

# LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

**State Agency:** NYS Higher Education Services Corporation (HESC)

**Effective Date of Plan:** 5/30/2017

**Language Access Coordinator (LAC):** Anne M. Doyle

**LAC Phone / E-mail:** (518) 402-3349/[Anne.Doyle@hesc.ny.gov](mailto:Anne.Doyle@hesc.ny.gov)

## 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 New York State Higher Education Services Corporation (HESC) is an executive agency of the State of New York, created to improve postsecondary education opportunities of eligible New York State resident students through the centralized administration of State financial aid programs. HESC administers the State’s Tuition Assistance Program (TAP) and 19 scholarships and loan forgiveness programs for NYS residents attending college in NYS. HESC also administers the state’s federal Gaining Early Awareness & Readiness for Undergraduate Programs (GEAR UP) designed to improve college awareness, readiness and attendance among low-income students in NYS. HESC is also co-administrator of New York’s 529 College Savings Program with the Office of the State Comptroller and provides college access outreach programs for students and families.

**In developing this plan, we have understood LEP individuals 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 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:** Approximately 19,795,791- the NYS population in 2015

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

	<b>Estimated Number of LEP Individuals Who</b>
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<b>Language</b>	<b>Speak this Language</b>
Spanish	1,240,490
Chinese	350,976
Russian	130,296
Haitian Creole	68,509
Korean	61,833
Italian	58,200

Source: U.S. Census Bureau, 2010-2014 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 data)
- Agency data on client contacts
- School system data
- Information from community organizations that serve LEP individuals

**Names of organizations:** [Click here to enter text.](#)

- Information from other government agencies

**Names of agencies:** [Click here to enter text.](#)

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

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

Historically, an average of 20 individuals each year require interpreting or translation services when contacting our Customer Communications Center or through email correspondence. All of those individuals required interpretation to Spanish.

**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?** Staff informs individuals who call the Customer Communications Center of their right to free language assistance services through the use of the vendor.

- 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 organizations

**What are the LEP populations targeted?** The top six languages.

- 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) HESC's website includes translations of HESC key publications in the top six languages, and provides a language-specific input form if the customer wishes to be called and assisted with an interpreter on the call.

**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 (describe) HESC does not have in person encounters.

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

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

A designated mailbox retains all communications. The interpreting and translation service vendor provides HESC with an ongoing summary of frequency of use, type of language service utilized, and usage costs.

**A. Oral Interpreting Services**

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

**For in-person encounters:** N/A

**By telephone:** Staff utilizes the interpreting service vendor or a bilingual staff member where available for assistance.

**At initial contact in the field:** N/A

**For pre-planned appointments with LEP individuals:** HESC responds to individual requests for language assistance services based on self-identification via an online form available in the top six languages. HESC establishes a time to conference with the individuals with the assistance of an interpreter.

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

**Our protocol(s) for informing LEP individuals 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:** N/A

**By telephone:** Bilingual staff or staff utilizing interpreting services will ensure that LEP individuals understand that they do not need to provide their own interpreters and that the service is free of charge.

**At initial contact in the field:** N/A

**For pre-planned appointments with LEP individuals:** The input form, available in the top six languages, makes it clear that free interpreting services are provided.

**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:**

Once aware that an individual needs language assistance, HESC staff takes action to provide interpreting or translation services either through the use of a vendor or from bilingual colleagues in a timely manner.

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

The selected vendor provides HESC with an ongoing summary of frequency of use, type of language services utilized and usage costs.

#### **Competency and confidentiality**

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

On a case-by-case basis, HESC uses multilingual staff volunteers who are self-assessed in their own language competency. Where HESC utilizes the vendors for language assistance, the vendor has already implemented quality assurance standards to guarantee that its interpreters are trained and are linguistically and culturally competent.

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

The training provided to designated staff address the importance of confidentiality. Furthermore, independent interpreters will enforce standards of confidentiality in accordance with NYS 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:** One Spanish-speaking Customer Communications Center Representative.

- Telephonic interpreting service

**Names of vendors:** Vendors under the NYS Office of General Services (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.](#)

- Other (describe) [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:**

Frontline employees including Customer Communications Center staff, their managers and supervisors, are trained at least once a year and are provided with instructions on how to access oral interpreting services.

### **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:**

LEP visitors seeking student financial aid information would need the basic information provided to the parents and guardians of all college bound students. HESC has translated its facts sheets that guide students on how to apply for federal and state financial aid in the top six languages, and will review its publications at least once every two years to determine if any other information is vital to be translated.

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

Any documents in need of translation, including vital documents, will be sent to the selected translation vendor within a reasonable time after being obtained.

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

HESC Communication professionals employ best practices for plain language in its publications to any student, and adopt that plain language in materials produced before translation.

**The following documents are currently translated by the agency in the languages indicated:**

Form #	Name	Top Six Languages					
		Spanish	Chinese	Russian	Haitian Creole	Korean	Italian
	How to Apply Fact Sheet	✓	✓	✓	✓	✓	✓
	TAP Fact Sheet	✓	✓	✓	✓	✓	✓
	Language Request Form	✓	✓	✓	✓	✓	✓

Any additional 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:**

HESC, through its vendor (where applicable), 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. HESC will also ensure that plain language is used in materials produced before translation to ensure information is accessible to a range of literacy levels.

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

- Contracts with language service vendors

**Names of vendors:** Vendors 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 (describe) [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:** HESC Bureau of Human Resources Management.

**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:**

Designated employees take the mandatory language access training at least once every year, with refreshers and new employee training provided as needed.

**PART 6 – ADMINISTRATION**

**Monitoring**

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

The LAC will verify on an annual basis that the Plan is being followed. This will include verifying that information on accessing language services is available online, materials are up-to-date, and ensuring that staff participates in training appropriately.

**Complaints**

**We provide information to the public in at least the top six languages, 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:**

The standard complaint forms and information on the right to file a complaint is available to the public upon request in all six languages and through our website.

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

After completion, the complaint form is submitted via mail, fax or email to the agency's Language Access Coordinator, who will review, handle and track until resolution.

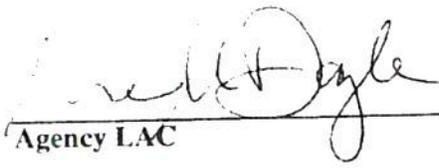
All complaints must be timely forwarded to the Statewide Language Access Coordinator.

**PART 7 - SIGNATURES**



Acting President  
**Title**

May 16, 2017  
**Date**



Communications Manager  
**Title**

May 17, 2017  
**Date**



Deputy Secretary for Civil Rights

May 25, 2017  
**Date**