

## LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

**State Agency:** New York State Developmental Disabilities Planning Council

**Effective Date of Plan:** August 1, 2021

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This document is our agency’s **Language Access Plan**.

A **Language Access Plan** explains how we provide services to people who have limited English proficiency.

This **Language Access Plan** includes information about:

	<p>The Limited English Proficient (“LEP”) population in our service area.</p>
	<p>How we notify the public about language access services.</p>
	<p>Our resources and methods for providing language access services.</p>
	<p>How we train our staff to provide language access services to the public.</p>
	<p>How we monitor language access services and respond to complaints.</p>

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## PART 1 – Our Agency’s Services

We prepared this Language Access Plan (“Plan”) to comply with Executive Order No. 26, as amended by Executive Order No. 26.1, which established New York’s [Statewide Language Access Policy](#).<sup>1</sup> This Plan explains how we make sure that Limited English Proficient (“LEP”) individuals have meaningful access to agency services, programs, and activities.

**In this Plan, LEP individuals are understood as people who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.**

**Our agency’s services to the public include:**

The mission of the New York State Development Disabilities Planning Council (DDPC) is to support innovation that helps individuals with intellectual and developmental disabilities (IDD) 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

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<sup>1</sup> For additional information about our agency’s obligations to provide language access services, please visit: <https://www.ny.gov/language-access-policy>

period. The DDPC conducts research during State Plan development and implementation to inform DDPC work. As part of this process, the agency solicits ongoing public input 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 IDD 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 (IDD) and individuals with speech, hearing, or vision impairments also have language access needs.



## PART 2 – The Limited English Proficient Population in Our Service Area

**Our agency uses U.S. Census data (including data from the American Community Survey) to determine the top ten languages most commonly spoken by LEP individuals in New York State.**

**The estimated total number of LEP individuals in our service area is:** Approximately 2.5 million LEP individuals in New York State.

**The top ten languages spoken by LEP individuals in New York State are:**

#	Language	Estimated Number of LEP Speakers
1	Spanish	1,201,322
2	Chinese	379,745
3	Russian	119,380
4	Yiddish	64,070
5	Bengali	64,020
6	Korean	55,506
7	Haitian Creole	54,746
8	Italian	46,431
9	Arabic	40,781
10	Polish	34,840

Our agency will reassess the public’s language needs at least every two years after the effective date of this Plan.

**Our agency tracks encounters with LEP individuals in the following ways:**

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 LEP individuals with language access needs.



**PART 3 – Public Outreach About the Availability of Language Access Services**

**Our agency informs LEP individuals about their right to free language assistance services in the following ways, using at least the top ten languages shown in Part 2 of this Plan:**

- LEP individuals are directly informed by our staff
  - In which ways?** LEP individuals are informed by information posted on our website, directly through outreach events, by “I Speak” posters displayed in all common areas frequented by the public, and by staff if an individual calls our office speaking another language.
- Signs posted about language assistance services
  - In areas operated by the agency and open to the public
  - Other (describe)
- Information is published on our agency’s website in at least the top ten languages spoken by LEP individuals in New York State
- Outreach and presentations at schools, faith-based groups, and other community organizations
  - What are the LEP populations targeted?** Primarily Spanish, Chinese, Korean, and Bengali.
- Local, non-English language media directed at LEP individuals in their languages
  - What are the LEP populations targeted?**
- Social media posts directed at LEP individuals in their languages
  - What are the LEP populations targeted?** We’ve had a few social media posts in Spanish or highlighting Spanish language resources.
- Telephonic voice menu providing information in non-English languages
  - In which languages?**

Other (describe)



## PART 4 – Provision of Language Access Services

### A. Determining the Need for Services

**During *in person* encounters, our agency uses the following tools to determine whether an individual is LEP, and what their primary language is:**

“I Speak” posters or visual aids that provide information about free interpreting services in multiple languages

Reception staff make those determinations based on training and experience

Bilingual staff members, where available, assist in identifying LEP individual’s language

Other (describe) Our agency does not provide direct services, so we primarily connect with LEP individuals through outreach efforts and work in partnership with community-based organizations to assist in determining language access needs for in person presentations or encounters. We schedule interpreters as needed for outreach events.

**On *telephone calls*, our agency uses the following tools to find out if an individual is LEP, and what their primary language is:**

Reception staff make those determinations based on training and experience

Bilingual staff members, where available, assist in identifying an LEP individual’s language

Telephonic interpreting service

Other (describe)

**Our agency’s protocols for assessing whether an individual needs *oral interpreting* services in different service situations is as follows:**

**During office in-person encounters:**

**At initial contact in the field:**

**When speaking on the telephone:**

**For pre-planned appointments with LEP individuals:** Staff will schedule oral interpretation for focus groups, Workgroup meetings, or other agency events.

**Other (describe):**

**Our agency records and maintains documentation of each LEP individual's language assistance needs as follows:**

Our language translation and interpretation vendors provide periodic reports with the following data: date and time of the call or event, the language requested, and the length of the call or event. 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.

**B. Oral Interpreting Services**

**Our agency has made the following resources available for oral interpreting requests:**

- Bilingual staff members who work directly with LEP individuals

**Number of staff and languages spoken:**

- Bilingual staff members who provide oral interpreting services on a volunteer basis

**Number of staff and languages spoken:**

- Telephonic interpreting service

**Name of Vendors:** Any vendor under the NYS OGS Statewide Administrative Services Contract.

- Contracts or other arrangements with school and community organizations

**Number of staff and languages spoken:**

- Other (Describe)

**Our agency protocols for informing LEP individuals that free interpreting services will be provided and that they do not need to provide their own interpreters is as follows:**

**During office 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 explaining the availability of free language interpreting and translation services are posted in areas frequented by the public.

**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.

**When speaking on the 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.

**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):**

**Our agency's protocols for obtaining interpreting services in a timely manner is as follows:**

Our agency does not provide direct services, so we primarily connect with LEP individuals through outreach efforts and work in partnership with community-based organizations to assist in determining language access needs for in person presentations or encounters. We schedule interpreters as needed for outreach events.

**If an LEP individual insists on using a family member, friend, or other person as an interpreter, our protocols for deciding 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. An LEP individual may not use a family member, friend, or a minor as an interpreter. In the case of an emergency, 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 agency provides information to all staff members who have contact with the public about how to obtain oral interpreting services. Our protocol in this regard is 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.

**The agency's Language Access Coordinator ("LAC") maintains a list of oral interpreting resources that are available to staff. This resource list 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 an LEP individual's primary language
- Languages in which each interpreter or service is qualified
- Procedures for accessing each interpreter or service

**Our agency records and maintains documentation of oral interpreting services provided to LEP individuals at each encounter. Our protocol in this regard is as follows:**

The documentation for all oral interpretation requests and services are collected and provided by our language interpretation 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.

**Cultural Competence and Confidentiality**

**Our agency makes sure interpreters are culturally competent<sup>2</sup> in the following ways:**

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.

**Our agency makes sure interpreters follow state and federal confidentiality protocols in the following ways:**

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.

**C. Translations of Documents**

**At least every two years after the effective date of this Plan, our agency determines and reassesses vital documents (including website content) that must be translated. This process is accomplished in the following ways:**

DDPC has determined vital documents to be those documents related to Council membership, as well as any official DDPC policies that relate directly to the public (i.e. Language Access, Open

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<sup>2</sup> Cultural Competence is defined as *a set of congruent behaviors, attitudes, and policies that come together in a system or agency or among professionals that enables effective interactions in a cross-cultural framework*. U.S. Department of Health and Human Services, Office of Minority Health. 2000. Assuring Cultural Competence in Health Care: Recommendations for National Standards and an Outcomes-Focused Research Agenda. Extracted from: [https://minorityhealth.hhs.gov/Assets/pdf/checked/Assuring\\_Cultural\\_Competence\\_in\\_Health\\_Care-1999.pdf](https://minorityhealth.hhs.gov/Assets/pdf/checked/Assuring_Cultural_Competence_in_Health_Care-1999.pdf)

Meetings, etc.). These forms are available in the top 10 languages 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.

**Our agency’s process for making sure documents are written in plain language<sup>3</sup> 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.

**Our agency has the following resources available for translation of documents:**

Contracts with vendors for translation services

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

Contracts or other arrangements with schools and community organizations

**Names of schools/organizations and languages:**

Translation of documents by bilingual staff members

Other (describe)

**The agency’s Language Access Coordinator (“LAC”) maintains a list of translation resources that are available to staff. This resource list includes:**

Names and contact information for all resources

Names and locations of staff members who are available to provide translations of documents

Languages in which each translation service is qualified

Procedures for accessing each translation service

**Our agency translates documents that LEP individuals submit in their primary languages in a timely manner. Our protocol in this regard 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

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<sup>3</sup> The [Plain Writing Act of 2010](https://www.govinfo.gov/app/details/PLAW-111publ274) defines plain language as writing that is clear, concise, well-organized, and follows other best practices appropriate to the subject or field and intended audience. Extracted from: <https://www.govinfo.gov/app/details/PLAW-111publ274>

request, the Language Access Coordinator will get internal approval for the expense and contract with translation services.

**The following non-exhaustive list of documents are currently translated by our agency in the languages indicated:**

- *AR: Arabic*
- *BE: Bengali*
- *CH: Chinese*
- *HA: Haitian-Creole*
- *IT: Italian*
- *KO: Korean*
- *PO: Polish*
- *RU: Russian*
- *SP: Spanish*
- *YI: Yiddish*

Form #	Name	Top Ten Languages									
		AR	BE	CH	HA	IT	KO	PO	RU	SP	YI
1	Membership Application	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2	Who We Are Brochure	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
3	FOIL Request	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
4	Public Meetings Notice	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
5	Language Access Complaint Form	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

New documents identified for translation after the signing of this Plan and before the 2-year reassessment will be translated in a timely manner.

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

The DDPC shares our vital documents at our Cultural Competency & Language Access Workgroup, as well as during outreach events. We commonly get community feedback on translated documents. In those cases, we work with our language translation vendor to improve accuracy and translation quality based on community feedback.



## **PART 5 – Staff Training**

**The person in the agency who is responsible for training staff in language access services is:**  
Jacqueline Hayes, Language Access Coordinator

**The staff training includes the following components:**

- The agency’s legal obligations to provide language access services
- The agency’s resources for providing language access services
- How to access and work with interpreters
- Cultural competence and cultural sensitivity
- How to obtain translation services
- Maintaining records of language access services provided to LEP individuals

**The methods and frequency of training are as follows:**

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



## **PART 6 – Monitoring the Plan and Responding to Complaints**

### **A. Monitoring**

**Our agency’s Language Access Coordinator (“LAC”) will monitor implementation of the Plan to make sure we are in compliance. Our protocols in this regard are 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 every two years.

### **B. Complaints**

**We provide information to the public in at least the top ten most commonly spoken non-English languages in the state, advising members of the public of their right to file a complaint if they feel that they have not been provided adequate language access services or have been denied access to services because of their limited English proficiency. We do not retaliate or take other adverse action because an individual has filed a language access complaint.**

**We display information on the right to file a complaint, and the procedures for filing 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 10 languages. 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.

The standardized complaint forms are available in all ten languages in our public offices upon request. The complaint forms are also available for download or online submission through our website.

**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 10 languages 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



*Vicky Hiffa*

Acting Executive Director

07/30/21

**Head of Agency**

**Title**

**Date**

*Jacqueline Keys*  
Agency LAC

Language Access Coordinator

07-30-21

**Agency LAC**

**Title**

**Date**

*Debra Alligood*  
Deputy Secretary for Civil Rights

7/30/2021

**Deputy Secretary for Civil Rights**

**Date**