



# Office of Temporary and Disability Assistance

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## Informational Letter

### Section 1

<b>Transmittal:</b>	17-INF-14
<b>To:</b>	Social Services District Commissioners
<b>Issuing Division/Office:</b>	Integrated Family Assistance Programs (IFAP), Refugee Services
<b>Date:</b>	December 19, 2017
<b>Subject:</b>	Language Access for Individuals with Limited English Proficiency (LEP)
<b>Suggested Distribution:</b>	Temporary Assistance Directors Home Energy Assistance Program Coordinators Supplemental Nutrition Assistance Program Directors Staff Development Coordinators Child Assistance Program Coordinators Employment Coordinators Medical Assistance Directors Child Support Enforcement Unit Coordinators Support Collection Unit Supervisors Title IV-D Attorneys DSS Attorneys
<b>Contact Person(s):</b>	OTDA Language Access Coordinator, (518) 402-3096
<b>Attachments:</b>	
<b>Attachment Available Online:</b>	<input type="checkbox"/>

### Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
86-ADM-26 06-ADM-05 03-LCM-3 04-LCM-7 90-INF-53 03-INF-20 03-INF-37 03-INF-38 04-INF-15 05-INF-08		Part 303 348.3 351.1 351.26 355.1 355.2 Part 356 357.1 387.2 393.3	SSL §§136 and 331(3) 42 U.S.C. §608(d)(4) 42 U.S.C. §2000(d) et seq. 42 U.S.C. §8625(a) 45 C.F.R. Part 80	TASB, Chapter 4, Section Q SNAP Source Book Section 3	GIS 99 MA/021 OCSE IM-00-10

			7 C.F.R. Part 15 7 C.F.R. 272.4(b)		
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## Section 2

### I. Purpose

The purpose of this Informational Letter (INF) is to remind districts of their obligations and responsibilities under Administrative Directive 06-ADM-05, revised April 27, 2006, to provide meaningful access to benefits, programs and services to individuals with Limited English Proficiency (LEP) who are inquiring about, applying for, or receiving Temporary Assistance (TA) or Supplemental Nutrition Assistance Program (SNAP) benefits, Home Energy Assistance Program (HEAP) assistance, or Child Support Enforcement Program services. Please refer to 06-ADM-05 for further information.

### II. Background

06-ADM-05, Section 2, I. Summary, General, states the following: “Districts have the responsibilities to...document any limitations, necessary accommodations and/or LEP requirements to ensure access and coordinate services....”

This INF advises districts of the existing federal requirements, which derive from Title VI of the Civil Rights Act of 1964 (Title VI) and its implementing regulations, to provide meaningful access to their services and benefits to individuals with LEP. These federal requirements apply to all direct and indirect recipients of federal funds.

LEP individuals are persons who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English. These individuals may be entitled to free language assistance services. The Office of Temporary and Disability Assistance (OTDA) is committed to providing meaningful access for LEP individuals to all benefits, programs and services that they operate, license, supervise or fund (hereinafter referred to as programs).

### III. Program Implications

The federal requirement to provide meaningful access for LEP individuals extends to all programs which receive federal funding. Many districts’ programs receive funding through the U.S. Department of Health and Human Services. However, some programs administered by districts are funded through other federal agencies, which may have their own guidance and/or policies regarding LEP access. Most notably, SNAP is subject to specific regulations and policies of the U.S. Department of Agriculture that pertain to LEP. Districts are advised to review any specific federal program guidance regarding LEP where it exists. All entities that receive federal funds, either directly or indirectly, must comply with Title VI. Sub-recipients of federal funds, including districts and their various programs, contractors, and any sub-grantees, are likewise obligated. It is the district’s responsibility to comply with Title VI.

Districts should assign a staff person to serve as an LEP contact, who will be responsible for monitoring, investigating and resolving complaints and for overseeing procedures concerning access to benefits, programs and services, so as to meet the operational requirements described in 06-ADM-05. (Districts may assign the same staff person to serve as the American with Disabilities Act [ADA] and LEP contact.)

In order to meet the federal requirements to provide meaningful access for LEP individuals, districts must provide LEP individuals with free and timely language assistance through the provision of oral interpretation and the translation of vital documents.

It is the district's responsibility to obtain a qualified interpreter. If no bilingual staff interpreter or other interpretive service, e.g., Language Line Services, are available, an applicant/recipient may use a relative or friend as an interpreter. However, a district should not rely on an applicant/recipient's family members or friends to provide interpreter services as they may not be competent to provide accurate interpretations, may compromise confidentiality, or may have a conflict of interest. The use of family or friends, particularly children, should only be used under exigent circumstances and as a last resort alternative. If none of the above are immediately available, the district must set up an appointment for the applicant/recipient to return and must arrange for an interpreter or other interpretive services to be available at the time of the appointment. If the applicant/recipient uses his/her own interpreter or waives their right to free interpretation, a waiver should be obtained from the LEP individual or his/her representative. See IV.6 below for an example of a waiver.

Translated vital documents are provided by OTDA. For more information, see Section IV. Resources.

Districts must document the types of actions taken to provide access and coordinate the provision of services, including the use of an interpreter or the declination/refusal of the LEP individual to use the district's interpreter. OTDA strongly suggests that, for each interaction with the LEP individual, districts document the following information in the automated case records of the LEP individual:

1. The language of the applicant/recipient.
2. Whether the district offered to provide an interpreter without the applicant/recipient having to request this service.
3. Whether the applicant/recipient agreed or declined/refused the district's interpreter or interpreter services.
4. Whether the applicant/recipient chose to use her/his own interpreter or requested an interpreter.
5. Where the applicant/recipient used his/her own interpreter, a waiver was signed and is maintained in the applicant/recipient's case record. See IV.6 below for an example of a waiver.

6. Where the applicant/recipient used his/her own interpreter, the name of the person who conducted the interpretation.
7. Where the district provided the interpreter, the name of the interpreter and whether an in-house or contracted interpreter was used.
8. The date an interpreter was requested or waived by the applicant/recipient.
9. Whether the interpretation occurred on site (in person) or by telephone.
10. Each attempt to contact an interpreter.
11. Whether a translated form was used and, if so, the form used.

#### **IV. Resources**

OTDA has developed comprehensive resources that can assist districts and others in the provision of services to LEP individuals:

1. District staff who are not already required to complete the “SNAP Civil Rights” training are encouraged to learn more about the LEP requirements by completing this training available via [www.Trainingspace.org](http://www.Trainingspace.org). Contact your Staff Development Coordinator or Training Coordinator if you would like to be enrolled in this training.
2. Valuable guidance and links to multiple resources can be found in a PowerPoint presentation titled “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/assets/Power%20Point/OCFS%20LEP%20for%20NYPWA%20Master%20PP.pptx>.
3. On an ongoing basis, OTDA translates forms (<http://otda.ny.gov/programs/applications/>) and publications (<http://otda.ny.gov/programs/publications/>) into Chinese, Haitian-Creole, Italian, Korean, Russian, Spanish and Arabic and posts them on the OTDA Internet site. District staff may access translated forms on the OTDA Intranet site ([http://otda.state.nyenet/ldss\\_eforms/](http://otda.state.nyenet/ldss_eforms/))
4. Useful multilingual language identification tools (poster and desk-aid size) are available on the OTDA Intranet ([http://otda.state.nyenet/ldss\\_eforms/eforms/5070-Letter.pdf](http://otda.state.nyenet/ldss_eforms/eforms/5070-Letter.pdf); [http://otda.state.nyenet/ldss\\_eforms/eforms/5070.pdf](http://otda.state.nyenet/ldss_eforms/eforms/5070.pdf)) or can be ordered by contacting OTDA at [forms.orders@otda.ny.gov](mailto:forms.orders@otda.ny.gov).
5. The OTDA Language Access Coordinator can assist in referring districts to translation and interpretation services with Office of General Services contracts that can provide districts both oral interpretation and document translation at State contracted fees for those services.

6. [A Waiver of Right to Free Oral Interpretation Services](#) form is available on the OTDA Intranet.
7. For further language access assistance, contact the OTDA Language Access Coordinator via OTDA's Refugee Services office: [Bria.contact@otda.ny.gov](mailto:Bria.contact@otda.ny.gov), (518) 402-3096.

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**Issued By**

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**Division/Office: Integrated Family Assistance Programs**