

NYCHA STANDARD PROCEDURE MANUAL
SP 007:09:1, LANGUAGE ASSISTANCE SERVICES

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SUBJECT	PROCEDURE OWNER	APPROVED DATE	APPROVED BY	INDEX NO.
LANGUAGE ASSISTANCE SERVICES	DEPARTMENT OF COMMUNICATIONS	Issued May 13, 2009 Revised April 20, 2011 Date: <u>3/16/15</u>	 Jean Weinberg Chief Communications Officer  Cecil R. House General Manager	007:09:1

I. PURPOSE

This Standard Procedure explains how the New York City Housing Authority (NYCHA) provides language assistance services to Limited English Proficient (LEP) persons. These services are designed to promote the meaningful access of LEP persons to NYCHA programs and activities.

This Standard Procedure implements the United States Department of Housing and Urban Development notice entitled "Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient (LEP) Persons." The Federal Register published the Final Guidance on January 22, 2007 at 72 Federal Register 2732.

II. POLICY

It is the policy of NYCHA to take reasonable steps to ensure LEP persons may effectively participate in and benefit from NYCHA programs and activities.

III. APPLICABILITY

This Standard Procedure applies to all NYCHA departments serving LEP persons seeking meaningful access to and information about NYCHA's programs, services, or activities, including public housing, Section 8 assistance, housing-related social services, or training.

IV. DEFINITIONS

A. Bilingual/Bilingualism

The ability to speak and/or write two languages fluently and communicate directly and accurately in two languages. As a prerequisite for conducting business, NYCHA requires English to be one of the languages of a bilingual employee.

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B. Civil Service Bilingual Employee

This NYCHA staff person performs one of the following functions:

1. Serves in a specialized civil service title with the principal duties and responsibilities reserved for interpretation and/or translation in language(s) other than English; e.g., an interpreter of Spanish.
2. Works with English-speaking and LEP applicants and residents as part of the basic duties and responsibilities of the position. Speaks with applicants and residents in the appropriate language to conduct business; e.g., a bilingual housing assistant.
3. Performs in an appointed position (for a language other than English) in a general title from a selectively certified civil service list pursuant to Rule 4.7.10 of the Personnel Rules and Regulations of the City of New York. Such position requires additional or special qualifications to perform the required general duties.

C. Covered Languages

These are the most frequently-encountered languages at NYCHA other than English. Currently, covered languages are Spanish, Chinese, and Russian for both translation and interpretation. NYCHA will revisit the covered languages, as needed, based on other emerging languages.

D. Language Bank Volunteers

NYCHA employees assessed by the Language Services Unit (LSU) in the Department of Communications (DOC) and determined to have the language skills necessary to provide the following services: oral interpretation and/or written translation in particular languages and for certain types of occasions (i.e., meetings, hearings, and over the telephone).

E. Language Identification Card

NYCHA form 036.034, *Language Identification Card*, lists 28 languages and helps persons requesting language assistance services to identify their own language needs.

F. Limited English Proficient (LEP) Person

A person who does not speak English as his/her primary language and has a limited ability to read, write, speak, or understand English.

G. Source Language

The written or spoken language of the original document or communication requiring translation or interpretation.

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H. Target Language

The language into which a written document is translated or an oral communication is interpreted.

I. Translation Services (Written Language Services)

The written communications of a text from the source language into an equivalent written text of the target language.

J. Types of Oral Language Interpretation Service

The process of orally communicating information from the source language into the target language; i.e., translating orally for parties speaking in different languages. This service is a three-way conversation provided either in person or over the phone using the telephone speaker or teleconference feature depending on the mode of interpretation required.

There are three basic modes of conversation in oral language interpretation:

1. Simultaneous

The interpreter, as quickly as possible, converts speech into the target language and conveys the oral message in the target language. This occurs while the source-language speaker continuously talks. The interpreter speaks in the target language (at almost the same time as the speaker in the source language) when acting as the interpreter of the original message.

2. Consecutive

The source-language speaker finishes talking before the interpreter converts speech into the target language.

3. Sight

The conversion of material written in the source language into an oral communication in the target language.

K. Vital Documents

Documents that are critical for ensuring meaningful access to NYCHA's major programs and activities by beneficiaries generally and LEP persons specifically.

Vital documents include written materials soliciting or containing information for establishing or maintaining eligibility to participate in NYCHA programs or activities (for example, annual recertifications), and documents creating or defining legally enforceable rights or responsibilities (for example, leases).

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V. REVIEW CYCLE

DOC shall review this Standard Procedure once every three (3) years and revise as needed including for compliance with changes in the law.

VI. RESPONSIBILITIES

A. Department of Communications

1. Deputy Chief Communications Officer shall:
 - a. Serve as the Language Access Coordinator (LAC).
 - b. Produce the two monthly reports and year-end cumulative reports on interpretation and translation services.
 - c. Meet with the Language Liaisons to ensure compliance with language assistance service requirements.
 - d. Assess annually the language assistance needs of NYCHA by reviewing data on the provision of language services and the prior year's provision of language assistance services.
 - e. Recommend modifications to NYCHA's Executive Department, as needed, regarding the provision of language assistance services.
 - f. Monitor the translation of vital documents.
 - g. Oversee quality control assessment of language services.
2. Language Liaisons will:
 - a. Work with the LAC to address issues related to language services.
 - b. Provide information to LAC to help identify emerging languages and changes in the proportion of existing language groups.
 - c. Provide the LAC with reports on language assistance services provided.
 - d. Identify staff requiring training on the delivery of language services.
 - e. Provide the LAC with updated language assistance service needs of the department.

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- f. Participate in recruitment efforts targeting and encouraging bilingual staff to participate and become part of the Language Bank.

B. NYCHA Departments Offering Language Assistance Services to LEP Persons

Department director shall:

1. Designate a language liaison to work with the LAC to regularly monitor and assess the language assistance services provided by the department.
2. Conduct periodic evaluations of the quality of language assistance services provided by the department.
3. Assess the need of the department for language assistance services.
4. Provide language assistance services to LEP persons, as needed, in oral interpretation and written language translation. Such services shall be provided in the following order of service delivery: civil service bilingual employees, Language Bank volunteers, and contract vendor services.
5. Request sign language interpretation services as needed.
6. Post notices of free language assistance services in NYCHA offices used by LEP persons.
7. Encourage department employees to contact the Department of Equal Opportunity (DEO) if they learn that an LEP person believes she/he has not been provided with language assistance services in accordance with this Standard Procedure.
8. Identify staff members needing instruction to be familiar with this Standard Procedure.

VII. PROCEDURE

A. Assessment of Language Service Needs

All departments encountering LEP persons who seek access to NYCHA's programs or activities, including the public housing and Section 8 programs, shall conduct periodic evaluations of the language services provided to LEP persons. These evaluations determine the need for revisions to achieve the goal of meaningful participation of LEP persons, including potential applicants or individuals seeking information about NYCHA.

NYCHA staff shall use the following assessment tools to determine each department's language assistance service needs:

1. Use one or more of the following tools to determine the number or percentage of LEP persons eligible to be served or likely to be served by the program or activity:

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- a. Provide questions on an initial application, or enrollment form, to determine if the applicant needs language services. Refer to Appendix A for appropriate questions when developing language surveys.
 - b. Determine LEP person's language utilizing the language identification card and record language at points of contact and service.
2. Track and record the following information: requests for language assistance; service received (interview, hearing, briefing, etc.); and language service provider, e.g., civil service bilingual employee, LSU, Language Bank Volunteer, or contract vendor.
 3. Determine the nature and importance of the program, activity, or service provided by assessing whether denial or delay of access has a direct impact on the LEP person, e.g., assisting LEP persons with interpretation services during eligibility interviews, rental interviews, or termination of tenancy hearings.
 4. Identify the available and future resources and costs associated with providing language services to LEP persons. Departments should determine if it is more cost-effective to re-assign staff, hire additional bilingual staff, or contract with vendors to perform routine duties requiring interpretation services.

Those departments providing direct services to LEP persons, including residents, Section 8 participants, or applicants, shall make every effort to provide interpretation services through the use of civil service bilingual staff members or contracted services. For example:

- a. Re-assigning existing NYCHA civil service bilingual employees to provide language assistance services in consultation with the Human Resources Department and consistent with applicable collective bargaining agreements.
- b. Comparing the cost for hiring civil service bilingual employees to provide language assistance services with cost estimates for utilizing contractor vendors.

NOTE: The requesting department's budget covers all costs related to the use of contract vendors.
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- c. Determining if vacancies that are direct service positions require replacement with bilingual employees.

B. Providing Language Assistance Services

NYCHA shall provide language assistance services to LEP persons as follows:

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1. Oral Language Interpretation Services

Under the following guidelines, each NYCHA department, office, or location providing programs or activities to LEP persons shall provide oral interpretation at points of contact and service at no charge to LEP persons:

a. Identify Language at Point of Contact

When a person visits a NYCHA office or location and identifies him/herself as an LEP person, a NYCHA employee shall show the person NYCHA form 036.034, *Language Identification Card*. The form helps the LEP person identify his/her language.

NYCHA employees working in a department that provides direct services to residents and/or applicants shall have the language identification card readily available.

NOTE: LEP persons may not be required or asked to bring their own translator or interpreter.

If an LEP person requests an adult family member or friend (18 years of age or older) to provide interpretation, this practice is acceptable only if it is the **choice of the LEP person**. The employee shall advise the LEP person about the availability of free language services and document if the LEP person still chooses to utilize his/her own interpreter.

There are some situations where the use of family members or friends is not suitable, e.g., domestic violence, elder abuse or sexual assault. In those instances, **NYCHA staff shall provide language assistance services even if LEP persons bring family members or friends.**

NYCHA employees shall contact supervisory staff for assistance in determining how to provide interpretation services to visitors and telephone callers.

b. Supervisory/Managerial Staff Responsibilities

Supervisors (or managers) shall be responsible for determining the most efficient and effective means of providing interpretation and translation services. The steps listed below shall be taken by supervisors **in the following order** to obtain these services:

(1) Civil Service Bilingual Employees

Supervisors shall utilize from their own department the civil service bilingual employees, if any.

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(2) Language Bank Volunteers

If civil service bilingual employees are unavailable, supervisors shall utilize from their own department the Language Bank volunteers, if any.

If neither civil service bilingual employees nor Language Bank volunteers are available, supervisors shall call LSU at (212) 306-4443 for interpreters or translation services, and DOC will coordinate to seek the assistance of other Language Bank volunteers not from the supervisors' department.

(3) Contract Vendor Services

If there are no available civil service bilingual employees, Language Bank volunteers, interpreters, or translators, supervisors shall contact their department director for contract vendor services. See Subsection 4, *Contract Vendors*, below.

NOTE: To the extent possible, NYCHA staff shall plan in advance for making arrangements for appointments/interviews that may require interpretation services. Appointments/interviews shall be rescheduled to a later date to provide language assistance services. No penalty or negative action should result from the rescheduling. Submit NYCHA form 036.017, *Translation/Interpretation Request*, at least five days in advance of the rescheduled date.

c. Types of activities for which interpretation services shall be offered to LEP persons include, but are not limited to, the following:

- (1) Eligibility interview
- (2) Voucher briefing
- (3) Rental interview
- (4) Resident/applicant/voucher holder hearings
- (5) Interviews regarding annual and interim recertification
- (6) Termination of tenancy hearings

The customer service agents at the Customer Contact Walk-In Centers, and/or the staff in the Office of Safety and Security, shall contact the LSU Hotline for assistance in directing LEP persons. Once it is determined where the call should be routed, the call taker shall transfer the interpreter and the LEP caller to begin language assistance services.

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d. Contract Vendors

All costs relating to the use of contract vendors shall be charged to the appropriate department's budget.

To reduce costs, all internal measures shall be attempted before contacting a contract vendor for interpretation services, i.e., civil service bilingual employee, LSU interpreters, and Language Bank volunteers shall be tried first.

If authorized, departments may use contract vendors for interpretation services; e.g., in person or telephone interpreter line. In such instances, before engaging the vendor, the department director shall approve the proposed use.

All contract vendors used for interpretation services shall receive the prior approval of DOC. To request this approval, the department directors shall contact DOC at (212) 306-4443 or via e-mail at languageservices@nycha.nyc.gov.

The following guidelines shall be strictly adhered to when using contract vendors for interpreter services:

(1) Staff shall first determine if:

- (a) Civil service bilingual employees are available.
- (b) DOC's LSU interpreters or Language Bank volunteers are available.
- (c) A non-emergency interview may be rescheduled for a later date after confirming the availability of an interpreter.

(2) Supervisory Approval

Each department director shall give prior approval before engaging a contract vendor.

(3) Tracking

NYCHA staff requesting contract vendor services, e.g., language line telephone interpretation service, shall complete all applicable sections of NYCHA form 036.035, *Telephone Interpretation Services Log*, after receiving supervisory approval from a department director. The department director receives on a monthly basis a copy of the interpreter services log.

The department director shall review the log to determine if:

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- (a) Usage is within the budgeted amounts for language services.
- (b) Demand for language assistance services has changed.

(4) Reconciliation of Interpreter Services Invoices

Department directors shall reconcile all payment invoices with entries in the NYCHA form 036.035, *Telephone Interpretation Services Log*, before processing payment.

NYCHA staff shall charge to the appropriate department's budget all costs relating to the use of contract vendors.

NOTE: In order to avoid delays in providing emergency services, Customer Contact Center staff may utilize the language line telephone interpretation service immediately.

2. Written Language Translation Services

Each department director, in consultation with DOC, shall conduct an initial review of its written documents for the purpose of assessing whether any document is vital and requires translation. Each department director shall conduct a similar review to determine if new documents are "vital" and require translation. All **new** vital documents shall be translated into the covered languages before distribution.

a. Vital Documents

Vital documents currently in use, as defined in Section IV, shall be translated into the following covered languages:

- (1) Spanish
- (2) Chinese
- (3) Russian

The covered languages shall be modified, as necessary, to accommodate language needs of LEP persons regularly encountered by NYCHA.

Forms or standardized letters to be posted in NYCHA's Forms and Reference Library shall first be submitted to IT in the Process & Information Management Department (PIMD) by using NYCHA form 139.003, *Forms Request & Tracking Sheet*. Once the requesting department approves the draft version of the form or letter for release, PIMD submits the final version of the form or letter to LSU for translation.

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All other translation requests shall be submitted to DOC by using NYCHA form 036.017, *Translation/Interpretation Request*. Documents needing translation shall be submitted in MS Word format to maintain the standardization of terms and language used for NYCHA's translations and to facilitate the use of LSU's translation memory software.

Any document not translated by DOC shall be submitted to LSU for review prior to issuance.

C. Sign Language Interpreters

1. When American Sign Language is Understood

Prior to requesting sign language interpretation services, NYCHA staff shall determine if the resident or applicant understands American Sign Language (ASL). ASL is a complex visual-spatial language used by people who are deaf, hard of hearing, or not hearing impaired but living or working within the deaf community.

Sign language interpretation services shall be provided by contract vendors. The cost for these services is charged to the budget of the department requesting the services.

<p>NOTE: For sign language interpreters, submit – at least five days in advance of a scheduled interview – NYCHA form 036.020, <i>Request for Sign Language Interpreter Services</i>.</p>
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2. When American Sign Language is Not Understood

If the resident or applicant does not understand ASL, then LSU can request the services of a Certified Deaf Interpreter (CDI). The CDI, who is deaf or hard of hearing, is certified as an interpreter by the Registry of Interpreters for the deaf.

In some instances, a resident or applicant is able to read lips; i.e., lip reading or speech reading is a technique of understanding speech by visually interpreting the movements of the lips, face and tongue when normal sound is not available.

D. Outreach

NYCHA staff shall post notices of the availability of free language assistance services in offices where LEP persons interact with NYCHA. These offices include, but are not limited to, development management offices, hearing offices, Leased Housing and Application and Tenancy Administration centers; and Walk-In Centers of the Customer Contact Center. Notices regarding the availability of free language assistance services shall be posted on NYCHA's website.

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E. Complaints

1. Reporting Dissatisfaction with Language Assistance Services

NYCHA employees shall inform the Department of Equal Opportunity (DEO) if they learn that an LEP person believes she/he has not been provided with language assistance services in accordance with this *Language Assistance Services Standard Procedure*.

Employees shall direct the LEP person to call the DEO at (212) 306-4468 or TTY (212) 306-4845, or to visit the DEO at 250 Broadway on the 3rd floor.

2. 311 Complaint Processing

LEP persons may call 311 to file a language access complaint based on alleged shortcomings in receiving language assistance services from NYCHA. The following steps apply to processing the complaint:

- a. The complaint receives a 311 service request number. The staff at 311 forwards the complaint to the Language Services Unit (LSU) of NYCHA's DOC, the Mayor's Office of Immigrant Affairs (MOIA), and the Mayor's Office of Operations. MOIA and Operations track the status of complaints using the 311 service request numbers.
- b. LSU must contact the complainant within the period of 14 calendar days and investigate the complaint in an attempt to resolve the issues.
- c. There is no expectation of a resolution of the complaint within this period but LSU, at a minimum, must acknowledge to the complainant the receipt of the complaint.
- d. After investigating the complaint issues, and whether or not they are resolved, LSU reports the actions taken to the complainant, MOIA, and Operations.

VIII. OUTPUTS, REPORTS, AND RECORDKEEPING

A. Outputs

Language assistance services.

B. Reports

DOC shall issue:

1. Two monthly reports on all interpretation requests handled by LSU and an end-of-the-year report. The reports will include the following information:

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a. Interpretation Services

(1) Number of LEP persons served:

- (a) Via telephone with staff interpreters/Language Bank volunteers.
- (b) Via telephone with contract vendors.
- (c) In person with staff interpreters/Language Bank volunteers.
- (d) In person with contract vendors.

b. Translation Services

Number of documents and pages translated.

c. Number of calls received and handled on a monthly basis, by language.

C. Recordkeeping

LSU shall maintain a data warehouse to collect and compile all interpretation and translation requests handled by LSU and NYCHA staff.

IX. TRAINING REQUIREMENTS

NYCHA's Office of Professional Development and Training continues to provide ongoing training for appropriate staff about the language assistance services policy and procedure. Training topics include:

- A. An overview of NYCHA's language assistance policy and Standard Procedure.
- B. How to use NYCHA's language identification card to pinpoint the language of an LEP person.
- C. How to access language services through bilingual staff, LSU and Language Bank, or contract vendor.
- D. How to work with an interpreter.
- E. Prohibition against requiring or asking an LEP person to bring his or her own interpreter.
- F. Cultural sensitivity.

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X. PERFORMANCE METRICS

A. Departmental Monitoring

NYCHA departments with programs or activities for LEP persons regularly monitor and assess the language assistance services provided to ensure meaningful access by LEP persons.

Each NYCHA department shall designate a language liaison to:

1. Ensure tracking of language assistance services provided by the department includes the following:
 - a. LEP person served
 - b. Language
 - c. Type of service
 - d. Method of language service
2. Work with the LAC to address issues related to language services.
3. Submit information to LAC to help identify emerging languages and changes in the proportion of existing language groups.
4. Provide the LAC with reports on language assistance provided.
5. Identify staff requiring training on the delivery of language services; e.g. new hires, and employees new to the department.
6. Supply the LAC with updated language assistance service needs of the department.

B. NYCHA-Wide Monitoring

The LAC shall monitor NYCHA's provision of language assistance services to LEP persons on an ongoing basis. The LAC shall meet periodically with department language liaisons to coordinate and facilitate the delivery of language services and address issues related to language services.

C. LSU responsibilities shall include:

1. Testing of Language Bank volunteers to determine their level of proficiency to provide oral interpretation and/or written translation in their language.

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2. Ensuring the quality of translations by using a second translator to review the work of the primary translator.
3. Making available a glossary of NYCHA terminology to civil service bilingual employees, volunteers, and contract vendors for use when translating NYCHA documents.

D. Annual Performance Analysis

1. NYCHA will outline benchmarks for compliance with, and the success of, this policy to include, but not be limited to, an annual review of the following:
 - a. Utilization of telephone interpreter services versus the number of customers identifying that language as their primary language.
 - b. Survey of NYCHA staff regarding issues and/or suggestions addressing implementation of the policy.
 - c. Opportunity for feedback from resident leadership on the policy.

XI. NON-COMPLIANCE

Failure to comply with the requirements of this procedure may result in disciplinary action.

XII. FORMS

The following forms (except NYCHA form 036.035, *Telephone Interpretation Services Log*) are available in both the Forms & Reference Library and in the language services webpage on the "Portico" employee portal under "Department":

- A. NYCHA form 036.034, *Language Identification Card*
- B. NYCHA form 036.017, *Translation/Interpretation Request*
- C. NYCHA form 036.020, *Request for Sign Language Interpreter Services*
- D. NYCHA form 036.035, *Telephone Interpretation Services Log*
- E. NYCHA form 139.003, *Forms Request & Tracking Sheet*

XIII. WORKFLOW

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XIV. REVIEW/REVISION HISTORY PAGE

LANGUAGE ASSISTANCE SERVICES

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Review/Revision	Review/Revision Date	Sections Amended	Description of Change
1.	03/16/15	Table of Contents	Added new Table of Contents on Page i.
2.	03/16/15	Banner	Inserted new Banner format with updated information including required signatures.
3.	03/16/15	I	Revised Purpose statement.
4.	03/16/15	II	Revised Policy statement.
5.	03/16/15	III	Added new Section III, Applicability statement, and revised the previous statement that was Section IV.
6.	03/16/15	IV	Revised what is now Section IV including the following definitions: Limited English Proficient Person, Vital Documents, Source Language, Target Language, Language Identification Card, Language Bank Volunteers, Bilingual/Bilingualism, and Covered Languages. Extensively revised the former "Authorized Bilingual Employee" section with title "Civil Service Bilingual Employee."
7.	03/16/15	V	Added Review Cycle section.
8.	03/16/15	VI	Added Responsibilities section.
9.	03/16/15	VII	Added Procedure Section and revised "Assessment of Language Service Needs section.
10.	03/16/15	VIII	Added Outputs, Reports, and Recordkeeping section.
11.	03/16/15	IX	Revised training section and changed title to Training Requirements
12.	03/16/15	X	Added Performance Metrics section.
13.	03/16/15	XI	Added Non-Compliance section
14.	03/16/15	XII	Revised Forms Section
15.	03/16/15	XIII	Added Workflow section without inserting chart
16.	03/16/15	XIV	Added Review/Revision History Page
17.	03/16/15	XV	Added Appendices section

XV. APPENDICES

APPENDIX A

LANGUAGE SURVEY QUESTIONS: LANGUAGE INFORMATION

1) Can you speak and understand English? **Yes** **No** If you answered **NO**, what language do you speak and understand? (*check only one*) Spanish Russian Chinese Italian Korean Haitian Creole Other _____

2) Can you read and understand letters or documents written in English? **Yes** **No** If you answered **NO**, what language do you read and understand? (*check only one*) Spanish Russian Chinese Italian Korean Haitian Creole Other _____