

LANGUAGE ACCESS PLAN FOR INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY

State Agency: NYS Council on Developmental Disabilities (CDD)

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 mission of the New York State Council on Developmental Disabilities (CDD) is to enhance the lives of New Yorkers with developmental disabilities (DD) and their families through programs that promote self-advocacy, participation, and inclusion in all facets of community life. The CDD does not provide direct services to the public but engages the public through Council membership, our 5-Year State Plan, grant activities, and advocacy initiatives.

The CDD 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 DD Act, 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 CDD’s work is directed by our Council. According to the DD Act, the Council must be comprised of at least 60% of people 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 CDD works with members of the public in the following ways:

1. **Council Membership:** Conducting outreach to recruit new members and engaging current membership in CDD work throughout the year is a significant part of the CDD’s connection with the public.
2. **5-Year State Plan:** The CDD’s State Plan articulates the primary goals of our work over a 5-year period. The CDD conducts research during State Plan development and implementation to inform CDD 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 CDD periodically releases open, competitive Requests for Proposals (RFPs) targeted at improving the lives of people with DD and their families. Selected grantees work with the public through grant projects, initiatives, and activities.

4. **Advocacy, Self-Advocacy, & Capacity Building:** The CDD 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 developmental disabilities (DD) and individuals with speech, hearing, or visual disabilities also have needs that may include plain language or braille materials, closed captioning, audio descriptive services, or other requests for accessibility.



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:

We are not adding additional languages at this time. We will continue to fulfill any requests we receive for translated documents into languages beyond the top 12 languages.

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

The CDD utilizes language translation and interpretation contractors, as well as staff reporting as a primary means to determine the frequency of contact for individuals with LEP with language



access needs. Given the small size of our agency, the CDD Language Access Coordinator is notified of all individual LEP encounters as well.



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 our staff

In which ways? Individuals with LEP are informed about their right to free language assistance services by information posted on our website, by language identification posters displayed in all common areas frequented by the public, by staff if an individual calls our office speaking another language, and directly through outreach events.

- 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? In the past 2 years, we have collaborated with community organizations serving primarily the Spanish, Chinese, Korean, and Bengali-speaking communities.

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

What are the populations with LEP targeted?

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

What are the populations with LEP targeted? The CDD has created some social media posts and content in Spanish, Simplified Chinese, and Traditional Chinese.

- Telephonic voice menu providing information in non-English languages

In which languages?

- Other (describe)



The CDD has a standing Cultural Competency and Language Access Workgroup that meets three times a year. We provide information to our Workgroup members on the availability of language access services through our agency and get input from Workgroup members on the implementation of our language access services, as well as cultural competency efforts.



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

On *telephone calls*, our agency uses the following tools to find out if an individual has 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 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:

At initial contact in the field: At tabling or outreach events, we display language identification visual aids and utilize telephonic interpretation services if an individual needs oral interpretation services in their language.

When speaking on the telephone: If an individual calls our office and speaks another language, we will utilize our telephonic interpretation services to connect to an oral interpreter.

For pre-planned appointments of individuals with LEP: Staff will schedule oral interpretation services for focus groups, meetings, or other agency events both virtual and in-person.

Other (describe):

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

Our language translation and interpretation contractors 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 CDD can continue to evaluate ongoing and emerging language translation needs. The CDD 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 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: The CDD has 1 primary contractor for telephonic interpretation services that provides interpretation in 240 languages, as well as a secondary and tertiary contractor in case the primary contractor is unable to fulfill a language access need.



- 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: 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 visited 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 CDD events, or activities with individuals with LEP.

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 a NYS OGS approved contractor. CDD staff will utilize the telephonic interpretation service to communicate with an LEP member of the public calling the CDD office.

For pre-planned appointments of individuals with LEP: 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. The CDD Language Access Coordinator will schedule interpretations services for pre-planned appointments.

- 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 individuals with LEP through outreach efforts and work in partnership with community-based organizations to assist in determining language access needs for events, presentations, or encounters. The CDD Language Access Coordinator schedules interpreters as needed for agency events.

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.

In the case of an emergency, an individual with LEP will 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.

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:

CDD staff are informed of the availability of free language interpretation services for the public as part of onboarding training, through annual internal and OER language access trainings, and periodic updates from the Language Access Coordinator.

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 documentation for all oral interpretation requests and services are collected and provided by our language interpretation contractor. 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 competent¹ in the following ways:

The CDD uses independent interpreting services, and those contractors implement quality assurance standards to guarantee that interpreters are trained and are linguistically and culturally competent. CDD staff also solicits input and feedback from individuals with LEP through the CDD Cultural Competency and Language Access 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:

CDD only maintains the contact information of individuals directly involved in official CDD business. The CDD 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 documents² that must be translated. This process is accomplished in the following ways:

The CDD has determined vital documents to be those documents related to Council membership, grantee outreach, and grantee data collection. These forms are available in the top 12 languages and posted publicly on the Language Access section of the CDD website. The CDD Language Access Policy also provides guidance to employees for additional translation requests that may include other languages or additional documents. The CDD Language Access Coordinator will regularly monitor the CDD Language Access Policy and update as needed.

Our agency's process for making sure documents are written in plain language³ before they are translated into other languages is as follows:

The CDD utilizes free, publicly available tools to assess the reading level of written materials and a few staff have skills for converting written materials into plain language. We commonly

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

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](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>



release Plain Language versions of publicly facing documents. Additionally, the CDD Language Access Coordinator reviews written materials before they are translated into other languages.

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

- Contractors for translation services

Number of contractors: The CDD has 1 primary contractor for document translation services that provides translation services in 340 languages, as well as a secondary and tertiary contractor in case the primary contractor is unable to fulfill a language access need.

- 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:

The CDD Language Access Coordinator provides guidance to all employees to ensure that document translation requests are processed quickly. Upon receiving a document translation 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 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*
- *BA: Bangla*
- *CH: Chinese*
- *FR: French*
- *HA: Haitian-Creole*
- *IT: Italian*
- *KO: Korean*
- *PO: Polish*



- RU: Russian
- SP: Spanish
- UR: Urdu
- YI: Yiddish

| Form # | Name | Top 12 Languages | | | | | | | | | | | | Additional Languages |
|--------|------------------------------|------------------|----|----|----|----|----|----|----|----|----|----|----|----------------------|
| | | AR | BA | CH | FR | HA | IT | KO | PO | RU | SP | UR | YI | |
| 1 | CDD Membership Application* | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | |
| 2 | Who We Are 1-Pager* | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | |
| 3 | Grantee Satisfaction Survey* | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | |
| 4 | Grantee Media Release 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 CDD shares our vital documents at our Cultural Competency & Language Access Workgroup, as well as during outreach events. We have received community feedback on translated documents. In those cases, we work with our language translation contractor 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 individuals with LEP

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). An annual internal training is provided by the Language Access Coordinator and supplemental trainings are provided by upon staff request.



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 LAP will be monitored by the Language Access Coordinator and updated every two years. The CDD also convenes a Cultural Competency and Language Access Workgroup three times a year, members can provide ongoing input and feedback to the CDD.

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:

Information on the right to file a complaint and the procedures to file a complaint are available on the CDD’s website in the top 12 languages. The CDD 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 twelve 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 CDD posts the complaint form and the procedure for submitting a complaint form in the top 12 languages publicly and online. The completed form is submitted to the CDD’s Language Access Coordinator for review and preliminary follow up. The LAC forwards the complaint and any recommendations to the CDD’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 Office of Language Access.



PART 7 – Signatures

X *Kristin M Proud*

| | | |
|-----------------------|--------------------|-------------|
| Kristin Proud | Executive Director | 10/11/24 |
| Head of Agency | Title | Date |

X *Jacqueline Hayes*

| | | |
|-------------------|-----------------------------|-------------|
| Jacqueline Hayes | Language Access Coordinator | 10/07/2024 |
| Agency LAC | Title | Date |

X *Margarita Larios*

| | | |
|--|--|-------------|
| Margarita Larios | | 10/15/24 |
| Executive Director, NYS Office of Language Access | | Date |