LANGUAGE ACCESS PLAN FOR INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY

State Agency: New York State Council on the Arts

Effective Date of Plan: October 1, 2024

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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 population with Limited English Proficiency ("LEP") 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 people with Limited English Proficiency ("LEP") have meaningful access to agency services, programs and activities.

In this Plan, individuals with LEP 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 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.

PART 2 – The Population with Limited English Proficiency 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 New Yorkers with limited English proficiency. Our agency uses U.S. Census data (including data from the American Community Survey) to determine the top 12 languages most commonly spoken by individuals with LEP in New York State.

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

#	Language	Estimated Number of Speakers with LEP (ACS 2018-2022)
1	Spanish	1,198,032
2	Chinese	377,524
3	Russian	124,422
4	Yiddish	90,199
5	Bangla	74,342
6	Haitian Creole	51,947
7	Korean	48,581
8	Arabic	42,907
9	Italian	41,155
10	French	34,304
11	Polish	33,122
12	Urdu	29,983

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:

NYSCA, at this time, has not identified the need to add languages but will continue to monitor services, requests and relevant information to reassess if needed.

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

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

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

Our agency informs individuals with LEP 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:

☒ Individuals with LEP are directly informed by:

In which ways? They are verbally informed by NYSCA's help desk staff members via contractors under the NYS Office of General Services (OGS) Statewide Language Services Contract.

☒ 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 12 languages spoken by individuals with LEP in New York State

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

What are the populations with LEP targeted? The top 12 languages spoken by individuals with LEP in New York State.

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

What are the populations with LEP targeted? The top 12 languages spoken by individuals with LEP in New York State

☐ Social media posts directed at individuals with LEP in their languages

What are the populations with LEP targeted? The top 12 languages spoken by individuals with LEP in New York State

☐ 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 has LEP, and what their primary language is:

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

☒ Help Desk staff make those determinations based on training and experience

☐ Bilingual staff members, where available, assist in identifying the language of individuals with LEP

☐ Other (describe)

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

☒ Help Desk staff make those determinations based on training and experience

☐ Bilingual staff members, where available, assist in identifying the language of individuals with LEP

☒ 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:** 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.

☒ **At initial contact in the field:** For initial contact in the field and all outreach efforts, staff will have available "I Speak" cards and language identification posters that will inform the NYSCA applicant and public at large of free language assistance and interpretation services at no cost.

☒ **When speaking on the telephone:** Help Desk Staff utilizes an interpreting contractor where available for assistance.

☒ **For pre-planned appointments of individuals with LEP**: In the event that an individual appears unable to communicate their needs clearly enough for staff to provide service, the Help Desk Staff motions to the "I Speak" poster to determine the language spoken. Help Desk Staff will access the interpreting contractor. Arrangements are generally made in advance to have an interpreter available if one is needed.

☐ **Other (describe):**

Our agency records and maintains documentation of language assistance needs of individuals with LEP as follows:

The interpreting contractor 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 the Help Desk Staff.

B. <u>Oral Interpreting Services</u>

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

☐ Bilingual staff members who work directly with individuals with LEP
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
Number of contractors and languages spoken: One primary telephonic interpreting contractor that's under the NYS Office of General Services (OGS) Statewide Language Services Contract and covers over the 12 main languages and dialects, as well as potentially any contractor under the same contract.

☐ Contracts or other arrangements with school and community organizations
Number of contracts or other arrangements and languages spoken:

☐ Other (Describe)

Our agency protocols for informing individuals with LEP 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:** 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.

☒ **At initial contact in the field:** For initial contact in the field and all outreach efforts, staff will have available "I Speak" cards and language identification posters that will inform the NYSCA applicant and public at large of free language assistance and interpretation services at no cost.

☒ **When speaking on the telephone:** Help Desk Staff verbally informs individuals of free interpreting services available through a State contracted interpreter.

☒ **For pre-planned appointments of individuals with LEP:** In the event that an individual appears unable to communicate their needs clearly enough for staff to provide service, the receptionist motions to the language identification 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):**

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

NYSCA's Help Desk Staff is trained to connect to the selected interpreting contractor in a timely manner.

If an individual with LEP insists on having a family member, friend, or other person interpret, our protocols for deciding whether to accept or decline such an arrangement is as follows:

Individuals with LEP that come into contact with our agency will be informed of the availability of free interpreting services. Generally, individuals with LEP may not have a family member, friend, or a minor interpret. However, during emergencies, an individual with LEP may be permitted to have a minor, a family member or friend interpret. Upon request, an individual with LEP may also be permitted to have a minor, a family member or friend interpret for routine matters, such as asking the location of the office, hours of operation or rescheduling an appointment. Where the interaction with the individual with LEP occurs at the agency's office, and an individual is permitted to have an interpreter of their choosing, they must fill out a written consent/waiver form. Where an individual with LEP is engaged in official business with the agency, the agency will provide an independent interpreter at all times.

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.

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 the primary language of an individual with LEP

☒ 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 individuals with LEP at each encounter. Our protocol in this regard is as follows:

The telephonic interpreting contractor 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.

Cultural Competence and Confidentiality

Our agency makes sure interpreters are culturally competent[1] in the following ways:

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

Where NYSCA utilizes independent interpreting services, that contractor will implement quality assurance standards to guarantee that its interpreters are trained and are linguistically and culturally competent. The training provided to Help Desk Staff addresses the importance of confidentiality. Furthermore, independent interpreters will enforce standards of confidentiality in accordance with NYS Law.

C. Translations of Documents

[1] 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

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

Our agency's process for making sure documents are written in plain language[3] 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.

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

☒ Contractors for translation services

Number of contractors: One primary translation services contractor that's under the NYS Office of General Services (OGS) Statewide Language Services Contract and covers over 200 languages, as well as potentially any contractor under the same 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 individuals with LEP submit in their primary languages in a timely manner. Our protocol in this regard is as follows:

[2] 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.

[3] The Plain Writing Act of 2010 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

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.

NYSCA currently does not have any documents that are deemed vital. However, the LAC will periodically, and at least once every year, review and identify any new or existing vital documents that should be translated pursuant to New York State Executive Law Section 202-a. 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 NYSCA, through its contractor (where applicable), will ensure that proofread/editing for correctness and cultural sensitivity are a component of the translation services provided by any contractor 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.

PART 5 – Staff Training

The person in the agency who is responsible for training staff in language access services is: Brenda K. Brown, Director of Agency Operations.

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 individuals with LEP

The methods and frequency of training are as follows:

Help Desk Staff is trained at least annually regarding New York State Executive Law Section 202-a and NYSCA's Language Access Plan. The staff training from the 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 – 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:

- 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.

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 are available to the public upon request in all 12 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 12 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 NYS Office of Language Access.

PART 7 – Signatures

X

Erika Mallin	Executive Director	October 9, 2024
Head of Agency	**Title**	**Date**

Brenda K. Brown

Brenda K. Brown	Director of Agency Operations	October 9, 2024
Agency LAC	**Title**	**Date**

X

Margarita Larios	10/15/2024
Executive Director, NYS Office of Language Access	**Date**