

LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

State Agency: New York State Council on the Arts

Effective Date of Plan: 5/30/2019

Language Access Coordinator (LAC): Brenda K. Brown

LAC Phone / E-mail: (212) 459-8827 / Brenda.brown@arts.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 Council on the Arts (NYSCA) is dedicated to preserving and expanding the rich and diverse cultural resources that are and will become the heritage of New York’s residents. NYSCA makes over 2,500 grants each year to arts organizations in every discipline throughout New York State. NYSCA’s goal is to bring high quality artistic programs to the residents of New York by supporting non-profit arts and cultural institutions.

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 19,798,228, 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 |
| Bengali | 63,615 |
| Haitian Creole | 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: Click here to enter text.

- Information from other government agencies

Names of agencies: Click here to enter text.

- Other Click here to enter text.

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

NYSCA utilizes the contracted vendors for language assistance services, which serves as the primary method to determine the frequency of our contacts with LEP individuals. In addition to an itemized listing of usage via invoice, NYSCA also relies on an informal staff survey or NYSCA's help desk and reception staff logs.

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? They are verbally informed by NYSCA's receptionists and help desk staff members via approved Office of General Services (OGS) vendor or by a bilingual staff member.

- 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? For all outreach efforts, staff have available flyers or brochures that inform the public of free language assistance services.

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) Information is available on the NYSCA's website in each of the top six languages identified in Part 2 of this Plan. Also, for all outreach efforts, staff have available flyers or brochures that inform the public of free language assistance services.

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 Staff from help desk will also make those determinations based on experience, with the assistance of bilingual staff member where available.

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 telephonic interpreting service vendor provides NYSCA with an ongoing summary of frequency of use, type of interpreting service provided and usage costs. NYSCA is then able to cross-compare these records to the logs maintained by reception and help desk staff.

A. Oral Interpreting Services

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

For in-person encounters: NYSCA’s offices are not open to the public. Individuals who come to our offices are through appointment only. Prior to coming to our offices, individuals are verbally informed of the availability of free interpreting services.

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

At initial contact in the field: For initial contact in the field and all outreach efforts, staff will have available “I Speak” flyers or brochures that will inform the NYSCA applicant and public at large of free language assistance and interpretation services at no cost.

For pre-planned appointments with LEP individuals: In the event that an individual appears unable to communicate their needs clearly enough for staff to provide service, the receptionist motions to the ‘I Speak’ poster to determine the language spoken. A bilingual staff member, where available, will be called to assist or staff will access the interpreting service provider. Arrangements are generally made in advance to have an interpreter available if one is needed.

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: NYSCA’s offices are not open to the public. Individuals who come to our offices are through appointment only. Prior to coming to our offices, individuals are verbally informed of the availability of free interpreting services.

By telephone: Staff verbally informs individuals of free interpreting services available through a State contracted interpreter or a bilingual staff member.

At initial contact in the field: For initial contact in the field and all outreach efforts, staff will have available “I Speak” flyers or brochures that will inform the NYSCA applicant and public at large of free language assistance and interpretation services at no cost.

For pre-planned appointments with LEP individuals: Prior to coming to our offices, individuals are verbally informed of the availability of free interpreting services.

Other (describe): .

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:

NYSCA's staff is trained to connect to the selected interpreting vendor in a timely manner.

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

The telephonic interpreting service vendor provides NYSCA with an ongoing summary of frequency of use, type of interpreter service provided and usage costs. NYSCA is then able to cross-compare these records to the logs maintained by reception and help desk staff.

Competency and confidentiality

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

On a case-by-case basis, NYSCA uses multilingual staff volunteers who are self-assessed in their own language competency. Where NYSCA utilizes independent interpreting services, that vendor will implement 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 staff addresses 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: Currently there are a total of five staff members who speak Italian, French, Spanish and Chinese.

Telephonic interpreting service

Names of vendors: Any potential vendor on 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.

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:

Information on how to obtain oral interpreting services is provided through periodic training, at least once per year, to all staff. Training materials are available on our internal website.

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:

The LAC periodically, but at least once every year, review and identify any new or existing vital documents that should be translated pursuant to Executive Order 26.

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

All documents in need of translations will be sent to the selected vendor in a timely manner.

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

NYSCA will ensure that plain language is used in materials produced before translation to ensure information is accessible to a range of literacy levels.

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

NYSCA currently does not have any documents that are deemed vital. However, the LAC will periodically, but at least once every year, review and identify any new or existing vital documents that should be translated pursuant to Executive Order 26.

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

The NYSCA, 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. The NYSCA agency 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: Potentially 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: Brenda K. Brown, Director of Agency Operations.

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:

Staff is trained at least annually regarding Executive Order 26 and NYSCA's Language Access Plan. The staff training from the Governor's Office of Employee Relations includes and addresses all components listed in the previous question. Refresher courses are given periodically as needed and new employees will be given training upon entrance. Training materials are available via the internal website as well.

PART 6 – ADMINISTRATION

Monitoring

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

- Ensure that all staff members are trained on the Language Access Plan (LAP);
- Ensure proper posting of "I Speak" posters;
- Require periodic reports from all program areas on language assistance provided;
- Review and evaluate all the LAP-related complaints; and
- Review and evaluate data acquired from NYSCA's website.

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:

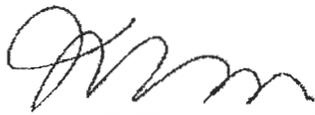
The standardized compliant forms are available to the public upon request in all six languages and through our website. Additionally, information on the right to file a complaint is posted in areas where it is easily seen by the public in the top six languages.

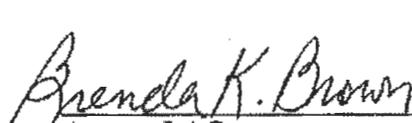
We handle complaints made to the agency regarding the provision of language assistance services in the following manner:

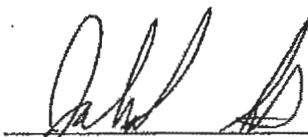
All complaints received on Language Access are forwarded to the NYSCA LAC for action.

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

PART 7 – SIGNATURES

 Executive Director 5/2/19
 Head of Agency Title Date

 Director of Agency Operations 5/2/19
 Agency LAC Title Date

 5/20/19
 Deputy Secretary for Civil Rights Date