



# Office of Children and Family Services

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## Informational Letter

<b>Transmittal:</b>	16-OCFS-INF-05
<b>To:</b>	Commissioners of Social Services
<b>Issuing Division/Office:</b>	OCFS Commissioner's Office
<b>Date:</b>	April 26, 2016
<b>Subject:</b>	<b>Provision of Services to Persons with Limited English Proficiency (LEP)</b>
<b>Suggested Distribution:</b>	Directors of Social Services Child Welfare Supervisors Child Care Subsidy Supervisors Adult Protective Services Supervisors Staff Development Coordinators
<b>Contact Person(s):</b>	OCFS Language Access Coordinator: <a href="mailto:info@ocfs.ny.gov">info@ocfs.ny.gov</a> (518) 402-3130
<b>Attachments:</b>	<ul style="list-style-type: none"> <li>• <i>Serving Multilingual Populations: Sharing Resources and Best Practices</i> (OCFS PowerPoint presentation)</li> <li>• Nassau County Language Access Plan (LAP)</li> </ul> Both of these documents are available at <a href="http://ocfs.state.nyenet/LEP.asp">http://ocfs.state.nyenet/LEP.asp</a> , (look on the right side menu), on the OCFS intranet website. This website is accessible only to certain child welfare staff in New York State.

### Filing References

Previous ADMs/INFs	Releases Cancelled	NYS Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
06-OCFS-INF-05			Title VI: Civil Rights Act of 1964 (42 USC §2000d) Federal E.O. 13166 (August 11, 2000)		<a href="http://www.lep.gov">www.lep.gov</a> <a href="#">HHS LEP Resources</a>

### I. Purpose

The purpose of this Informational Letter (INF) is to remind local departments of social services (LDSSs) of their ongoing obligation to provide meaningful access to services and programs to persons who are of limited English proficiency (LEP) through the provision of oral interpretation assistance and written translation services. (LEP persons are individuals who do not speak English as their primary language and who have a limited ability to read, speak, write or understand English.) These requirements are derived from Title VI of the Civil

Rights Act of 1964 and its implementing regulations, together with guidance issued by the U.S. Department of Health and Human Services (HHS).

## II. Background

Title VI of the Civil Rights Act of 1964 (Title VI) provides: “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.” Subsequent court decisions, federal regulations, a presidential Executive Order, and federal guidance documents have indicated that the Title VI prohibition of discrimination on the ground of national origin requires that all recipients of federal financial assistance take reasonable steps including, where warranted, the provision of appropriate language assistance services to provide LEP persons with meaningful access to all services and benefits provided by those recipients. “Federal funding” includes the receipt of grants, the use of equipment, training, donations of surplus property, and other assistance. This longstanding requirement applies to all entities receiving federal funding, whether directly or indirectly, and applies to all of their activities, not just those that are federally funded.

HHS has an LEP guidance document (<http://www.hhs.gov/civil-rights/for-individuals/special-topics/limited-english-proficiency/guidance-federal-financial-assistance-recipients-title-VI/index.html>) that provides guidance for many programs and services that OCFS provides and/or oversees. Some of those programs are administered by LDSSs and voluntary agencies. Other programs administered by LDSSs are funded through other federal agencies, which may have their own LEP guidance and/or policies. Most notably, the Supplemental Nutrition Assistance Program (Food Stamps) is subject to specific regulations and policies of the U.S. Department of Agriculture that pertain to LEP. Additionally, the U.S. Department of Justice (DOJ) has guidance applicable to juvenile justice and other programs receiving DOJ funding ([http://www.lep.gov/guidance/guidance\\_DOJ\\_Guidance.html](http://www.lep.gov/guidance/guidance_DOJ_Guidance.html)).

## III. Program Implications

LDSSs are encouraged to review their existing LEP policies and procedures and any applicable federal program guidance, consulting with LDSS counsel as necessary. LDSS staff should be reminded of the requirement to provide meaningful access to services and programs to LEP persons. A useful federal interagency website that provides background and guidance on limited English proficiency is [www.lep.gov](http://www.lep.gov). HHS also has a site dedicated to providing LEP Resources (<http://www.hhs.gov/civil-rights/for-individuals/special-topics/limited-english-proficiency/index.html>).

To provide meaningful access to programs and services, LDSSs must provide LEP persons with appropriate free and timely language assistance through the provision of oral interpretation and the translation of “vital documents.” LDSSs should engage in an analytical process, called the “Four-Factor Analysis,”<sup>1</sup> to evaluate local language needs, the nature of client contacts, the importance of services or benefits to prospective recipients, and costs and resources available, in order to determine which language assistance services are most

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<sup>1</sup> See *Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons*, Section V. “How Does a Recipient Determine the Extent of Its Obligation to Provide LEP Services?” pp. 7-11. (<http://www.hhs.gov/sites/default/files/ocr/civilrights/resources/specialtopics/lep/lepguidance.pdf>).

appropriate. Thereafter, each LDSS should develop a Language Access Plan (LAP). A written LAP is the best mechanism to affirm the LDSS's commitment to providing appropriate language assistance services, specify how those services will be delivered, and provide guidance to LDSS staff in how to carry out this important requirement. The Attachments section on page 1 of this INF contains a link that provides access to a sample LAP.

The federal requirement to provide meaningful access for LEP persons applies to **all** programs, services, or activities operated, licensed, supervised or funded by a state or federal agency. While this INF is directed primarily to LDSSs, all entities that receive federal funds, either directly or indirectly, must comply with Title VI. Subrecipients of federal funds are likewise obligated. Each LDSS is responsible for requiring its subcontractors to comply with all applicable federal requirements, including compliance with Title VI as it applies to LEP persons.

#### IV. Resources

OCFS has developed comprehensive resources that can assist LDSSs and others in the provision of services to LEP persons:

1. LDSS staff are encouraged to familiarize themselves with LEP requirements by completing the OCFS Language Access Training available via the Human Services Learning Center at this OCFS intranet link: <http://ocfs.state.nyenet/ohrd/>. (This network is available only to certain child welfare staff.)
2. Valuable guidance and links to multiple resources can be found in a PowerPoint presentation, *Serving the Multilingual Population: Sharing Resources and Best Practices*, that was distributed at the New York Public Welfare Association Winter 2016 Conference: <http://ocfs.state.nyenet/LEP.asp>.
3. The OCFS [Internet](#) and [intranet](#) have sites dedicated to Language Assistance Resources, with useful information and links. Both sites provide access to the OCFS Language Access Plan, language assistance forms, and forms and publications in Spanish, Chinese, Russian, Haitian Creole, Korean, Italian, and Arabic. LDSSs or other agencies may wish to use the OCFS language access tracking and complaint forms as models for their own LEP resources.
4. On an ongoing basis, OCFS translates "Vital Documents" and other OCFS forms and publications into the six most commonly spoken languages in New York State and posts them online. These translations can be accessed on the OCFS Internet website ([ocfs.ny.gov](http://ocfs.ny.gov)) by using the [Language Assistance Resources](#) link on the main page.
5. Select [Child Protective Services \(CPS\) CONNECTIONS notices](#) are available on the intranet in Spanish, Chinese, Arabic, Vietnamese, Haitian Creole, Italian, and Korean; they contain fillable areas to allow customization.
6. Useful multilingual language identification tools (poster- and desk-aid size) can be ordered by contacting OCFS at [info@ocfs.ny.gov](mailto:info@ocfs.ny.gov). OCFS has also posted [desk guides and wallet-size guides](#) on its intranet, which can serve as models for LDSSs in developing their own language assistance resources.

7. The OCFS Language Access Coordinator can assist in referring LDSSs to translation and interpretation services with Office of General Services contracts that can provide LDSSs both oral interpretation and document translation at state contracted fees for those services.
8. For further language access assistance, contact the OCFS Language Access Coordinator at: OCFS Public Information Office: [info@ocfs.ny.gov](mailto:info@ocfs.ny.gov); (518) 402-3130.

*/s/ Sheila J. Poole*

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**Issued By:**

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