

## LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

**State Agency:** NYS Higher Education Services Corporation

**Effective Date of Plan:** October 1, 2022

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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:

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

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## PART 1 – Our Agency’s Services

We prepared this Language Access Plan (“Plan”) to comply with New York State Executive Law Section 202-a, which establishes New York’s Statewide Language Access Policy. 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 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’s main functions are: (1) administer the State’s Tuition Assistance Program (TAP) and 27 scholarship and loan forgiveness programs for NYS residents attending college in NYS; (2) administer 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; (3) co-administer New York’s 529 College Savings Program with the Office of the State Comptroller; and (4) provide college access outreach programs for students and families.

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



The Statewide Language Access Policy requires state agencies to translate vital agency documents into the top 12 most commonly spoken non-English language among limited English proficient New Yorkers. Our agency uses U.S. Census data (including data from the American Community Survey) to determine the top 12 languages most commonly spoken by LEP individuals in New York State.

**The top 12 languages spoken by LEP individuals in New York State are:**

#	Language	Estimated Number of LEP Speakers
1	Spanish	1,166,777
2	Chinese	375,924
3	Russian	119,160
4	Yiddish	71,740
5	Bengali	66,980
6	Haitian Creole	53,335

7	Korean	51,285
8	Italian	44,128
9	Arabic	41,632
10	Polish	33,125
11	French	30,770
12	Urdu	28,827

**New York’s language access law also provides agencies, in consultation with the Office of Language Access, the option to add up to four more languages of translation beyond the top 12. The assessment about whether to include additional languages must be based on factors that are identified in the language access law. Our agency, in consultation with the Office of Language Access, has made the following determination with regard to the addition of languages beyond the top 12:**

HESC's assessment as to the necessity of additional languages of translation beyond the top 12 remains ongoing at this time. HESC, in consultation with the Office of Language Access, will update this Plan when this assessment has been completed and a final determination reached. HESC will continue to reassess the need for additional languages of translation on an ongoing basis.

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

HESC Customer Communications Center (“CCC”) staff track the use of interpreters for phone interactions and submit reports to the CCC manager who verifies for billing; and outreach staff record the use of interpreters in their outreach activities reporting.



### **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 12 languages shown in Part 2 of this Plan:**

- LEP individuals are directly informed by our staff
  - In which ways?** Customer Call Center staff inform individuals about the availability of staff at the onset of their call.
- Signs posted about language assistance services
  - In areas operated by the agency and open to the public
  - Other (describe)
- Information is published on the HESC website in at least the top 12 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-speaking communities.  
Interpretation services are provided as needed.

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?**

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) N/A - HESC does not have in-person encounters.

**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:** Staff utilizes interpretation service vendor or bilingual staff member where available for assistance.

**For pre-planned appointments with LEP individuals:** HESC responds to individual requests for language assistance services based on self-identification. HESC conferences with the individuals with the assistance of an interpreter.

**Other (describe):**

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

HESC Customer Communications Center (“CCC”) staff track the use of interpreters for phone interactions and submit reports to the CCC manager who verifies for billing, and outreach staff record the use of interpreters in their outreach activities reporting.

**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:** One staff member speaks Spanish.

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

**Number of staff and languages spoken:**

Telephonic interpreting service

**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:**

**At initial contact in the field:**

**When speaking on the telephone:** Staff ensure that LEP individuals understand that they do not need to provide their own interpreters and that the service is free of charge.

**For pre-planned appointments with LEP individuals:** The request for language assistance, currently available in Spanish, Chinese, Russian, Yiddish, Bengali, Korean, Haitian Creole, Italian, Arabic, Polish, French and Urdu, states that free interpreting services are available.

**Other (describe):**

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

For phone interpretation, staff consult with the LEP individual to determine what language is needed, and then follow the steps to contact the over-the-phone interpretation vendor as outlined in their job duties. For outreach events, staff determine need based on the anticipated audience and work with HESC finance to send out an RFQ for in-person or virtual interpretation for events as needed.

**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 HESC 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. Should an interaction with the LEP individual occur at the agency’s office, and an individual is permitted to use an interpreter of their choosing, they must fill out a written consent/waiver form.

Where an LEP individual is engaged in official business with HESC, the agency will provide an independent interpreter at all times. An LEP individual will not be permitted to use an independent interpreter of their 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:**

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 a qualified bilingual colleague, in a timely manner.

**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 selected language service vendor will provide HESC with an ongoing summary of frequency of use, type of language services provided and usage costs.

### **Cultural Competence and Confidentiality**

**Our agency makes sure interpreters are culturally competent<sup>1</sup> in the following ways:**

On a case-by-case basis, HESC uses multilingual staff volunteers who are self-assessed in their own language competency. Where HESC utilizes 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.

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

The training provided to designated staff addresses the importance of confidentiality. Furthermore, independent interpreters will enforce standards of confidentiality in accordance with NYS Law.

### **C. Translations of Documents**

**At least every two years after the effective date of this Plan, our agency determines and reassesses vital documents<sup>2</sup> that must be translated. This process is accomplished in the following ways:**

HESC has translated its facts sheets that guide students on how to apply for federal and state financial aid into the top 12 languages and will review its publications at least once every two years to determine if any other information is vital and needs to be translated.

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<sup>1</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)

<sup>2</sup> Vital Documents is defined as any paper or digital document that contains information that is critical for obtaining agency services or benefits or is otherwise required to be completed by law.



**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:**

HESC Communication professionals employ best practices for plain language in agency publications for all students and adopt that plain language in materials produced before translation.

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

- Contracts with vendors for translation services

**Vendors:** Language Today and potentially any vendor under the NYS OGS Statewide Administrative Services Contract.

- Contracts or other arrangements with schools and community organizations

**Names of schools/organizations:**

- 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:**

If the agency received a letter in a non-English language, we would assign our contracted translation agency to provide translation; an exception may be made for Spanish in which case a bilingual employee may be asked to provide translation.

**The following non-exhaustive list of documents are currently translated or in the process of translation by our agency in the languages indicated. Documents with an asterisk (\*) are determined by the agency to be vital documents.**

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

<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>

- UR: Urdu

- YI: Yiddish

Form #	Name	Top 12 Languages											Additional Languages	
		AR	BE	CH	FR	HA	IT	KO	PO	RU	SP	UR		YI
	*How to Apply for Federal Aid fact sheet	X	X	X	X	X	X	X	X	X	X	X	X	
	*How to Apply for NYS Aid fact sheet	X	X	X	X	X	X	X	X	X	X	X	X	

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:**

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.



**PART 5 – Staff Training**

**The person in the agency who is responsible for training staff in language access services is:**  
Susan Stah-Cooper, Human Resources Director

**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:**

Designated employees take the mandatory language access training via the Statewide Learning Management System (SLMS) at least once every year, with refreshers and new employee training provided as needed.



## **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 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, verifying that vital documents are up-to-date, and ensuring that staff participates in training appropriately.

### **B. Complaints**

**We provide information to the public in at least the top 12 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:**

The standardized complaint forms, along with the procedures for filing a complaint, are available in all 12 languages in our public offices upon request. They are also available for download or online submission through our website. Additionally, information on the right to file a complaint is posted in the top 12 languages on our website.

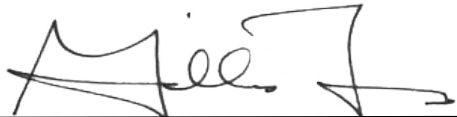
**We handle complaints made to the agency regarding the provision of language assistance services in the following manner:**

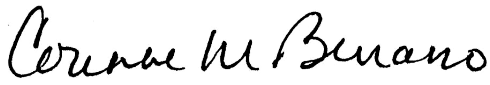
Complaint forms and instructions for filing a complaint are available in all 12 languages on the HESC website. The agency’s Language Access Coordinator will review, handle and track until resolution.

All complaints must be timely forwarded to the Office of Language Access.

**PART 7 – Signatures**



	- President	September 20, 2022
<b>Head of Agency</b>	<b>Title</b>	<b>Date</b>

	Admin Spec	September 22, 2022
<b>Agency LAC</b>	<b>Title</b>	<b>Date</b>

		09/23/2022
<b>Executive Director, NYS Office of Language Access</b>		<b>Date</b>