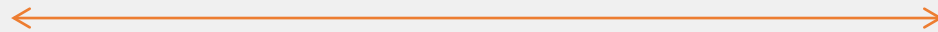




Connecting People to Policy



OVERVIEW OF LANGUAGE ACCESS LAWS IN NEVADA AND OTHER STATES

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TOPICS OF DISCUSSION

General Overview and Background of Language Access Laws

Examples of Language Access Laws in Other States

Language Access in Nevada:

- Courts

- Elections

- State and Local Government



GENERAL OVERVIEW OF LANGUAGE ACCESS LAWS

Federal Law:

1. Title VI of the Civil Rights Act of 1964
2. Executive Order 131666—Improving Access to Services for Persons with Limited English Proficiency



GENERAL OVERVIEW OF LANGUAGE ACCESS LAWS

State and Local Law:

Common Aspects of Language Access Programs

- Affected Agencies
- Document Translation
- Oral Interpretation
- Accuracy of Services
- Training Staff on Language Access Right and Procedures
- Public Notice of Services
- Designation and Recruitment of Agency Personnel to Supervise Language Access
- Language Access/Implementation Plans



GENERAL OVERVIEW OF LANGUAGE ACCESS LAWS

State and Local Law:

Common Aspects of Language Access Programs

- Agency Oversight
- Advisory Councils
- Accountability Mechanisms
- Data Systems and Population Tracking
- Involvement of Community Members
- Agency Financial Resources



EXAMPLES OF LANGUAGE ACCESS LAWS IN OTHER STATES

New York, Executive, [Chapter 18, Article 10, § 202-A](#), effective July 1, 2022.

1. Requires each state agency that provides direct public services in New York state to translate all vital documents relevant to services offered by the agency into the twelve most common non-English languages spoken by limited-English proficient individuals in the state, based on the data in the most recent American Community Survey published by United States Census Bureau.
2. Each state agency must designate a language access coordinator to ensure compliance.
3. Subject agencies must develop language access plans and update every two years.
4. Agencies must provide interpretation services between the agency and an individual in each individual's primary language with respect to the provision of services or benefits by the agency



EXAMPLES OF LANGUAGE ACCESS LAWS IN OTHER STATES

City of Albuquerque, New Mexico, [Resolution R-2022-006](#), December 20, 2021.

1. Requires each city department to develop a language access plan.
2. Starting with the Fiscal Year 2023 Annual Budget request, each department must propose an annual budget to cover the costs associated with implementation of its Language Access Plan.
3. Each department must designate a language access coordinator and translate and maintain copies of all vital documents.



EXAMPLES OF LANGUAGE ACCESS LAWS IN OTHER STATES

New York City, [Local Law 30](#) - March 20, 2017.

1. Requires every covered agency to develop a language access implementation plan and provide language access services for all designated citywide languages.
2. Services include:
 - Identifying and translating documents most commonly distributed to the public that contain or elicit important and necessary information regarding the provision of basic city services;
 - Providing interpretation services, including through telephonic interpretation services; and
 - Posting of multilingual signage in conspicuous locations about the availability of free interpretation services.



EXAMPLES OF LANGUAGE ACCESS LAWS IN OTHER STATES

Boston, Massachusetts, [Ordinance 2016, Chapter 16](#) - 2016.

1. Requires the City of Boston through its departments to implement a communications access policy for residents who may have a disability, who are English language learners or Limited English speakers.
2. Requires each department to present a customized communications access plan to an oversight committee composed of representatives from the Mayor's Office of New Bostonians, Mayor's Commission for Persons with Disabilities, Office of Fair Housing & Equity, the Department of Neighborhood Development, and other public-facing City departments. This oversight committee serves as the centralized enforcement entity for the Communications Access ordinance.
3. Each department will undergo an annual review to evaluate expenses, performance and frequency of service delivery to Limited English-Speaking residents and residents with disabilities.



EXAMPLES OF LANGUAGE ACCESS LAWS IN OTHER STATES

San Francisco, California, [Ordinance 27-15, Language Access Requirements for Departments](#) - March 3, 2015.

1. Requires city and county departments to provide their services in English and in the languages spoken by substantial populations of limited English-speaking persons.
2. Requires the city departments to designate a language access liaison.
3. Develop, adopt and implement a department specific language access policy.
4. Coordinate language services.
5. Determine and budget for departmental language needs.
6. Provides residents with a way to report departments that don't follow the law.



EXAMPLES OF LANGUAGE ACCESS LAWS IN OTHER STATES

Hawaii, Language Access Law, [Chapter 321C](#)- 2006.

1. Applies to state agencies and covered entities that receive state-funding and provide services to the public.
2. Requires state agencies and covered entities to:
 - Establish a language access plan;
 - Take reasonable steps to ensure meaningful access to limited English proficient persons is provided;
 - Provide oral interpretation (live interpreter) services that are competent and timely; and
 - Provide written translations of vital documents.
3. Established the Office of Language Access to ensure compliance with the law and to provide technical assistance.
4. Established the Language Access Advisory Council to advise on implementation.



EXAMPLES OF LANGUAGE ACCESS LAWS IN OTHER STATES

Maryland State Code, [Section 10-1103](#) - July 1, 2019.

1. Requires most state agencies to provide free interpreter services.
2. Requires agencies to provide translation services if a language is spoken by 3 percent or more of the population served by the agency.



EXAMPLES OF LANGUAGE ACCESS LAWS IN OTHER STATES

Washington D.C., [Language Access Act of 2004](#)

1. Requires District government programs, departments, and services to assess the need for, and offer, oral language services.
2. Requires written translations of documents into any non-English language spoken by a limited or non-English proficient population that constitutes 3 percent or 500 individuals, whichever is less, of the population served or encountered, or likely to be served or encountered.
3. Ensures that District government programs, departments, and services with major public contact establish and implement a language access plan and designate a language access coordinator.
4. Requires that the Office of Human Rights coordinate and supervise District government programs, departments, and services in complying with the act.



EXAMPLES OF LANGUAGE ACCESS LAWS IN OTHER STATES

California, [Dymally-Alatorre Bilingual Services Act](#) - 1973.

1. Requires departments to explain or translate information and services to the public into any language spoken by 5 percent or more of those served.
2. If an individual believes they have not been provided with the requested information or services pursuant to the Act, the individual may file a Language Access Complaint.



EXAMPLES OF LANGUAGE ACCESS LAWS IN OTHER STATES

New Jersey, [Senate Bill 2459](#) - 2023.

1. Requires State government entities in the Executive Branch that provide direct services to the public to translate vital documents and information in at least the seven most common non-English languages spoken by individuals with limited-English proficiency, based on United States Census Bureau American Community Survey data.
2. Requires each State agency to develop and publish a language access plan that must reflect how the entity will comply with the requirements of the bill.
3. The bill directs the Commissioner of Human Services, Attorney General, and Chief Technology Officer to provide guidance to the heads of State government entities and their respective language access coordinators in their implementation of the bill.
4. Failure to comply provisions of the bill would not give rise to a right of action against a State government entity, but nothing in the bill would be interpreted to impair or affect any right under the New Jersey Law Against Discrimination, or any other obligation of a State government entity in the Executive Branch under State or federal law.



EXAMPLES OF LANGUAGE ACCESS LAWS IN OTHER STATES

Michigan, [Meaningful Language Access to State Services Act](#), 2023

1. Each covered entity must take reasonable steps to provide free meaningful language access to public services for individuals with limited English proficiency, including oral language services and translated documents.
2. Each covered entity must develop and submit a report with information and plans concerning implementation of meaningful language access to its services not less than every two years.

Michigan, [Statewide Meaningful Language Access Coordination Act](#), 2023

1. A central agency, the Office of Global Michigan must:
 - Coordinate steps taken by State agencies to implement meaning language access; designate at least one liaison; and create a complaint form and process.
2. Provides that any individual who believes that they were denied full and equal access to a covered entity because of their national origin has the right to separately seek a remedy with the department of civil rights.



EXAMPLES OF LANGUAGE ACCESS LAWS IN NEVADA: NEVADA CERTIFIED COURT INTERPRETER PROGRAM

As codified in Nevada Revised Statutes (NRS) [1.500](#) to [1.570](#), [Senate Bill 329](#) (1995) established the Nevada Certified Court Interpreter Program.

1. Charged the State Court Administrator with “establishing a program for the certification of court interpreters for witnesses, defendants and litigants who speak a language other than English and do not know the English language”.
2. Created the Advisory Committee for Certified Court Interpreter Program to advise the State Court Administrator regarding regulations related to certification.
3. The Language Access Plan has three primary purposes:
 - To provide guidance for the consistent application of policies and practices throughout the Nevada court system;
 - To provide the basis for training of judicial employees and staff to engage with Limited English proficient (LEP) individuals; and
 - To inform LEP individuals about available language access resources.



RECENT LANGUAGE ACCESS LEGISLATION IN NEVADA: ELECTIONS

[Assembly Bill 246](#) (Vetoed) requires the Secretary of State and county and city clerks to provide certain voting materials, as defined in the bill, in the language of a limited-English proficient minority group if, upon review of certain data by the Secretary of State, such a minority group meets a specified population threshold.

1. Requires the Secretary of State and authorizes county clerks to establish a toll-free telephone number for language interpretation and translation assistance relating to an election, and requires county and city clerks to make good faith efforts to appoint bilingual election board officers.
2. Changes to voter registration forms to allow for the collection of certain information, including whether an elector would like to receive a sample ballot in a language other than English.
3. Creates the Language Access Advisory Committee within the Office of the Secretary of State to among other things, identify programs and services that address issues related to language accessibility of elections and voting materials and assess whether any such programs or services could be implemented in Nevada.



RECENT LANGUAGE ACCESS LEGISLATION IN NEVADA

As codified in [NRS 232.0081](#), [Senate Bill 318](#) (2021) requires each agency in the executive department of the state government to develop and biennially revise a language access plan that includes information related to existing services available to individuals with limited English proficiency and recommendations for meeting the need for such services among those served by the agency.



RECENT LANGUAGE ACCESS LEGISLATION IN NEVADA: ASSEMBLY BILL 266

[Assembly Bill 266](#) (2023) requires each board of county commissioners and governing body of a city to develop a language access plan and revise it every two years.

1. Requires the board of county commissioners in a county whose population is 100,000 or more—and the governing body of a city whose population is 25,000 or more that is located in such a county—to ensure that certain public notices are issued in other languages.
2. The Office for New Americans within the Office of the Governor must employ a language access coordinator to perform certain duties related to language interpreters, translators, and language access plans.



RECENT LANGUAGE ACCESS LEGISLATION IN NEVADA: ASSEMBLY BILL 266, CONTINUED

Duties of the Office of New Americans include:

1. Coordinate with each governing body required to create a language access plan;
2. Provide oversight, central coordination, consultation, and technical assistance to any state agency, board of county commissioners and governing body of a city in the implementation of language access plans;
3. Provide any state agency, board of county commissioners, and governing body of a city with a policy manual containing baseline policies and procedures for compliance with language access requirements;
4. Maintain a publicly available roster of language interpreters and translators in positions that regularly have contact with the public and the languages each interpreter or translator speaks;



RECENT LANGUAGE ACCESS LEGISLATION IN NEVADA: ASSEMBLY BILL 266, CONTINUED

Duties of the Office of New Americans include:

5. Train any state agency, board of county commissioners, and governing body of a city to effectively recruit and retain language interpreters and translators and to support the recruitment and retention process;
6. Receive and investigate complaints relating to language access against any state agency, board of county commissioners, or governing body of a city and work with the Director to resolve such complaints;
7. Implement an annual budget and procurement strategy for expenses related to state language access plans; and
8. Provide any local government with the demographical information of persons with limited English proficiency who are constituents of the local government.



RECENT LANGUAGE ACCESS LEGISLATION IN NEVADA

[Assembly Bill 480](#) (2023) appropriates \$25 million from the State General Fund to the Interim Finance Committee for allocation in Fiscal Year 2024–2025 to Executive Branch agencies for the implementation of language access plans as required by law. Any remaining balance of the appropriation must be reverted to the State General Fund.



CONCLUDING REMARKS