

New York City  
Administration for Children's Services

*Language Access Implementation  
Plan*

*We Speak Your Language*

**April 30, 2018**



## **MESSAGE FROM COMMISSIONER DAVID HANSELL**

It is a privilege to live, work, and serve in a progressive, international, multicultural city like New York. At ACS, we take pride in our commitment to protect children and strengthen families without regard for national origin, legal status, or English language proficiency. We are grateful that our local and state governments have enacted policies requiring non-discriminatory public child welfare practice. Nothing less than children's lives and well-being are at stake.

Given the challenges presented by the current federal administration, however, ACS has increased our efforts to protect and support vulnerable immigrant and LEP populations. We believe these efforts are reflected in this 2018 Language Access Implementation Plan, which provides a detailed overview of our existing services and processes, our ongoing efforts to strengthen and expand services to LEP constituents, and our ambitious goals and aspirations.

Thank you for your support of this vital and challenging work.

David Hansell  
Commissioner, NYC Children's Services

## **TABLE OF CONTENTS**

- I. Mission and Background
- II. Language Access Implementation Plan and Goals
- III. LEP Population Assessment
- IV. Provision of Language Access Services
- V. Training
- VI. Record Keeping and Evaluation
- VII. Resource Analysis and Planning
- VIII. Outreach and Public Awareness of Language Access Services
- IX. Language Access Complaints
- X. Implementation Plan Logistics

Name and title of Language Access Coordinator: Eric Brettschneider, First Deputy Commissioner

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## **I - Mission and Background**

The Administration for Children’s Services (ACS) protects and promotes the safety and well-being of New York City’s children and families by providing **child welfare, juvenile justice, and early care and education services**.

- **Child welfare.** The continuum of child welfare services ranges from preventive services—free, confidential services such as family counseling, support groups, crisis interventions, public benefits access, domestic violence programs, and job skills development—to child protective and foster care services.
- **Juvenile justice.** ACS offers a spectrum of services for youth and their families at every stage of the juvenile justice process, including community-based supportive services; therapeutic interventions; detention services for youth in juvenile delinquency and offender proceedings or awaiting post-adjudication placement; and residential placement and aftercare services for youth who have been found by the Family Court to have committed a delinquent act.
- **Early care and education.** ACS administers the largest publicly-funded early care and education program in the United States, serving approximately 100,000 children, ages 6 weeks to 13 years old each year in center-based and family child care settings. Services are provided via contracts with community-based organizations and through child care vouchers.

## **II - Language Access Implementation Plan and Goals**

The purpose of the ACS Language Access Implementation Plan is to ensure that language is not a barrier to children and families meaningfully engaging in any ACS program or service. ACS’ policy is to provide interpretation in over 200 languages and to translate “commonly distributed” documents (as defined in section IV) into 10 priority languages required by Local Law 30 (Spanish, Chinese, Bengali, Russian, Arabic, Urdu, Haitian Creole, Korean, Polish and French) for children and families in New York City who are limited English proficient (LEP).

We strive to provide LEP youth and families with meaningful access to all of the child welfare, juvenile justice, and early care and education programs and services provided by ACS and by our community-based contracted providers and to increase inclusion of LEP communities in policy and planning related to ACS programs and service delivery.

Specifically, our goals are to:

1. Support public-facing staff who work with LEP clients;
2. Collect, measure, and evaluate key data; and
3. Enhance community awareness and engagement.

### **Goal One: Support public-facing staff who work with LEP clients**

Meaningful and accurate communication between our staff and the children, young people, and families we serve is a cornerstone of successful outcomes across every aspect of our work. We strive to prevent language differences from undermining interventions that best address a client’s needs. To this end, we support public facing staff with the tools,

resources, and education they need to effectively bridge language barriers.

**Goal Two: Collect, measure, and evaluate key data**

Understanding the perspectives of those who have first-hand experience with ACS’s language access program—including public-facing staff, contracted providers, language services vendors, ACS clients, and client advocates—is a crucial part of our overall evaluation of the program. Feedback from these key stakeholders was sought in 2017, and the results will be utilized to deepen our understanding of how well the language access program meets the needs of those who depend on it. Language access policies and program decisions are informed by the best available quantitative data on community language needs and usage of existing language access services. In addition, we will continue to enhance our mechanisms to coordinate responses to individual, case-specific language access concerns.

**Goal Three: Enhance community awareness and engagement**

Our goal is to ensure that the youth, families, and communities ACS serves are aware of their right to free language services. Through a variety of outreach initiatives—such as our recent multifaceted, citywide media campaign and our community-based workshops—we are working to ensure that community members are aware of the full range of services available through ACS and our provider agencies and feel comfortable seeking the services that best meet their needs without fear of discrimination based on language or immigration status. As part of our effort to reach LEP communities, we look to increase our engagement with ethnic media and our partnerships with community-based organizations serving LEP youth and families.

Please see the ACS Language Access Implementation Plan logistics for these three goals in Section X.

**III - LEP Population Assessment**

Under Title VI of the Civil Rights Act of 1964, which protects individuals from discrimination on the basis of their race, color, or national origin, LEP individuals are entitled to meaningfully access federally assisted programs. In accordance with the Civil Rights Act, Executive Order 120 and Local Law 30, ACS utilizes the U.S. Department of Justice “Four-Factor Analysis” to determine which LEP populations our agency serves and how to provide these populations meaningful access to programs and services.<sup>1</sup> As outlined below, the Four-Factor Analysis accounts for the services we offer, the communities we serve, the resources we possess, and the costs of various language service options.

Because ACS provides a broad range of programs and services that may serve different

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<sup>1</sup> U.S. Dept. of Justice, Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41,455, 41,457 (June 18, 2002).

populations, each division within ACS completes its own annual four-factor analysis, and ACS produces an agency-wide four-factor analysis based on the division-specific analyses.

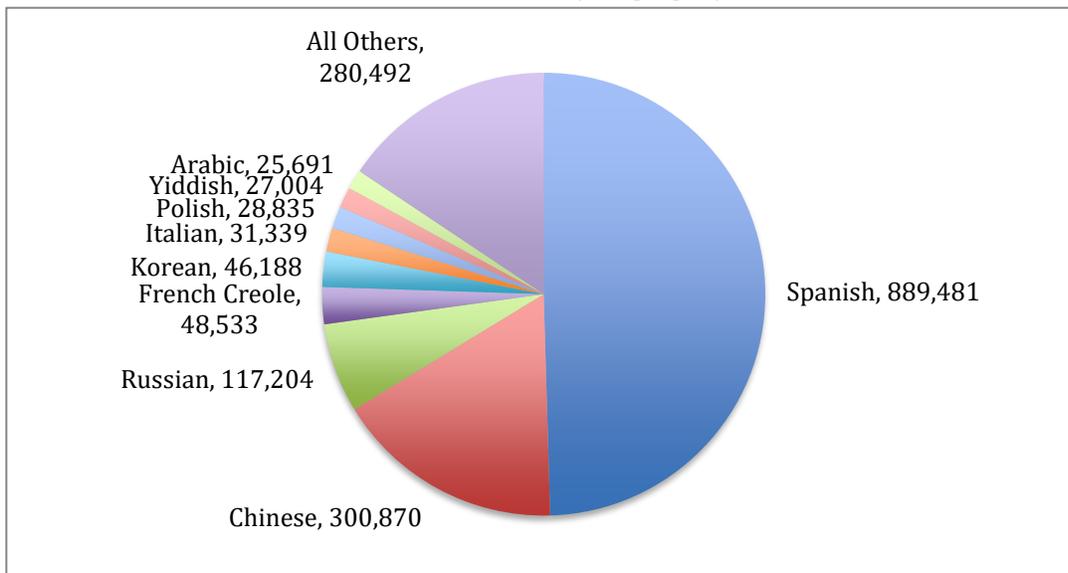
Based on the results of the agency-wide four-factor analysis, ACS provides free in-person or telephonic interpretation services to clients in all child welfare and Juvenile Justice matters. The Language Access Work Group coordinates resources to further expand interpretation services throughout our juvenile justice and early care and education programs. ACS will continue to translate essential public documents into the 10 priority languages (listed in section II). For ACS clients who speak other languages, oral interpretation of essential public documents will be provided.

Importantly, many of ACS’s services are provided through community-based agencies with ACS contracts. As recipients of federal funding, these agencies are also subject to the provisions of Title VI and must take reasonable steps to provide LEP individuals with meaningful access. We will continue to work collaboratively with all of our contracted providers so that language is not a barrier to meaningfully engaging in these programs and services.

**Factor 1: Demographic Analysis**

All of ACS’s child welfare, juvenile justice, early care, and education programs and services are available to New York City’s children, young people, and families regardless of the language they speak. According to the U.S. Census Bureau (2009-2013 5-Year American Community Survey), New York City residents who speak English less than “very well” are most likely to speak: Spanish, Chinese, Russian, French Creole, Korean, or Italian (see Figure 1).

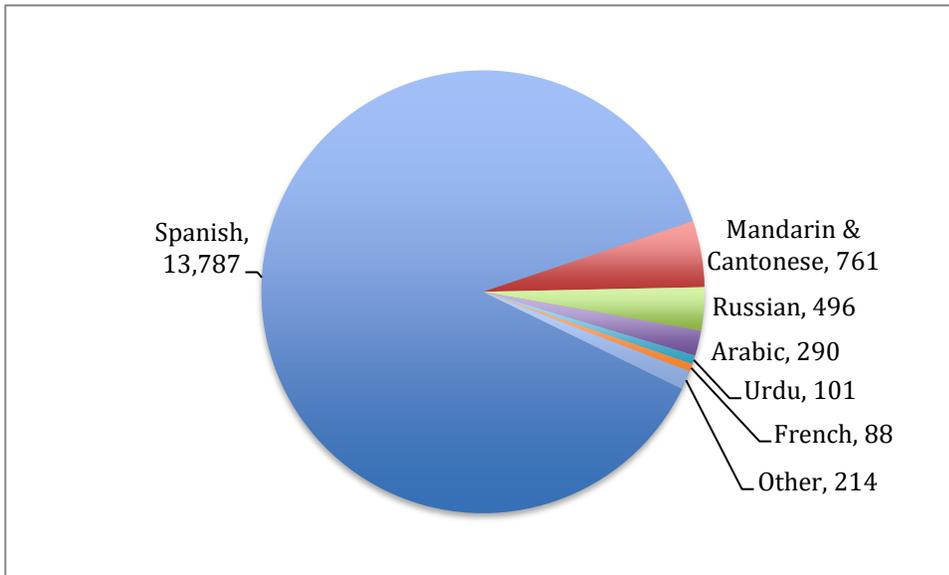
Number of LEP Individuals 5 Years and Older in NYC by Language Spoken at Home



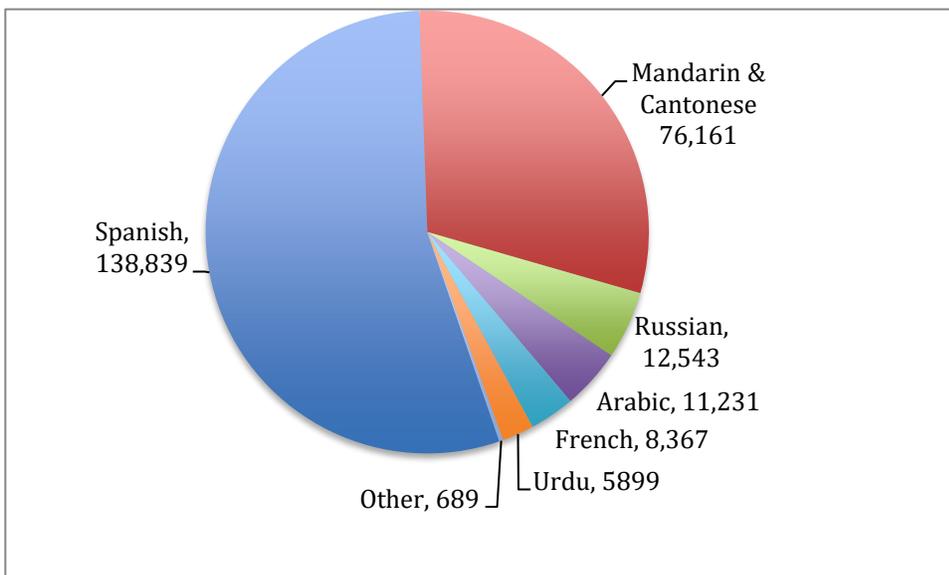
**Factor 2: The Frequency by which LEP individuals come in contact with ACS**

ACS considers all interactions with children and families as part of the agency's services and engagements. For this analysis, ACS uses vendor data from instances when interpretation services were provided in-person and telephonic.

In-person interpretation: 15,737 during 2016-2017



Telephonic Interpretation: 253,729 during 2016 -2017



Factor 3: The importance of the benefit, service, information, and encounter to the LEP individuals

The Language Access Work Group systematically identifies which programs, services, or activities, if inaccessible to LEP individuals, have serious consequences. Across all ACS programs and services, clear, accurate communication between staff and clients is critical. ACS not only focuses on providing language access services for our full spectrum of child welfare programs but also seeks to transfer the best practices and lessons learned through that work to other divisions within ACS to create a coordinated system of language services across the agency.

Specifically, this Plan reflects ACS’ commitment to providing language access services and meeting the following over-arching goals:

- To ensure that language is not a barrier to agency services;
- To ensure that all youth and families have equal access to the services for which they are eligible, regardless of the level of their English proficiency;
- To inform all ACS clients that free interpretation services are always available; and
- To train front-line staff on the importance of ensuring access to free interpretation services for all LEP clients.

Factor 4: Resources available to the agency and the cost of providing various types of language services

Based on the above analysis, ACS has contracted vendors for in-person, telephonic, and sign language interpretation and document translation to provide meaningful language assistance services. ACS will translate commonly distributed documents into the 10 languages required by the law and most commonly used by the youth and families we serve: **Spanish, Chinese, Bengali, Russian, Arabic, Urdu, Haitian Creole, Korean, Polish, and French.**

Since the majority of our clients are Spanish language speakers, ACS has contracted vendors to provide on-site Spanish interpretation five days a week at 13 sites for four hours a day.

Type of Service	Vendor	2016-2017 FY Instances	2016- 2017 FY Expenditure
Telephonic Interpretation	Language Line Services	253,729 requests	\$549,713.11
In Person-On Site Spanish(13 DCP/FAP Offices)	Accurate Communications Inc.	3,484 requests	\$212,311.00
In Person Interpretation (excluding sign language)	Accurate Communications Inc.	15,737 requests	\$808,212.99
Sign Language Interpretation	Accurate Communication, Inc.	1,088 requests	\$235,984.50
Document Translation	Language Line Services, Inc.	95 requests	\$27,177.74
<b>Total Costs</b>			<b>\$1,833,399.34</b>

## **IV. Provision of Language Access Services**

### **1-Translation Services**

ACS clients who are LEP are entitled to receive commonly distributed documents in their preferred language, if available. As stated above, ACS will translate commonly distributed documents into the 10 languages required by the law and most commonly used by the youth and families we serve. For ACS clients who speak other languages, oral interpretation of essential public documents will be provided.

Commonly distributed documents are ACS documents most commonly distributed to the public that contain or elicit important and necessary information regarding the provision of services. ACS essential public documents relate to:

- Program participation (e.g. intake and consent forms);
- Reduction, denial, or termination of services or benefits and the right to appeal such action;
- Actions and proceedings affecting parental custody;
- Administrative hearings, other investigations;
- Recipient's awareness of rights, requirements, or responsibilities; and
- Time sensitive or required responses from an LEP individual.

Outreach materials such as press releases and digital communications may be considered "commonly distributed" based on an assessment of the needs of the population affected by the program, activity or services.

ACS is committed to incorporate plain language principle for commonly distributed documents by using plain language, where possible, in place of technical, legal, or specialized terms and by using layout and design strategies to make such documents and communications easier to read, understand, and act upon. Over the years, our staff have been trained by the former Mayor's Office of Adult Education and MOIA. ACS will develop a process to review and revise forms and documents previously generated by the Agency to ensure that they meet plain language standards. In 2018, ACS will provide a refresher plain language training for the staff of the Division of External Affairs.

Frontline workers can view and download all translated commonly distributed documents on the ACS website and intranet. In addition, every ACS division is responsible for delivering and distributing translated commonly distributed documents used by their divisions to borough offices.

All translation requests for commonly distributed documents are managed by the Division of Administration, which coordinates resources in order to further expand translation of commonly distributed documents throughout the agency and to keep all translated versions consistent and accurate.

ACS ensures that translation services meet the highest quality by working with the

Department of Citywide Administrative Services (DCAS) to contract with qualified vendors and coordinate secondary review of translations completed by bilingual staff and culturally competent provider agencies. ACS provides feedback from youth, families, frontline workers, and providers to DCAS to enhance the specifications for the 2018 sign language contract renewal.

During an emergency, ACS works with the New York City Office of Emergency Management (OEM) to make certain that we devise a unified, accurate, and timely message to the public. Considering New York City's ethnic and linguistic diversity ACS makes every effort to make the information available and accessible to all LEP youth and families. During an emergency, language assistance and the provision of language services are provided by ACS' language access vendors. Language access will be integrated into the agency's March 2018 Quarterly Continuity of Operation Report (COOP).

## **2-Interpretation Services**

Youth and families interacting with ACS staff have full access to in-person and telephonic interpretation services in over 200 languages (including sign language) through ACS language services vendors. Bilingual ACS staff may also provide interpretation services or serve clients in their primary language.

Interpretation services are available 24 hours per day, seven days per week in over 200 languages and are provided in all interactions between ACS staff and clients who are LEP, deaf, or hearing impaired. This includes but is not limited to:

- in-person interactions at ACS office sites, home and other site visits, and community events expected to last more than one-half hour, and
- over-the-phone interactions expected to last less than one half hour, including on ACS help lines and hotlines.

In-person and telephonic interpretation services are available for client interactions with ACS' contracted providers. Upon initial contact, ACS and provider agency staff inform clients of their legal right to free language services and ask for the client's preferred spoken language for verbal communication in order to identify a client's need for language services. A Language Identification Card—a paper card that explains the right to an interpreter in nearly 100 languages—is used to facilitate this process. If it is not possible to determine a client's primary language using the Language Identification Card, telephonic interpretation services are used. The client's preferred spoken language are recorded in the client's file. Staff records each interaction where language access services were provided.

ACS provides interpretation in the 10 languages stated above at public hearings (not including court hearings) and events. The New York State Office of Court Administration is responsible for providing interpretation at court hearings.

The agency supports LEP needs during an emergency response, as part of NYC Emergency

Management protocols, as appropriate. In 2016, all frontline caseworkers received upgraded smart phones to access the ACS Toolkit online and telephonic interpretation services in the field.

### **3- Notification of free interpretation signage**

From the outset of contact with an LEP client, ACS and its provider agency staff use signage and personnel to inform clients of their legal rights to free interpretation services when they are communicating with ACS and its provider agencies.

ACS uses two multilingual signs created by the Mayor's Offices of Immigrant Affairs and Operations to provide notice to the public of the right to free language interpretation services and of the right to contact 311 with language access complaints. Visible versions of the two language access signs are printed internally by ACS and posted in 130 locations across ACS sites citywide. The signage appears in at least 22 languages, including the ten (10) designated languages. The right to language access services is also stated on the ACS website.

Since many children and families receiving child welfare services have their initial contact with ACS in their homes, ACS caseworkers and provider agencies use language identification cards to identify the client's preferred language and to inform the client of the availability of free interpretation services upon initial contact.

If the language identification card does not contain the client's preferred language, or the client is unable to read the card, ACS caseworkers and provider agencies use telephonic interpretation services to identify the preferred language and to inform the client of the availability of free interpretation services.

### **V - Training**

ACS provides training on language access to all newly hired public facing staff during the on-boarding process. Language access training is provided to these new hires through ACS' internal training department, the James Satterwhite Academy, as part of pre-service training. In addition, all newly hired staff at contracted providers are educated on language access obligations and how to access the tools and resources they will need to comply with these requirements.

Once staff members complete training and are assigned to an ACS office site, language access training is supplemented by instruction and guidance annually.

Training for all staff, including the new hires, covers the following topics:

- The rationale for language access;
- Review of agency's language access policy;
- How to identify when a client is LEP and how to identify their preferred language;
- How to explain the right to access free language services;

- How to document preferred languages and language services use in record-keeping systems;
- When to use an in-person interpreter versus a telephonic interpreter;
- Who is permitted to interpret; and
- Where to locate resources such as language identification cards, “how to” videos, and tip sheets.

In addition to trainings on the above topics, all staff attend a one-day Working with Immigrant Families course and a two-day Cultural Competency course. During and after these trainings, staff with access to YouTube can view ACS’ instructional videos on working with an interpreter in child welfare setting. These courses provide opportunities for practice in working with an interpreter and specific topics important to immigrant communities such as U-VISA for non-documented immigrant survivors and youths who are victims of crime, and Special Juvenile Immigration Status (SJIS), a process of providing legal status for non-documented abused or abandoned youth, both for which ACS is a certifier.

In addition, a new Workforce Institute was designed to improve and expand upon staff development and learning opportunities for frontline employees and supervisors across all ACS Divisions. The Workforce Institute, in collaboration with the James Satterwhite Academy, draws upon expertise at universities and other partners in the field of child welfare, strengthens frontline coaching and supervision practices, and utilizes the most effective learning strategies, methods, and technologies to maximize participant learning. ACS tailors Workforce Institute training sessions to the needs of specific divisions and specific staff whenever possible.

## **VI - Record keeping and evaluation**

Since the passage of Local Law 73, ACS has enhanced its efforts to improve language access-related recordkeeping and program evaluation. For example, in 2005, ACS began working with the New York State Office of Children and Family Services to implement changes to CONNECTIONS (CNNX)—the statewide child welfare database—in order to support better collection of preferred language data. ACS staff who use CNNX as their record keeping system enter all relevant information including the preferred language chosen by the LEP client into the database. If the client speaks one language, but reads and/or writes in another, staff indicate the latter language within the progress notes in the database. In addition, staff documents each interaction in which language access services were provided.

ACS ensures the quality of its language access services by:

- Addressing all LEP complaints;
- Consulting with youth and families about how well language services are meeting their needs;
- Conducting surveys on the quality of the interpretation services with frontline workers; and

- Sharing all feedback from youth, families, frontline workers, and providers with the language contractors.

Following the expansion of 311’s capacity to take language access complaints, ACS created a process to respond to these complaints within a 14-day timeframe.

The agency monitors the efficacy of this plan and its compliance with Local Law 30 through the Language Access Work Group. This work group is responsible for continually assessing the ACS language access programs and services and identifying potential improvements to such programs and services. The members of this work group include the first Deputy Commissioner, the Director of Immigrant Services and Language Access Affairs, and the heads of divisions.

## **VII - Resource analysis and planning**

ACS will continue to draw from several resources to implement this Plan:

- Language Access Work Group;
- Citywide Materials: ACS will use standardized signage and materials provided by the Mayor’s Office, including the Language Identification Poster, Notice of Translation Services Poster, and various guidance documents;
- Citywide Services: ACS will obtain translation and interpretation contracting services through contracts held by DCAS;
- ACS Office of Advocacy, which tracks all language access complaints from the public;
- ACS’s internal training body—the James Satterwhite Academy—YouTube videos, and the Language Access Toolkit available via ACS’s file-sharing system
- Mayor’s Office of Immigrant Affairs; and
- State and national experts who can assist ACS in identifying best practices.

## **VIII – Outreach and public awareness of language access services**

ACS recognizes the importance of outreach and public awareness of language access services, and ACS will continue to build on ongoing outreach initiatives. Our goal is to ensure that the youth, families, and communities ACS serves are aware of their right to free language services. Through a variety of outreach initiatives—such as our recent multifaceted, citywide media campaign and our community-based workshops—we work to ensure that community members are aware of the full range of services available through ACS and our provider agencies and feel comfortable seeking the services that best meet their needs without fear of discrimination based on language or immigration status.

As part of our effort to reach LEP communities, we look to increase our engagement with ethnic media and our partnership with community-based organizations serving LEP youth and families.

## **IX – Language Access Complaints**

The Office of Advocacy monitors and responds in a timely fashion to all public complaints regarding language access. This office is responsible for receiving, tracking and resolving complaints through 311 and internal processes.

ACS responds to 311 complaints on language access within a 14-day timeframe. Complaints are initially received by the Office of Advocacy, and complaints are investigated or forwarded to the appropriate program area for follow up.

ACS includes information on language access complaints in its annual report to the Mayor’s Offices of Immigrant Affairs and Operations.

## **X - Implementation plan logistics**

ACS will work diligently to execute the initiatives set forth in this Plan. The following is a brief summary of key quarterly milestones for the implementation of this Plan. The Language Access Work Group monitors the implementation of this plan in compliance with City, state, and federal laws. However, three individuals will play key roles in the implementation of this Plan:

- Language Access Coordinator;
- Director of Immigrant Services and Language Affairs; and
- Assistant Commissioner in the Division of Administration, who is responsible for managing all language services contracts and task orders.

### **Goal One: Support public-facing staff who work with LEP clients**

1. Finalize the ACS Language Access Policy, which reflects the obligations of all divisions and contracted providers (Responsible: Division of Policy, Planning and Measurement in collaboration with Language Access Work Group).
2. Create training module on the Policy (Responsible: Division of Policy, Planning and Measurement in collaboration with Office of Curriculum and Registration).
3. Train all public facing staff on the Policy (Responsible: Division of Policy, Planning and Measurement in collaboration with James Satterwhite Academy).
4. Provide a yearly refresher training to all public facing staff on the Policy, related protocols, accompanying services, and accessing the tools and resources they will need to comply with the Policy (Responsible: Division of Policy, Planning and Measurement in collaboration with James Satterwhite Academy).
5. To ensure that LEP families who are visited at home will receive timely and high quality language access services (including virtual remote translation), ACS will distribute 700 tablets to field staff (Responsible: Office of Information and Technology).
6. Train relevant staff in the principals of plain language communications and develop a process to ensure that commonly distributed documents are written in plain language. (Responsible: Division of External Affairs).
7. In accordance to Local Law 30, identify and ensure all commonly distributed

documents are:

- a. screened for plain language;
  - b. translated into ACS's 10 priority languages by vendors;
  - c. reviewed for quality accuracy; and
  - d. made accessible to staff and public (Responsible: Language Access Work Group and Division of Administration).
8. Explore the implementation of an electronic system to replace the extensive paper voucher system for accessing language access services through ACS's vendor contracts and reconciling payments to vendors (Responsible: Division of Administration with Office of Information and Technology).

### **Goal Two: Collect, measure, and evaluate key data**

1. Conduct a formal language services evaluation and institute accountability tools (Responsible: Division of Policy, Planning and Measurement in collaboration with the Office of Advocacy and the Language Access Work Group).
2. Analyze the results of the 2017 feedback from the key stakeholders and use findings to increase the accessibility of language access services (Responsible: Office of Advocacy).
3. Every two years, conduct listening sessions among immigrant communities to gain better understanding of their needs (Responsible: Office of Advocacy).
4. Connections is New York State's federally required Statewide Automated Child Welfare Information System that provides the New York State Office of Children and Family Services (OCFS), local districts and voluntary agencies with an automated data system for child protective, preventive, foster care and adoption. Simply, Connections is a single, statewide, integrated system for the collection and recording of child welfare service information. The Division of Child Protection made a request in March 2018 to OCFS for collection of data on preferred written language to supplement the current collection of data on preferred spoken language at home.

### **Goal Three: Enhance community awareness and engagement**

1. Translate and publish select pages of the website into 10 priority languages (Responsible: Division of External Affairs and Office of Information and Technology).
2. Reinforce ACS commitment to immigrant communities and LEP individuals by reexamining and redeveloping ACS messaging to these communities (Responsible: Division of External Affairs and the Office of Advocacy).
3. Collaborate with trusted stakeholders to disseminate ACS messaging (Responsible: Division of External Affairs and Family well-Being/Community Partnership Project).
4. Outreach to and, when necessary, purchase advertising space in ethnic media to promote ACS events, initiatives, programs and services (Responsible: Division of External Affairs).

ACS will update this Language Access Implementation Plan every three years and will post it on its website.

