

LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

State Agency: New York State Developmental Disabilities Planning Council

Effective Date of Plan: 5/30/2019

Language Access Coordinator (LAC): Jacqueline Hayes

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PART 1 – INTRODUCTION

Pursuant to Executive Order No. 26 (“Statewide Language Access Policy”), we have prepared this Language Access Plan (“Plan”) that sets forth the actions we will take to ensure that limited English proficient (“LEP”) individuals have meaningful access to agency services, programs, and activities.

Statement of Agency Services to the Public:

The mission of the New York State Development Disabilities Planning Council (DDPC) is to support innovation that helps individuals with intellectual and developmental disabilities (ID/DD) live independently and participate fully in their community. The DDPC does not provide direct services to the public but engages the public through the work of the Council, grant activities, and advocacy initiatives.

The DDPC is part of the Developmental Disabilities Network as outlined in the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 2000 (DD Act). According to the Administration on Intellectual and Developmental Disabilities (AIDD), a developmental disability is a “severe, chronic disability that begins any time from birth through age 21 and is expected to last for a lifetime. It may be cognitive, physical, or a combination of both; it is not always visible.”

The majority of the DDPC’s work is directed by our Council. According to the DD Act, the Council must be comprised of at least 60% of individuals with developmental disabilities and/or their families. Members of the Council are appointed by the New York State Governor and provide valuable input into all our programs, grants and initiatives.

The DDPC works with members of the public in the following ways:

- 1. Council Membership:** Conducting outreach to recruit new members and engaging current membership in DDPC work throughout the year is a significant part of the DDPC’s connection with the public.
- 2. 5-Year State Plan:** The State Plan articulates the primary goals of our work over a 5-year period. The DDPC conducts research during State Plan development and implementation to inform DDPC work. As part of this process, the agency solicits ongoing input from the public

and releases a public version of the State Plan.

3. **Grant Funding:** The DDPC periodically releases open, competitive Requests for Proposals (RFPs) targeted at improving the lives of people with ID/DD and their families. Selected grantees work with the public through grant projects, initiatives and activities.
4. **Advocacy, Self-Advocacy, & Capacity Building:** The DDPC supports advocacy, self-advocacy and capacity building across New York State through programs, grants and initiatives, including advocacy and self-advocacy based efforts which engage members of the public.

We understand that people with intellectual and developmental disabilities (ID/DD) and individuals with speech, hearing, or vision impairments also have language access needs.

In developing this plan, we have understood individuals with limited English proficiency (LEP) to be persons who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English. We will reassess language needs periodically as needed, but the reassessment will take place at least every two years starting from the effective date of this plan.

PART 2 – ASSESSING LEP POPULATION LANGUAGE NEEDS

The estimated total number of individuals in our service area is: The DDPC develops grants to improve the lives of people with ID/DD and their families. The DDPC does not provide direct services, but DDPC grant projects and initiatives are targeted toward improving the lives of people with ID/DD in New York State. It is estimated that 2% New Yorkers have developmental disabilities from the approximately 19,798,228, the New York State population in 2017.

The top six languages spoken by LEP individuals that our agency serves or could potentially serve are as follows:

Language	Estimated Number of LEP Individuals Who Speak this Language
Spanish	1,249,541
Chinese	386,290
Russian	122,150
Haitian Creole	63,615
Bengali	62,219
Korean	60,405

Source: U.S. Census Bureau, 2013 - 2017 American Community Survey.

We use the following resources to determine the top six languages spoken by LEP individuals:

- U.S. Census data (including American Community Survey)

Agency data on client contacts

School system data

Information from community organizations that serve LEP individuals

Names of organizations: The DDPC receives information and input from members of the DDPC Cultural Competency and Language Access Stakeholder Workgroup.

Information from other government agencies

Names of agencies: The DDPC periodically reviews publicly available data compiled by the New York State Office for New Americans.

Other

We have determined the frequency of our contacts with LEP individuals as follows:

The DDPC utilizes language translation and interpretation vendors, as well as staff reporting as a primary means to determine the frequency of contact with individuals with limited English proficiency or individuals with language access needs.

PART 3 – PUBLIC OUTREACH AND NOTICE OF AVAILABILITY OF LANGUAGE ASSISTANCE SERVICES

We inform LEP individuals, in the languages indicated in the chart in Part 2 of this plan, about their right to free language assistance services by using the following measures:

LEP individuals are informed directly by our staff

In what ways? “I Speak” posters are displayed in all common areas frequented by the public and on the desks of reception staff. Additionally, DDPC staff receive annual trainings on language access requirements including, but not limited to, the provision of interpreting and language translation services at no cost to a member of the public who is an individual with limited English proficiency.

Brochures or flyers about language assistance services

In public areas of the agency

Elsewhere in the agency's service areas

Signs posted about language assistance services

In public areas of the agency

Elsewhere in the agency's service areas

Outreach and presentations at schools, faith-based groups, and other community

What are the LEP populations targeted? DDPC staff periodically convene focus groups with individuals with ID/DD, and their families, to get stakeholder input for our 5-Year State Plan, which includes soliciting input from individuals with limited English proficiency. At the focus groups, the DDPC provides language access services as needed, and notifies focus group participants that the DDPC provides free language access services upon request. The DDPC also translates outreach materials into languages relevant for events, meetings, or focus groups.

Local, non-English language media directed at LEP individuals in their languages

Telephonic voice menu providing information in non-English languages

In which languages: [Click here to enter text.](#)

Other (describe) The DDPC has dedicated a Language Access page on our website. The "Language Access" section on our website is available in the top six languages and notifies the public of their right to free language assistance services, like telephonic interpretation, and the translation of any vital documents into their native language.

PART 4 – PROVISION OF LANGUAGE ASSISTANCE SERVICES

We use the following resources to determine when an individual is LEP, and what the individual's primary language is, when the encounter is *in person*:

"I Speak" posters or visual aids

Reception staff makes those determinations based on experience, with the assistance of bilingual staff members where available

Other [Click here to enter text.](#)

We use the following resources to determine when an individual is LEP, and what the individual's primary language is, when the encounter is *by telephone*:

Reception staff makes those determinations based on experience, with the assistance of bilingual staff members where available

Telephonic interpreting service

Other [Click here to enter text.](#)

We record and maintain documentation of each LEP individual’s language assistance needs as follows:

The NYS Office of General Services (OGS) approved vendor provides periodic reports with the following data: date and time of the call, the language requested, and the length of the call. From this data, the DDPC can continue to evaluate ongoing and emerging language translation needs. The DDPC also keeps a record of meetings or community outreach events where language interpretation was requested and provided.

A. Oral Interpreting Services

Our protocol(s) for assessing whether an LEP individual needs oral interpreting services is as follows:

For in-person encounters:

DDPC Staff may use the following to assess language needs:

- Self-reporting by the individuals
- “I Speak” cards provided to all staff
- Telephonic interpreting services
- Professional language interpreter as needed

By telephone:

DDPC Staff may use the following to assess language needs:

- Self-reporting by the individuals
- Telephonic interpreting services

At initial contact in the field:

DDPC Staff may use the following to assess language needs:

- Self-reporting by the individual
- “I Speak” cards provided to all staff
- Telephonic interpreting services

For pre-planned appointments with individuals with limited English proficiency:

DDPC staff will use telephonic interpretation through the NYS OGS approved vendor for appointments with one individual with limited English proficiency. For pre-planned appointments or community outreach events with more than one individual with limited English proficiency, DDPC staff will use a professional language interpreter(s) at the appointment or event.

Other (describe): [Click here to enter text.](#)

Our protocol(s) for informing individuals with limited English proficiency that they do not need to provide their own interpreters and that free interpreting services will be provided is as follows:

For in-person encounters: Staff members are trained to communicate with members of the public about the availability of free language interpretation and translation services. Signage of the availability of free language interpreting and translation services are posted in areas frequented by the public.

By telephone: Staff members are trained to communicate with members of the public about the availability of free language interpretation and translation services. Information is provided through a qualified interpreter via the NYS OGS approved vendor.

At initial contact in the field: Staff members are trained to assess, inform, and document the language access needs of individuals, family members, and other members of the public. This information is used to provide language access in future interactions, at community outreach events, or activities with LEP individuals.

For pre-planned appointments with LEP individuals: Staff members are trained to communicate with individuals, family members, or members of the public about the availability of free language interpretation and translation services. Information is provided through a qualified language interpreter via the regionally selected language interpretation service.

Other (describe): [Click here to enter text.](#)

If an LEP individual insists on using a family member, friend, or other person as an interpreter, our protocol(s) for determining whether to accept or decline such an arrangement is as follows:

LEP individuals that come into contact with our agency will be informed of the availability of free interpreting services. Generally, an LEP individual may not use a family member, friend, or a minor as an interpreter. However, **during emergencies** an LEP individual will be permitted to use a minor, a family member or friend as an interpreter. Upon request, an LEP individual may also be permitted to use a minor, a family member or friend as an interpreter for routine matters, such as asking the location of the office, hours of operation or rescheduling an appointment. Where the interaction with the LEP individual occurs at the agency's office, and an individual is permitted to use an interpreter of his or her choosing, he or she must fill out a written consent/waiver form.

Where an LEP individual is engaged in official business with the agency, the agency will provide an independent interpreter at all times. An LEP individual will not be permitted to use an independent interpreter of his or her choosing when filling out applications or when involved in other legal matters.

Our protocol(s) for obtaining interpreter services in a timely manner is as follows:

All requests for telephonic interpretation will be met immediately by contacting our NYS OGS approved vendor. Staff are trained to use the vendor for all phone calls requiring a language interpreter.

All requests for in-person language interpretation will be directed to the Language Access Coordinator who will schedule interpretation services.

We record and maintain documentation of oral interpreting services provided to LEP individuals at each encounter as follows:

The documentation for all telephonic interpretation requests and services are collected and provided by our telephonic interpreting vendor. The Language Access Coordinator also internally records and maintains data on any in-person language interpretation services and the translations of documents and materials into other languages.

Competency and confidentiality

The linguistic and cultural competence of interpreters is addressed as follows:

DDPC uses independent interpreting services and those vendors implement quality assurance standards to guarantee that interpreters are trained and are linguistically and culturally competent. DDPC staff also solicits input and feedback from individuals with limited English proficiency through the DDPC Cultural Competency and Language Access Stakeholder Workgroup, in consultation with multicultural agencies, periodic focus groups, and consultation with bilingual staff members or through the Language Access Complaint process.

The issue of confidentiality pertaining to the use of interpreters is addressed as follows:

The DDPC does not provide direct services to individuals, however, in any interaction with the public, the DDPC will ensure that no private information is collected. DDPC only maintains the contact information of individuals directly involved in official DDPC business. The DDPC and independent interpreters will enforce all standards of confidentiality in accordance with New York State law.

Maintaining a list of oral interpreting resources

We use, or have available for oral interpreting, the following resources:

- Bilingual staff members who work directly with LEP individuals

Number of staff and languages spoken: [Click here to enter text.](#)

- Bilingual staff members who provide oral interpreting when necessary

Number of staff and languages spoken:	
Language Spoken	Number of Staff
Mende	1
French	1
Russian	1
Spanish	2

Ukrainian	1
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Telephonic interpreting service

Names of vendors: Any vendor under the NYS OGS Statewide Administrative Services Contract.

Contracts or other arrangements with community organizations or individuals for oral interpreting services

Names of individuals/organizations and languages:

Other [Click here to enter text.](#)

The agency's Language Access Coordinator maintains the list of oral interpreting resources that are available to staff, which includes:

Names and contact information for all resources

Names and locations of staff members who are available to act as interpreters or provide services directly in the LEP individual's primary language

Languages in which each interpreter or service is qualified

Procedure for accessing each interpreter or service

We inform all staff members who have contact with the public how to obtain oral interpreting services as follows:

DDPC staff are informed of the availability of free language interpretation services for the public through language access trainings, periodic updates from the Language Access Coordinator, and ongoing supplementary trainings.

B. Translations of Written Documents

The process to determine and reassess, at least every two years starting from the effective date of this plan, those vital documents (including website content) which must be translated is as follows:

DDPC has determined vital documents to be those documents related to Council membership, public information about grant funding opportunities, as well as any official DDPC policies that relate directly to the public (i.e. Language Access, Open Meetings, etc.). These forms are available in Spanish, Chinese, Russian, Korean, Bengali, Haitian Creole, and Italian; and posted publicly on the Language Access section of the DDPC website.

The DDPC Language Access Policy also provides guidance to employees for additional translation requests that may include other languages or additional documents. The DDPC Language Access Coordinator will regularly monitor the DDPC Language Access Policy and update as needed.

The process to timely translate documents that LEP individuals submit in their primary languages is as follows:

The DDPC Language Access Coordinator provides guidance to all employees in order to ensure that document translation requests are processed quickly. Upon receiving a document translation request, the Language Access Coordinator will get internal approval for the expense and contract with translation services.

The process for ensuring that documents are written in plain language before they are translated into other languages is as follows:

The DDPC regularly works with the DDPC Caucus and the DDPC ADA coordinator to ensure that documents are written in plain language before they are translated into other languages.

The following table contains a non-exhaustive list of translated documents by the agency in the languages indicated:

Form #	Name	Top Six Languages						Additional Languages
		Spanish	Chinese	Russian	Haitian Creole	Korean	Bengali	
1	Membership Application	✓	✓	✓	✓	✓	✓	Italian
2	Who We Are Brochure	✓	✓	✓	✓	✓	✓	Arabic, Italian
3	FOIL Request	✓	✓	✓	✓	✓	✓	Italian
4	Public Meetings Notice	✓	✓	✓	✓	✓	✓	Italian
5	Language Access Complaint Forms	✓	✓	✓	✓	✓	✓	Italian

6	Photo Release Form	✓	✓	✓	✓	✓	✓	Italian
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Any documents determined to be vital during the course of this plan will be timely translated.

The process for ensuring that translations are accurate and incorporate commonly used words is as follows:

The DDPC, through its vendors, will ensure that proofing/editing for correctness and cultural sensitivity are a component of the translation services provided by any vendor under contract as part of the publication process. The DDPC will also ensure that plain language is used in materials produced before translation to ensure information is accessible to a range of literacy levels.

The DDPC uses independent translation services and those vendors implement quality assurance standards to guarantee that document translations are linguistically and culturally competent. DDPC staff also solicit input and feedback from individuals with limited English proficiency through the DDPC Cultural Competency and Language Access Stakeholder Workgroup, consultation with multicultural agencies, periodic focus groups, consultation with bilingual staff members and/or through the Language Access Complaint process.

We use, or have available for translating, the following resources:

- Contracts with language service vendors

Names of vendors: Any vendor under the NYS OGS Statewide Administrative Services Contract.

- Contracts or other arrangements with community organizations or individuals for oral interpreting services

Names of individuals/organizations and languages: [Click here to enter text.](#)

- Oral translations of written documents by bilingual staff members
- Oral translations of written documents by other individuals or community organizations
- Other [Click here to enter text.](#)

The agency’s Language Access Coordinator maintains the list of written translation resources that are available to staff, which includes:

- Names and contact information for all resources
- Names and locations of staff members who are available to provide oral translations of written documents

- Languages in which each translation service is qualified
- Procedure for accessing each translation service

PART 5 – STAFF TRAINING

The person(s) in the agency who is responsible for the provision of training to staff in language access issues is: Jacqueline Hayes, Language Access Coordinator.

The staff training includes the following components:

- The legal obligations to provide meaningful access to benefits and services to LEP individuals
- How to access language assistance services
- How to work with interpreters
- Cultural competence and cultural sensitivity
- Documenting the language needs of LEP individuals and the language services provided to them by the agency
- How to obtain written translation services

The methods and frequency of training are as follows:

All staff must complete a mandatory language access training through the Statewide Learning Management System. Supplemental trainings are provided by the Language Access Coordinator as needed and when requested by staff.

PART 6 – ADMINISTRATION

Monitoring

To ensure compliance with the Plan, the LAC will monitor its implementation as follows:

The DDPC convenes a Cultural Competency and Language Access Stakeholder Workgroup annually to review and update the Language Access Plan as needed. The LAP will be monitored by the Language Access Coordinator and updated annually.

Complaints

We provide information to the public, including to LEP individuals in languages regularly encountered in this service area, advising them of the right to file a complaint if they feel that they have been the subject of discrimination. The information we provide describes how and/or where to file a complaint. We do not retaliate or take other adverse action because an individual has filed a complaint alleging discrimination based on LEP status or needs.

We display information on the right to file a complaint, and the procedures to file a complaint, in the following manner:

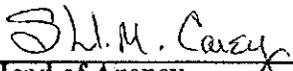
Information on the right to file a complaint and the procedures to file a complaint are available on the DDPC's website in the top six languages (Spanish, Chinese, Russian, Bengali, Korean and French Creole). The DDPC Language Access Policy also describes the complaint process and is available and reviewed by all employees. The Language Access Coordinator coordinates annual trainings on the complaint process to ensure all staff understand the protocol.

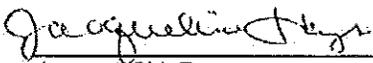
We handle complaints made to the agency regarding the provision of language assistance services in the following manner:

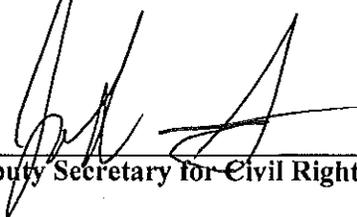
The DDPC posts the complaint form and the procedure for submitting a complaint form in the top six languages (Spanish, Chinese, Russian, Bengali, Korean and Haitian Creole) publicly and online. The completed form is submitted to the DDPC's Language Access Coordinator for review and preliminary follow up. The LAC forwards the complaint and any recommendations to the DDPC's Executive Director for final review and response. The Executive Director will issue a written response to the individual submitting the complaint in a timely manner.

All complaints must be forwarded to the Statewide Language Access Coordinator.

PART 7 – SIGNATURES


Head of Agency Exec. Director 5/7/19
Title Date


Agency LAC Language Access Coordinator 5/7/19
Title Date


Deputy Secretary for Civil Rights 5/30/19
Date