

COMMISSION FOR DIVERSITY, INCLUSION & COMMUNITY RELATIONS

MEETING AGENDA

Wednesday, September 8, 2021

6:30 - 8:30 PM

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join.

<https://brooklinema.zoomgov.com/s/1619354950?pwd=STIKbGx1ZkEvYnBTeHFKQIFzTWFKQT09>

Passcode: 0vPE2hWv

One tap mobile:

+16692545252,,1619354950#,,,,*89822936# US (San Jose)

+16468287666,,1619354950#,,,,*89822936# US (New York)

join by phone:

Dial(for higher quality, dial a number based on your current location):

US: +1 669 254 5252 or +1 646 828 7666 or +1 551 285 1373 or +1 669 216 1590

Webinar ID: 161 935 4950

Passcode: 89822936

(via Zoom)

- | | |
|-----------|---|
| 6:30-6:40 | Welcome. Identify note taker. Approval of minutes from July meeting (there was no August meeting) |
| 6:40-6:45 | Public comment for items not on meeting agenda |
| 6:45-7:05 | Election of officers for 2021-2022 (Chair, Vice-Chair, Secretary) |
| 7:05-7:20 | Updates from CDICR Committees (Community Engagement, Complaint Process, Immigration Advancement) |
| 7:20-7:30 | ODICR Community Engagement Update – Carolina San Miguel, Community Engagement Strategist |

- 7:30-7:50 Update on ARPA funding/Community Engagement – Giselle Ferro Puigbo, Executive Director of the Brookline Community Foundation
- 7:50-8:05 Update on Language Access Warrant Article – Chi Chi Wu, Corresponding Petitioner, Town Meeting Member Precinct 7, and Advisory Committee Member
- 8:05-8:20 Question of the direction of CDICR moving forward Focus? Committees? Meetings? Warrant Articles?
- 8:20-8:30 Updates from Liaisons (ODICR, Select Board, School Committee, Commission for Women, Library Trustees, Brookline High School)

Adjourn by 8:30 pm

Background for Warrant Article According to 2019 American Community Survey data from the U.S. Census Bureau, nearly 30% of Brookline residents are foreign-born. An estimated 5,661 Brookline residents or about 10% of the population speak English “less than very well”, i.e., are limited English proficient (LEP). These include over 3,400 residents who primarily speak an Asian language (over 6% of residents) and nearly 1,200 who speak an Indo-European language (about 2% of residents). An additional estimated 7% of Brookline residents have a disability, some of which affect their ability to communicate. (U.S. Census Bureau, Selected Social Characteristics in the United States: Table DP02 Brookline town, Norfolk County, Massachusetts) Federal law imposes an obligation on recipients of federal funding to take reasonable steps to make their programs, services, and activities accessible by eligible persons with limited English proficiency. Title VI of the Civil Rights Act of 1964 states that “No person in the United States shall on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” This has been interpreted to include discrimination based on an individual’s ability to speak and/or understand English, including by federal Executive Order 13166 which requires federal agencies to ensure that recipients of federal funding conduct a four-factor analysis, develop a language access plan, and provide appropriate language assistance. Department of Justice regulations implementing Title II of the Americans with Disabilities Act require public entities to take appropriate steps to ensure that communications with persons with disabilities

are as effective as communications with others. It also requires public entities to provide appropriate auxiliary aids and services where necessary to afford individuals with disabilities an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity. The Town of Brookline will be receiving \$32 million in federal funding under the American Rescue Plan, which will be used to create a host of programs and services. The Town has received other federal funds in the past, which have implicated the need to provide language access services. This receipt of ARP funds creates heightened necessity and a unique opportunity for the town to comply with its obligations and to provide language access services to LEP residents, residents with disabilities, or residents affected by both. The draft report of the Disparity Study being conducted by the Office of Diversity, Inclusion and Community Relations, to be finalized in the Fall 2021, has identified language access as a disparity. The Town does not have a language access policy. The proposed Article is designed to fulfill the Town's obligations under Title VI of the Civil Rights Act, Executive Order 13166 and the Americans with Disabilities Act. The estimated additional cost of the proposed Article is approximately \$200,000 per year. This includes \$80,000 in salary and benefits for a new position of Language Access Coordinator and \$120,000 for interpretation and translation services for public-facing Town Departments. The estimate for translation services is based on the \$120,000 per year that was respectively spent and budgeted by the Public Schools of Brookline for 2020-21 and 2021-2022 for such services. ARTICLE __ Submitted by: Chi Chi Wu, Town Meeting Member Pct.7 (Corresponding petitioner); Raul Fernandez, Vice Chair, Select Board; Mariah Nobrega, Town Meeting Member Pct.4 and Member, School Committee; Brookline Asian American Family Network To see if the Town will adopt the following as a new Article 3.XX of the Town By-laws: Article 3.XX Provision of Language Access Services Section 3.XX.1. Definitions "Limited English proficient" or "LEP" individuals: individuals who do not speak English as their primary language and have a limited ability to speak, read, write, or understand English. "Oral interpretation": the act of listening to something in one language (source language) and orally translating it into another (target language). "Written translation": the replacement of a written text from one language (source language) into an equivalent written text into another language (the target language). "Auxiliary aids and services": items, equipment or services that assist effective communication between a deaf or hard of hearing individual and an individual who is not deaf or hard of hearing. "Language access services": oral interpretation services, written translation services, and auxiliary aids and services. "Department": any department, commission, office, agency or other division of the Town of Brookline. "Direct public contact": (1) services administered by a Town department directly to program beneficiaries and/or participants or (2) interactions in person, over the telephone, or electronically with members of the public. Section 3.XX.2. Language Access Plan The Town of Brookline shall develop and implement a language access plan by which the Town will provide language access services to LEP residents and members of the public. The plan shall include detailed steps and specific actions that the Town will take to ensure language access, establish

deadlines by which actions will be taken, identify responsible personnel assigned to implement the plan, and establish priorities relative to the implementation of these plans. The plan shall also include guidelines regarding which Town and departmental documents must be subject to written translation in specific languages. The language access plan shall be developed simultaneously while undertaking an analysis of the following four factors: (1) the number or proportion of LEP persons served or encountered by each department, while recognizing that such numbers may be artificially depressed due to lack of language access; (2) the frequency with which LEP persons come into direct public contact with each department; (3) the nature and importance of the program, activity, or service provided by the department; and (4) the resources available and costs to each department, as well as the resources that the Town can make available to each department to serve LEP individuals. The plan shall designate those languages for which the Town must provide language access services, which shall be re-evaluated every 10 years.

Section 3.XX.3. Language Access Coordinator There shall be a Language Access Coordinator (hereinafter Coordinator), which shall be a fulltime position within the Office of Diversity, Inclusion and Community Relations as established in Article 3.14.2 and report to the Director of that Office. The role of the Coordinator is to: (a) focus upon language access needs of LEP residents, the Town's compliance with this Article, and ensuring the ability for full, meaningful participation by LEP residents in Town benefits, services, and activities; (b) along with the Americans with Disabilities Act (ADA) Coordinator, develop and implement the language access plan described in Section 3.XX.1 on a Town-wide basis; and (c) along with the ADA Coordinator, oversee the implementation of the language access plan by individual departments and provide departments with technical assistance and consultation.

Section 3.XX.4. Department liaisons; budget for language access services (a) Each department that engages in direct public contact shall designate a Language Access liaison. Such liaison shall be charged with implementation of the language access plan described in Section 3.XX.1 with respect to that department. (b) Each department that engages in direct public contact shall have included in its budget an amount set aside for language services. Such amount shall be used to pay for translation of written materials; in person, telephonic, or online oral interpretation services; auxiliary aids and services, and such other expenses related to providing language access services. (c) When hiring new staff members, each department that has direct public contact is encouraged to consider recruiting applicants who are proficient in a language other than English.

Section 3.XX.5. Town Employee Language Capacity Within 180 days of the passage of this Article, the Director of Human Resources or the Director's designee shall conduct a survey of the language abilities of all Town employees. The Director shall publish a directory of employees who indicate they are proficient in a language other than English and are willing to provide informal oral or ASL interpretation or written translation services voluntarily.

Section 3.XX.6. Recommendations on Language Access from the Disparity Study Report The Town of Brookline shall make every effort to implement the recommendations regarding

language access that will be included in the Disparity Study report to be issued by the Office of Diversity, Inclusion and Community Relations.