline the tasks to be completed, established prioritized timelines, and assign resources, including the following:

(a) Needs Assessment. MCB must determine if the agency meets or exceeds the 5% threshold of the people we serve needing services in other languages (other than English). There are several ways to determine if the 5% threshold that is currently being met is being exceeded.

- Using the Mandatory Report of Legal Blindness Form. When a report of legal blindness is received from an eye care provider and legal blindness (*defined as vision with correction of 20/200 or less in the better eye; or peripheral field of (10°) or less, regardless of visual acuity*) is established, a Mandatory Report of Legal Blindness Form is faxed or mailed to MCB. Alternatively, eye care providers can also register patients electronically through a newly created online registration process. There is a section on the form that asks the eye care provider to identify the person's race. Unfortunately, this question is often left unanswered. Although individuals can be classified into one of several race categories (listed below), their spoken language is usually not identified.

**Since the original MCB LAP was submitted (in 2011), we have made modifications to the Mandatory Report of Legal Blindness Form. The form now has the ability to capture the primary language of the patient.** The challenge is will be ensuring that this question is completed by the eye care provider. When a consumer is contacted by a MCB case worker, there is also another opportunity for their spoken language to be captured.

- Currently, MCB uses the following list of race categories when registering someone on System 7 (the agency's registration database):
  - White
  - Black of African American
  - American Indian or Alaska Native
  - Asian
  - Native Hawaiian of Pacific Islander
  - Hispanic or Latino(a)

**Another potential area for improvement is to expand the current list of races or simply leave a blank space to fill in the race.**

Although some patients may still be reluctant to answer this question, the ones that do will have the opportunity to identify their specific race. This could help up better identify any potential languages (other than English) that is spoken as their primary language. For example, a Russian native can only be identified as White on the current form. If there were more categories, they would have the option of selecting Russian. This would enable MCB to correctly distinguish a Polish speaking consumer from a Russian speaking consumer....even though they both have the potential to be LEP.

- Data collection. MCB will aim to improve how it gathers data on the language makeup of the client population that is served by the agency. As indicated in the agency description, there are currently more than 30,000 legally blind individuals registered with the Massachusetts Commission for the Blind. **Another option (and area for improvement) is for MCB to take additional steps to identify an individual's primary language during the registration process. As stated above, consumers can be asked to identify their primary language when they are being registered with the agency for the first time.**
- Surveys and Census. The Massachusetts Commission for the Blind conducted a "rolling" census (one region at a time) of all registered legally blind persons in Massachusetts in 2010. Registrants were included in the census whether or not they are receiving services from the agency. Censuses of all six MCB regions in the state were completed. A census form and letter were sent to approximately 30,000 people who were last known to be living in one of the six regions. A short survey was included; one of the six questions asked was: "What is the primary language spoken at home?" Below are the results of the survey.

Here are the Regional results from the collected data:

**Region 1.** A total of **1540** clients responded to surveys that were mailed out, of which

1419 or 92% reported "English" to be their primary language

68 or 4% reported "Spanish" to be the primary language

14 or .9% reported "Russian" was the primary language

12 or .7% reported "American Sign Language" to be their primary language

6 or .3% reported "Polish" to be their primary language

“Portuguese”, “Vietnamese”, “Haitian-Creole”, “Italian” and “French” all came in well below 1%.

**Region 2.** A total of **1378** clients responded to surveys that were mailed out, of which

1313 or 95% reported “English” to be their primary language

27 or 2% reported “Spanish” to be the primary language

14 or .9% reported “American Sign Language” was the primary language

6 or .4% reported “Portuguese” to be their primary language

3 or .2% reported “Italian” to be their primary language

“Russian”, “Vietnamese”, “Polish”, “Arabic” and “Cambodian” all came in well below 1%.

**Region 3.** A total of **857** clients responded to surveys that were mailed out, of which

704 or 83% reported “English” to be their primary language

47 or 6% reported “Russian” to be the primary language\*\*

38 or 5% reported “Spanish” was the primary language\*\*

20 or 3% reported “Chinese” to be their primary language

12 or 2% reported “Italian” to be their primary language

“Creole”, “Vietnamese”, “Haitian-Creole”, “Cantonese” and “French” all came in less than 1%.

**Region 4.** A total of **2,111** clients responded to surveys that were mailed out, of which

1978 or 93.7% reported “English” to be their primary language

29 or 1.4% indicated that “Spanish” was their primary language

25 or 1.2% stated that “Chinese” was their primary language.

21 or 1% reported that they communicated by “American Sign Language”.

15 or 0.7% reported “Russian” to be their primary language.

15 or 0.7% reported that “Portuguese” was their primary language.

11 or 0.5% reported “Italian” as their primary language.

6 or 0.28% reported “Nonverbal” to be the primary language

6 or 0.28% reported “Haitian Creole” to be their primary Language.

4 or 0.19% reported “Polish” to be their primary language.

4 or 0.19% reported “Arabic” to be their primary language.

4 or 0.19% reported “Greek” to be their primary language.

2 each or 0.09% reported the following to be their primary language:

Armenian, Vietnamese, French, Tagalog, Farsi, Mandarin, and Gujarati.

1 each or 0.05% reported the following to be their primary language:

Burmese, Cantonese, Circasian, Latvian, Punjabi, Thai, Romanian, Hindi, Konkani, Igbo, Indian, Tamil, and Persian.

**Region 5.** A total of 1760 clients responded to surveys that were mailed out, of which

1631 or 92% reported “English” to be their primary language

59 or 3% reported “Portuguese” to be the primary language

24 or 1% reported “American Sign Language” was the primary language

21 or 1% reported “Spanish” to be their primary language

4 or .2% reported “French” to be their primary language

“Creole”, “Italian”, “Cape Verdian-Creole”, “Haitian-Creole” and “Arabic” all came in well below 1%.

**Region 6.** A total of 857 clients responded to surveys that were mailed out, of which

704 or 82% reported “English” to be their primary language

47 or 5% reported “Russian” to be the primary language\*\*



38 or 4% reported “Spanish” was the primary language

20 or 2% reported “Chinese” to be their primary language

12 or 1% reported “Italian” to be their primary language

“Creole”, “Vietnamese”, “Haitian-Creole”, “Cantonese” and “Persian/Farsi” all came in well below 1%.

\*\*When the percentage of LEP persons served by the Regional office meets or exceeds 5%, MCB will aim to provide language services to assist non-English speakers and LEP persons identified as being within the eligible service population and/or seek to access services and programs normally offered by the agency in English. MCB is planning to conduct (assuming the manpower and resources are available) another “rolling” census in 2013.

- **MCB is committing that it will aim to develop and implement a protocol to review and determine which forms, letters, documents and website content are vital, in whole or in part, to providing meaningful access to and segment of the population that meet or exceeds the 5% threshold. This process will be ongoing.**

It should be noted that for the questions regarding language and preferred method of communication, the majority noted English and large print as their option.

Statewide, a total of 9697 clients responded to the language survey question. Here are the totals from the top 5:

English, 8783 or 91.5 %

Spanish, 256 or 2.7%

Portuguese, 103 or 1.1%

Russian, 86 or 0.96%

American Sign Language, 86 or 0.96%

Braille was the preferred method of communication for 288 or 2.7%

(3) Points of Contact. To better serve the more than 30,000 individuals who are legally blind and are registered in Massachusetts, MCB operates through six (6) regional offices. They are broken down as follows:

- Region 1 (Western Mass)
- Region 2 (Central Mass)
- Region 3 (Northeastern Mass)
- Region 4 (Greater Boston)
- Region 5 (Southeastern Mass)
- Region 6 (Boston and Brookline)

Points of contact between MCB's Regional Offices and Client Population:

- Region 1, 436 Dwight St., Springfield, MA 01103, 413-781-1290
- Region 2, 390 Main St. Room 620, Worcester, MA 01608, 508-754-1148
- Region 3, 600 Washington Street, Boston, MA 02111, 617-727-5550
- Region 4, 600 Washington Street, Boston, MA 02111, 617-727-5550
- Region 5, 888 Purchase St., Suite 203, New Bedford, MA 02740, 508-993-6140
- Region 6, 600 Washington Street, Boston, MA 02111, 617-727-5550

(4) Language Resources Assessment. The current list of staff members have been identified as being able to deliver services in language other than English and/or serve as interpreters:

Susan Ho, Cantonese

Frances Chin, Cantonese

Wanda Chan, Cantonese

Sengil Inkiala, French

Maria Loughran, Italian

John DaCosta, Portuguese and Spanish

John Oliveira, Portuguese

Susana Bergantim, Portuguese

Anne Cantrill, Spanish and ASL

Charlene Sanderson, Spanish

Luis Nolasco, Spanish

Richard Chapman, Spanish

Mayra Prats, Spanish

Kathi White, Spanish

Herbert Molina, Spanish

Jessica Molina, Spanish

Rosanna D'Addieco, Spanish

Lil Ciulla, ASL  
Cynthia Guise, ASL  
Gail Denman, ASL  
Gene Hoy, ASL  
Mitch Sandborn, ASL  
Mary Kate Loughran, ASL  
Stefan Hedio, Polish  
Kamilia Drogosz, Polish  
Paul Shoemaker, Russian  
Mary Otiato, Swahili  
Ruth Worrede, Amharic  
Joey Buizon, Tagalog (Filipino)  
Fabian DePeiza, Trinidadian (English)

In addition to using staff to assist with LEP calls, MCB uses additional resources to help facilitate these calls. If a call comes in and the caller is identified as a LEP individual, the MCB operator will try to find out where the person lives. Based on this information, they are then redirected to one of the Regional offices. Since the agency only has one operator, the call is usually referred to one of the Regional offices to prevent the phone line from being tied up. MCB staff members at the Regional offices are more equipped to handle calls with LEP individuals by using a Language Line. MCB has installed the Language Line interpreter service in all of its Regional offices to handle these calls. Language Lines offers interpretation of more than 140 languages. A sample of plan (which is distributed to all 6 MCB Regional offices) is listed below:

## Directions for using the telephone interpreter

1. Call 1-800-874-9426
2. The automated system will ask you what language
3. The automated system will ask to press MCB's I.D. #.
4. You will be asked for your I.D. (this is your four digit extension)
5. Follow directions and press your four digit extension when asked
6. When the interpreter comes on the line, tell him/her the purpose of your phone call (e.g. to set up an appointment, to provide information about a specific matter, etc.) AND the name of the person you are calling
7. Ask the interpreter to place your call to the consumer
8. Give the interpreter the person's area code and telephone number
9. When the call is connected, let the interpreter exchange greetings with the person and then you identify yourself and proceed with the conversation.
10. Remember to speak in short phrases and wait for the interpreter to interpret before continuing.

Additionally, MCB has an open order established with Catholic Charities. This falls under the Operational Services Division's (OSD) statewide contract which focuses on handling personal interviews. Interpreters are hired (on a purchase order basis) to converse with workers. MCB does not hire interpreters for clients to use outside of its service delivery.

(5) Monitoring. MCB will plan to monitor its Language Access Plan on a quarterly basis (four times each year) to ensure that the agency is still in compliance with the Commonwealth's Language Access Policy. The LAP will be monitored and updated by Wayne Levy, MCB's Director of Multicultural Outreach and Language Access Coordinator.

MCB will (on a quarterly basis):

- Assess the LEP makeup and needs at each Regional office. If there is a shift in demographics, MCB will make the necessary adjustments to its LAP plan.
- Review the language needs of any potential new MCB consumers. If there is a need for a new language to be added to the list, MCB will take the necessary steps to address this need.
- Review (and update) the list of staff MCB staff members that are linguistically, culturally, and technically able to deliver services in a language other than English and/or serve as interpreters. If any new staff that speaks another language joins MCB, they will be added to the list. Identified staff members that leave the agency will also be removed. The goal here is to have an updated list.
- Assess whether the sources of and arrangements for assistance are still current and viable.

(6) Complaints. In the event that a person wishes to file a complaint regarding an alleged violation of these Guidelines, he/she should file a complaint with Wayne Levy, MCB's Language Access Coordinator. A complaint may also be filed with the Office of Access and Opportunity, which will refer the matter to the MCB for response and/or redress. In the event the complaint cannot be resolved at the MCB level, the Office of Access and Opportunity will seek to resolve the complaint.

In making the determination under this paragraph of the type of oral language services needed, MCB will (when necessary) consult the following sources of data:

- (i) The 2010 American Community Survey (as updated) available via the United States Census Bureau;
- (ii) Any demographic data, available via public sources, on language ability indicating that individuals speak English "less than very well";
- (iii) Any other language-related information available for use to develop a language access plan that make services, programs and/or activities more accessible to non-English speakers and LEP persons.

As part of updating its LAP, MCB shall collect data about the languages spoken and the proportion of non-English and LEP persons speaking a given language in the population that is served by the agency. The Office of Access and Opportunity will also compile and share data with if MCB requests or needs it.

(7) Document Translation. As part of the MCB LAP, MCB shall develop and implement a protocol to review all forms, letters, and documents used by the agency to determine which are vital, in whole or in part, to providing meaningful access to non-English speaking and LEP persons. As part of its language access plan, MCB shall translate such forms, letters, and documents into languages regularly encountered. For purposes of these guidelines, the term "languages regularly encountered" shall mean any language spoken by at least 5% of the population served within a particular agency program, service or activity. Notwithstanding the preceding sentence, since MCB operates regional offices, the agency shall apply the 5% standard to the geographic region served by the regional office. 7

Pursuant to paragraph (a) in Section V, if MCB determines that meeting this requirement, in whole or in part, is not possible due to fiscal limitations or costs, the agency shall identify a phased approach to meet such requirements. Said phased approach shall be included in the MCB LAP.

(8) Interpretation (Oral Translation). As part of its language access plan, MCB shall provide interpretation services to non-English speaking and LEP persons, into languages spoken by such non-English speaking and LEP Persons, who seek to access or participate in the services, programs, or activities offered by the Agency. For purposes of these guidelines, the term "languages regularly encountered" shall mean any language spoken by at least 5% of the population served within a particular agency program, service or activity.

Since MCB operates regional offices, the agency shall apply the 5% standard to the geographic region served by the regional office. Notwithstanding the 5% standard, MCB is encouraged but not required to provide universal access to interpretation services.

Pursuant to paragraph (a) in Section V, if MCB determines that meeting this requirement, in whole or in part, is not possible due to fiscal limitations or costs, the agency shall identify a phased approach to meet such requirements. Said phased approach shall be included in the MCB LAP.

(9) Website content. MCB 's website content shall be periodically reviewed and modified such that vital information to non-English speakers and LEP persons served by the agency is translated or otherwise presented in languages that meet the five percent (5%) threshold. Websites and their content should include appropriate disclaimers developed in consultation with the agency's legal counsel. Agencies, consistent with policies promulgated by the Information Technology Division or the secretariat Chief Information Officer may utilize existing web-based services or programs that translate website content such as Google Translation to meet the requirements of this paragraph.

(10) The Massachusetts Office for Refugee and Immigrants. MCB, in conducting its needs assessment, in preparing its language access plan, and/or in developing and implementing a training program for its staff will consult the Massachusetts Office on Refugees and Immigrants ("ORI"). ORI has extensive experience in assisting state agencies and in meeting the needs of non-English speakers and LEP populations.

(11) Stakeholder Consultations. Whenever possible, MCB will consult with community-based organizations that provide services to non-English speakers and LEP persons in devising its language access plan.

(12) Training. MCB will develop and implement a plan for ongoing, regular training that ensures agency staff is aware of the contents of the plan and its protocols, including newly hired staff.

(13) Notice. MCB's LAP will address the need to inform the public of the availability of language access services. Such information may include, but not be limited to, community outreach, posted notices in public spaces of agency offices, tag lines on agency documents, agency content on the website, and public advertisements. The MCB LAP is a public document and shall be made available on the agency's website in an accessible format and to the public upon request (and payment of standard search and copying fees set by the Secretary of State's Supervisor of Public Records).



(14) Monitoring. MCB's LAP will provide for a system to periodically monitor agency compliance with these Language Access Guidelines, as well as the need for any changes in the agency's language access plan and its protocols.

(15) Complaints. In the event that a person wishes to file a complaint regarding an alleged violation of these Guidelines, he/she should file a complaint with the Agency Language Access Coordinator. A complaint may also be filed with the Office of Access and Opportunity, which will refer the matter to the Agency Language Access Coordinator for response and/or redress. In the event the complaint cannot be resolved at the agency level, the Office of Access and Opportunity will seek to resolve the complaint.

Notwithstanding paragraphs (a) and (b) in Section V, if MCB has developed and implemented a plan or policy pursuant to Federal Guidance or other policy directives to ensure access to state services, programs and/or activities that is substantially equivalent to or greater than the language access plan required by these Guidelines, the agency may utilize said plan or policy in place of the language access plan required by these Guidelines. MCB will submit the access policy or plan to the Office of Access and Opportunity pursuant to paragraph (2) of subsection (a) of Section VII. The submission shall be accompanied by a cover memorandum that attests that said access policy or plan meets the requirements of the Language Access Plan required by these Guidelines, and the cover memorandum shall be signed by the agency head and the secretary of the executive office to whom the agency head reports.

## **VI. ADDITIONAL POLICY GUIDANCE**

In addition to the aforementioned policies, MCB will aim to use the following guidelines in the development and implementation of its language access plan. MCB will seek to incorporate, as part of its normal operating actions (if/and whenever possible), the following:

- (a) Responsibility. It is MCB, rather than the LEP person, to bear the responsibility for the reasonable provision of language access services. As employees of the Commonwealth, all MCB staff has an affirmative responsibility to assess and record language needs.
- (b) Bilingual staff:
  - (i) Hiring. Using data available on non-English speakers and LEP persons that make up service, program and activity participation, MCB seeks to incorporate in their agency affirmative action and diversity plans a strategy to develop in-house language capacity through the hiring of employees with specific language skills and should designate job descriptions appropriately.

- (ii) **Staff Interpreters.** Linguistically, culturally, and technically competent staff may function as interpreters for other MCB staff, when needs and staffing permits such action and provided that the interpretation does not have to be provided by a licensed or certified interpreter.
- (iii) **Language Sensitive Assignments.** Subject to any legal constraints, MCB staff should consider the options available to organize, assign or configure employees in order to meet the language needs of persons served by MCB without imposing unfair burdens on bilingual staff.

Language Data. MCB will consider the means by which to effectively gather and analyze data on the language needs of those who use the agency's services and programs. MCB has the ability to maintain records specific to individuals and provide ongoing services, and as a result will aim to develop the means to identify and record the primary language of the customer, tabulate language data, and mark files with language information so that language access services can be provided as a matter of course in future contacts.

## **VII. ROLE OF THE OFFICE OF ACCESS AND OPPORTUNITY**

**(a) The Office of Access and Opportunity within the Executive Office for Administration and Finance shall:**

- (1) Update these guidelines as necessary;**
- (2) Receive a copy of each agency's language access plan and unless said language access plan does not conform to these guidelines, approve its use;**
- (3) Compile and disseminate to agencies as requested data relative to languages spoken by populations of the Commonwealth;**
- (4) Provide information, as requested, to state agencies on language services available under existing state contracts for in-person interpreting, telephone interpreting and translation.**
- (5) Provide technical assistance to agencies in the implementation of these guidelines and their language access plans; and,**
- (6) Enlist the assistance of the Office of Diversity and Equal Opportunity, the Office of Refugees and Immigrants, and any other state agency to discharge its responsibilities under these guidelines.**

MCB is submitting its LAP with the understanding that the Assistant Secretary of Access and Opportunity (“Assistant Secretary”) shall:

- (1) Review MCB’s language access plan;
- (2) Monitor MCB’s language access plan for compliance with the appropriate guidelines;
- (3) Track, monitor, and look into complaints filed with the Office of Access and Opportunity regarding language access violations at MCB, and where necessary, issue written findings of noncompliance to MCB regarding a failure to provide language access; provided, the Assistant Secretary shall remit any complaints filed with the Office of Access and Opportunity to MCB’s Language Access Coordinator to allow the Language Access Coordinator to try to resolve the complaint first;
- (4) Convene meetings of the Executive Office of Health and Human Services’ (EOHHS) language access coordinators to facilitate information sharing including agency best practices; and,
- (5) Make recommendations to the Governor and his/her cabinet as necessary to implement fully the Commonwealth’s Language Access Policy.

### **Language Access Complaint Procedure**

(Attachment to the Massachusetts Commission for the Blind LAP)

A complaint may be filed with MCB’s Language Access Coordinator (Wayne Levy) or the Office of Access and Opportunity if someone believes he/she has been denied the benefits of this Plan. He/she must file their complaint within 6 months of the alleged denial and the complaint must be in writing. To file a complaint with the MCB Language Access Coordinator, submit the written complaint to:

Wayne Levy

Massachusetts Commission for the Blind

600 Washington Street

Boston, MA 02111-4718

[Wayne.levy@state.ma.us](mailto:Wayne.levy@state.ma.us)

To file a complaint with the Office of Access and Opportunity, please submit the written complaint to the attention of:

Office of Access and Opportunity  
Executive Office of Administration and Finance  
State House, Room 373  
Boston, MA 02133  
Email Address: [Ronald.Marlow@state.ma.us](mailto:Ronald.Marlow@state.ma.us)

Janet L. LaBreck  
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