



POLICE DEPARTMENT COUNTY OF SUFFOLK
 ACCREDITED LAW ENFORCEMENT AGENCY
DEPARTMENT DIRECTIVE
 PDCS-2008-1

ORDER NUMBER 16 - 59

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SUBJECT/TOPIC/TITLE
LANGUAGE ACCESS PLAN AND POLICY

DISTRIBUTION ALL MEMBERS OF THE DEPARTMENT	SECTION CREATED 12/04/15	DATE EFFECTIVE 05/13/16	DATE AMENDED 05/13/16
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RULES AND PROCEDURES

CHAPTER 26: TITLE: COMMUNITY RELATIONS

SECTION 5: TITLE: LANGUAGE ACCESS PLAN AND POLICY

I. PURPOSE

To set forth the strategies to be implemented in order to ensure persons with Limited English Proficiency (LEP) have meaningful access to all Department services and programs in a manner consistent with Title VI of the Civil Rights Act of 1964, and the 2002 LEP Guidance for DOJ Fund Recipients.

II. POLICY

A. The Department serves a diverse population including many individuals who have a limited ability to read, write, speak or understand English. Individuals with LEP may be capable of communicating through certain modes, (e.g. speaking), but still have limited proficiency in others, (e.g. reading or writing). This Language Access Policy and Plan (LAP) will address the measures taken to ensure that all residents of Suffolk County have equal access to the same high level of police service. The Department will regularly assess the language needs of residents as well as the Department's approach in addressing those needs, and will update this Policy and Plan annually.

B. Department Personnel shall provide all members of the public with equal access to police services and shall not discriminate based upon English proficiency, national origin, or immigration status. Department personnel shall provide free language assistance services to LEP individuals, and shall inform members of the community that language assistance services are available to them free of charge.

C. Use of any of the Department's language assistance services shall not be deemed by any member of this Department as a basis for inquiring into any person's immigration status. No member of this Department shall inquire about or disclose, any individual's immigration status, unless such inquiry or disclosure is expressly required by law.

D. This plan will be made available to the public in print at Department facilities which are open to the public, and shall be posted on the Department's website. It will also be distributed to community groups throughout Suffolk County as broadly and inclusively as possible.

III. DEFINITIONS

A. Bilingual - the ability to use two languages to a level of proficiency sufficient to participate effectively in a conversation on practical, social and professional topics, and the possession of a broad vocabulary, moderate accent and the comprehension level required for a normal rate of speech.

B. Bilingual Officer/Member - a member of the Department who has been tested and certified to provide language assistance through monolingual conversation in a language other than English.

C. Department Authorized Interpreter (DAI) - a member of the Department who has been tested and certified to provide interpretation services in the performance of official duties.

D. Department Authorized Interpreter List (DAI List) - a list of members of the Department who are authorized to provide interpretation services in the performance of official duties. The Language Access Coordinator shall create and maintain this list and provide access to the Communications Section supervisor on duty.

E. Interpretation - the act of listening to a communication in one language (source language) and orally converting it to another language (target language) by an individual possessing the distinct skills and knowledge of both languages to do so.

F. Language Assistance Tracking Form (PDCS-7042) - the Department form used to capture the circumstances of an interpretation or monolingual conversation in a language other than English conducted pursuant to this Chapter.

1. Whenever a member of the Service provides any type of language assistance, the reporting (requesting) officer shall also complete all pertinent Language Assistance fields within the Online Reporting System (ORS).

2. When ORS is not required, a paper version of the Language Assistance Tracking Form (PDCS-7042) shall be completed by the reporting (requesting) officer. The Language Assistance Tracking Form is available via the Department Intranet under the Online Forms category.

3. The completed paper version will then be submitted to the reporting member's supervisor for review and endorsement; the endorsed form will then be forwarded to the member's administration office, or functional equivalent, for entry into the online records database.

G. Language Access Coordinator (LAC) - the Commanding Officer of the Community Relations Bureau (CRB) is designated as the Police Department Language Access Coordinator.

H. Language Access Plan - an administrative roadmap that explains how the Department will implement measures to provide meaningful access to police services to persons with limited English proficiency.

I. Language Assistance Services - assistance provided by a member of the Department in the form of oral interpretation, written translation, or monolingual conversation in a language other than English.

J. Language Line Solutions - the Department's contracted telephonic language interpretation service that provides 24 hour access to interpreters with the ability to interpret and translate over 200 languages.

K. Limited English Proficiency - individuals whose primary language is not English and who have a limited ability to read, write, speak or understand English. LEP designations are context specific: an individual may possess sufficient English language skills to function in one setting, but these skills may be insufficient in other situations. For example, an individual may possess sufficient English language skills to explain a motor vehicle accident, but may find these skills insufficient to describe the circumstances of a domestic dispute.

L. Primary Language - the language in which an individual most effectively communicates. Department personnel should avoid assumptions about an individual's primary language, and make every effort to ascertain an individual's primary language to ensure effective communication.

M. Source Language - the language of the original document or the principal speaker.

N. Target Language - the language into which someone translates or interprets.

O. Temporary Interpreter - any member of the Department, or the general public, who is bilingual and capable of interpreting from the applicable source language into the required target language.

P. Translation - the replacement of written text from the source language into an equivalent written text in the target language by an individual possessing the distinct skills and knowledge of both languages to do so.

IV. REFERENCES

A. DOJ Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting LEP Individuals, 67 Fed.Reg 41455 (2002)

B. American Translators Association Code of Ethics and Professional Practice

C. WWW.LEP.GOV

V. RULES AND REGULATIONS

N/A

VI. PROCEDURES

A. Determining LEP Populations and Language Needs - Members of the Suffolk County Police Department may come into contact with LEP individuals in the performance of their official duties. In order to provide the best language assistance services to these individuals, the Department must field personnel and services relevant to the languages most likely to be encountered.

1. Identifying relevant need for language assistance

a. Using the United States Census Bureau's 2007-2011 American Community Survey, the Department has identified the following six most common non-English languages which are spoken by individuals within Suffolk County: Spanish, Mandarin Chinese, Polish, Italian, Portuguese and Haitian Creole.

b. The demand for telephonic interpretation services experienced by the Department during 2014 reflected a 90% need for Spanish, a 3.9% need for Mandarin Chinese, a 0.7% need for Haitian Creole and a 0.9% need for Polish.

2. The Language Access Coordinator is responsible for creating, maintaining, updating and distributing this Policy and Plan (LAP).

a. Duties and responsibilities of the LAC regarding the LAP are contained in Chapter 26, Section 1, Community Relations Function.

b. The LAC shall redistribute the LAP anytime a significant change is made thereto.

3. Monitoring, Assessing and Updating Language Assistance Efforts

a. The LAC is responsible for coordinating and implementing all aspects of the Department's services to LEP individuals.

b. The LAC shall be responsible for collecting LEP contacts through:

(1) Departmental records;

(2) Billing statements and receipts submitted by Language Line Solutions;

(3) DAI's and other in-person service providers.

c. The LAC shall assess demographic data, review Language Line Services' utilization data, and consult with community-based organizations such as local school districts and hospitals on an annual basis in order to determine:

(1) If there are additional languages into which vital documents should be translated.

(2) If there are additional documents or other information that should be translated.

(3) If the Department is providing effective, accurate and meaningful access to police services for LEP individuals.

d. The LAC shall review a random selection of ten percent of the Language Assistance Tracking Forms completed each quarter to assure:

(1) The required information is being recorded accurately and completely.

(2) The proper interpretation protocols are being followed.

(3) The use of bilingual officers/members to interpret shall be reported to the commanding officer of the originating command.

(4) Excessive use of temporary interpreters shall be reported to the commanding officer of the originating command.

(5) Interpretation assets are deployed properly.

(6) Deficiencies are referred back to the commanding officer of the reporting member.

e. The LAC shall provide the Police Commissioner an assessment of LEP services rendered on a semi-annual basis.

4. Reporting and Collection of LEP Contact Data

a. Original Report - Any member of the Department documenting an incident where any involved party requires language assistance of any kind shall include a description of the assistance rendered within the original report and on a Language Assistance Tracking Form (PDCS-7042).

b. Investigatory Reporting - Any member of the Department conducting an investigation where any involved party requires language assistance of any kind shall include a description of the assistance rendered within the investigative report and on a Language Assistance Tracking Form (PDCS-7042).

5. The Department's Internal Affairs Bureau will investigate all language access complaints. The Bureau will also review all complaints received by the Department in a language other than English to determine if any underlying systemic issues exist.

a. The Internal Affairs Bureau will periodically request a list of 9-1-1 calls which the Communications Section tied into Language Line.

b. Investigators will randomly select a predetermined number of calls to audit in order to ensure complainants were satisfied with the police service provided.

6. If any member of the Department believes a DAI is engaging in unethical behavior which denies meaningful access to an LEP individual, such member will immediately report such information to their supervisor in an Internal Correspondence, PDCS-2042. Such correspondence shall be forwarded through the immediate supervisor's chain of command to the Office of the Police Commissioner where a determination will be made reference such member's designation as a DAI.

7. The LAC will represent the Department in its partnership with Latino community leaders as well as leaders from other communities with significant LEP populations to ensure effective implementation of the Department's Language Access Plan. The Community Relations Bureau will address community concerns about the plan as well as offer ideas and strategies for ensuring language access. The CRB will conduct reviews to evaluate the plan's effectiveness, accuracy and quality of services.

a. CRB will conduct a quarterly survey of Latino and other minority advocacy groups to gauge the effectiveness of the Department's Language Access Plan as well as any other Department programs and initiatives.

b. Community Relations Bureau will analyze the results of each survey and implement measures, if necessary, to improve the plan.

c. A report detailing the survey, its results and actions taken by the Department will be published on the Department's website and in other relevant and appropriate media annually.

B. Notifying the Public about SCPD's Language Services

1. Signage and Vital Documents

a. Signage shall be conspicuously posted at the public entry points of all SCPD facilities, and on

the home page of the Department's website stating in English, Spanish and other relevant languages that:

- (1) Interpreters are available free of charge.
- (2) Written forms and documents are available in languages other than English.

b. The Department has identified the following as Vital Documents:

- (1) How to Obtain a Police Report, (PDCS-8100)
- (2) Family Offense Assistance and Court Procedures, (PDCS-7109)
- (3) What to do When Stopped by the Police, (PDCS-7148)
- (4) Missing Person Guidelines
- (5) Special Needs/Silver Alert Program, (PDCS-8060)
- (6) Crime Victim Information Report, (PDCS-8105)
- (7) Compliment/Complaint Information Report, (PDCS-1300-1)
- (8) Mental Health Assistance Notification, (PDCS-7146)

c. Physical signage, website notices and vital documents shall be printed in English, Spanish, and other relevant languages as identified by the LAC.

(1) Language Identification Charts shall be posted at all public police facilities and maintained in all sector cars.

(2) Documents submitted in a non-English language shall be translated as provided in this Plan.

(3) In the case of illiteracy or languages in which written materials have not been translated, such forms and documents will be read to LEP individuals in their primary language through an available DAI or the Language Line.

2. Community Relations Bureau Responsibilities

a. The LAC shall procure the required signage in the required languages and arrange for delivery to each Department facility upon request of its Commanding Officer.

b. The LAC, or designee, shall physically inspect each Department facility to ensure the required signage and literature is posted and/or available.

3. Commanding Officer Responsibilities

a. Commanding Officers of Department facilities shall ensure that the above referenced signage and literature are posted and visible to the general public.

b. Commanding Officers shall ensure that subordinate personnel complete Language Assistance Tracking Forms (PDCS-7042) when utilizing any language assistance services, to include Bilingual Members who engage in monolingual conversation in a language other than English.

C. Provision of Language Assistance Services - The Suffolk County Police Department will take all reasonable measures to provide timely, meaningful access to all of its services and programs, regardless of the language spoken by persons seeking such services. Department personnel will provide free language assistance to all LEP individuals who are in need of or request such assistance. Department personnel will inform the public that all language assistance services are available free of charge.

1. Language Line Solutions - All members of the Department, both sworn and civilian, have access to the Language Line service 24 hours a day, seven days a week. Language Line provides interpretation services in more than 200 different languages.

a. Dual handset telephones for use in communicating via Language Line have been installed in the following locations: the Front desk of every Precinct and Headquarters; Crime Section and Detective Squad in every Precinct; Airport Operations Section; public window of Central Records Section; Domestic Violence Section; Hate Crimes Section; Homicide Section; Internal Affairs Bureau; Marine Bureau desk; Marine Bureau - Fire Island (two phones); Pistol Licensing Bureau; Police Academy Bureau (West); Special Victims Section; Special Patrol Bureau

b. Additionally, many sector cars within the Patrol Division are equipped with cell phones programmed to automatically dial the Language Line. These cell phones are deployed in the following patrol units:

(1) First Precinct - 102, 106, 108, 114, 117

(2) Second Precinct - 202, 202A, 203, 205, 206, 209, 217, 221

(3) Third Precinct - 302, 303, 310, 312, 316, 318, 321, 322, 323

(4) Fourth Precinct - 404, 406, 410, 417

(5) Fifth Precinct - 502, 509, 510, 512, 513, 515

(6) Sixth Precinct - 610, 613, 618, 619

(7) Seventh Precinct - 702, 708, 714

c. The County has also contracted with Mill Neck Interpreter Service to obtain sign-language interpreter services for deaf and hearing-impaired persons. Sign language interpreters will respond to incident locations or to police facilities to assist with communicating. Department members can utilize this service 24 hours-a-day, seven-days-a-week. Members must first call Mill Neck at 516-512-6222 and follow the voice prompts. Members must then log onto their website at: http://www.millneck.org/services/interpreting/interpretin_g.html, and complete the request for services on the website.

2. Procedure for Providing Interpretation Services to 9-1-1 Callers

a. When a 9-1-1 operator receives a call and determines that the caller has LEP, the operator shall attempt to ascertain the caller's primary language.

(1) If the 9-1-1 operator determines that the caller's primary language is Spanish, the operator shall immediately ascertain if a Spanish speaking operator is available, and if

so, shall patch the call directly to that Spanish speaking operator. If no Spanish speaking operator is available, the 9-1-1 operator shall utilize Language Line.

(2) If the 9-1-1 operator determines that the caller's primary language is other than Spanish, the operator will immediately call Language Line.

(3) The 9-1-1 operator will note in the CAD "remarks" section that the caller has LEP, will specify the caller's language, and will assign an "L" designation to the call.

(4) The 9-1-1 operator is not required to fill out a Language Assistance Tracking Form (PDCS-7042).

b. Dispatchers will make every effort to dispatch a DAI or a bilingual officer, as available, to calls involving LEP individuals.

3. Procedure for Providing Interpretation Services in the Field

a. All members of the Department who, in the course of their duties, must communicate with individuals whose primary language is not English, shall first determine if the individual is LEP.

b. When a responding officer determines that an individual requesting services is LEP the officer shall then determine the LEP individual's primary language, using Language Identification Cards (PDCS-7044) if necessary.

c. If the responding officer is designated as a Bilingual Officer or DAI in the LEP individual's primary language, the responding officer may engage the individual in monolingual conversation and provide the appropriate police service.

(1) If the Bilingual Officer or DAI determines at any point during an interaction with an LEP individual that they do not possess sufficient language skills to provide service, that officer shall request language assistance from the

Communications Section as described below in paragraph "d."

(2) At no time will a Bilingual Officer provide interpretation services for another member, unless acting under exigent circumstances as a Temporary Interpreter.

(3) A Bilingual Officer who renders police service by conversing with an LEP individual in a language other than English shall complete a Language Assistance Tracking Form (PDCS-7042).

d. If the responding officer is **not** designated as a Bilingual Officer/Member or DAI in the LEP individual's primary language, the responding officer shall:

(1) Determine if exigent circumstances are present. (If, due to a language barrier, the responding officer is unable to determine if exigent circumstances are present, the officer shall use any language assistance services available in order to make that determination.)

(2) Request language assistance for the identified language from the Communications Section.

(a) The Communications Section shall determine if a DAI is available.

(b) If no DAI is available, the Communications Section will advise the requesting officer to utilize Language Line.

(3) Complete a Language Assistance Tracking Form (PDCS-7042).

e. Exigent circumstances - Department personnel who must communicate with LEP individuals in dangerous or rapidly developing situations may temporarily use any available interpreter.

(1) Temporary interpreters may include bilingual bystanders, including friends and family members of the LEP individual.

(a) Responding officers utilizing these types of temporary interpreters shall first consider the chosen interpreter's apparent proficiency in both the source and target languages, and shall also consider any apparent bias, personal interest, or confidentiality issues raised by the use of a particular temporary interpreter.

(b) Responding officers are responsible for developing and asking all questions. Under no circumstances will a temporary interpreter be permitted to independently question an LEP individual.

(c) Responding officers shall evaluate the conduct of the temporary interpreter during the interpretation and be alert to signs of poor interpretation such as:

(1.) When the interpreter's statements are considerably longer or shorter than those stated by the LEP individual;

(2.) When the interpreter engages in multiple side conversations with either the LEP individual or the responding officer;

(3.) When the LEP individual appears to get frustrated, or opts to speak broken English despite the efforts of the interpreter.

(d) Responding officers that determine a particular temporary interpreter is performing poorly or is otherwise compromised shall discontinue the use of that interpreter.

(2) Duration of the exigency - When the circumstances giving rise to the exigency have passed, responding officers shall determine whether a continued need for interpretation services exists.

(a) If the responding officer determines that police service can be accurately and fully rendered based upon the information

already received from the LEP individual, no need for further interpretation services exists.

(b) If the responding officer determines that police service cannot be accurately and fully rendered based upon the information relayed by the temporary interpreter, the responding officer shall request additional language assistance, either via Language Line or a DAI.

(c) For the purposes of this section, police service cannot be accurately and fully rendered if at any time during the utilization of a temporary interpreter the responding officer determines that the quality of interpretation is suspect.

(3) Documentation of use of temporary interpreters - Whenever information is obtained through the use of a temporary interpreter, responding officers shall record the name and contact information of the interpreter utilized; the date, time, and location of the interpretation; and the source and target languages on a Language Assistance Tracking Form (PDCS-7042).

4. Interrogation, Interviews, and Complaints

a. Criminal suspects with LEP

(1) Any written statement taken from a LEP suspect must be taken with the assistance of a DAI. If no DAI is available in the LEP's primary language, the sworn member taking the statement will utilize Language Line.

(a) Miranda warning forms will be made available to, and will be read to, the LEP suspect in his or her primary language. If no form exists in that language, or the LEP suspect is illiterate, Miranda warnings will be read to the suspect using a DAI or the Language Line.

(b) When preparing an interrogation or interview for an associated agency, members

of the Department may utilize an interpreter designated by that agency.

(2) Members of the Department who utilize a DAI when taking a suspect's statement or confession shall, in addition to completing a Language Assistance Tracking Form (PDCS-7042), record within that statement:

(a) The date, time and location of the statement

(b) The DAI's name, rank and command assignment

(c) The source and target languages

(3) Members of the Department who utilize Language Line when taking a suspect's statement or confession shall, in addition to completing a Language Assistance Tracking Form (PDCS-7042), record within that statement:

(a) The date, time and location of the statement

(b) The name, contact information and Identification Number of the interpreter

(c) The source and target languages

b. Victims and witnesses with LEP

(1) Any victim or witness statement that will provide an evidentiary basis for an arrest or prosecution, which is taken from an individual who is LEP, shall be taken utilizing a DAI.

(2) If a DAI is not available in the LEP's primary language, the Language Line shall be utilized.

(3) The name and contact information for the interpreter utilized, along with the date, time, location, source and target languages, and Language Line Interpreter Identification Number if applicable, will be recorded within the victim or witness statement, and recorded on a Language Assistance Tracking Form (PDCS-7042).

c. Complaints against SCPD personnel

(1) Any LEP individual that wishes to file a complaint against any SCPD personnel for any reason shall be provided assistance in their primary language by a DAI, or if none is available, by utilizing the Language Line.

(2) Use of any interpretation service, requires the completion of a Language Assistance Tracking Form (PDCS-7042).

(3) The disposition of all complaints shall be provided to the LEP complainant in his or her primary language.

5. Translation Services

a. The Community Relations Bureau shall oversee all translation functions within the Department.

(1) The CRB shall maintain a list of Department members authorized to perform translations as described herein.

(2) The CRB shall coordinate all translation services provided by contract vendors.

b. Members receiving correspondence in a language other than English shall contact the CRB for translation assistance.

(1) The CRB shall utilize Department Authorized Translators before sending correspondence out to contract vendors.

(2) The Commanding Officer of the Internal Affairs Bureau, or designee, may coordinate directly with Department Authorized Translators, or outside contract vendors to preserve the confidentiality of correspondence when necessary.

(3) All translations shall occur within seven days of receipt of the original correspondence. All completed translations will be forwarded to the requesting command immediately upon receipt.

6. Compliment/Complaint Information Reports (PDCS-1300-1) which are in languages other than English will indicate on the form that:

a. interpretation services are available at no cost at all Police facilities or over the phone; and

b. the Internal Affairs Bureau maintains a dedicated telephone number for Spanish speaking complainants.

D. Training - The Department will conduct annual training for all members of the Department on LEP policies and procedures. This training will be conducted for Recruit and In-service personnel and will also include classroom instruction as well as training videos and Department Training Bulletins.

1. Responsibilities

a. The Language Access Coordinator will create and update a comprehensive training curriculum in accordance with the Department's Language Access Plan, and shall provide interpretation training opportunities in partnership with local community groups and the Police Academy to members on the DAI list.

b. The Police Academy Bureau will maintain the curriculum and conduct training.

2. The Department will provide 20 hours of Spanish Culture and Language training in its Recruit Training Program which will include LEP policies and procedures.

3. In-service members, both sworn and civilian, will receive annual training in the following:

a. How to identify the language assistance needs of an LEP individual during an in-person or telephone interaction.

b. How to access Department Authorized Interpreters, Bilingual Officers/Members, Language Line Solutions, and the use of interpreters during exigent circumstances.

c. How to work with interpreters and assess interpreter quality.

d. How to account for cultural diversity and language barriers in policing.

e. Basic phrases, terms and commands in Spanish.

4. Sworn personnel will be issued a Spanish language guide Memo Book Insert (PDCS-7041) to assist them in police related situations involving LEP individuals.

5. All Department members are also required to complete the following annual Decentralized Individualized In-Service Training (D.I.I.T.) courses:

- a. Simple Spanish Commands - 27 minutes
- b. Language Line Services - 3:35 minutes

E. Qualifications

1. All members of the Department shall provide written notification to the Personnel Section, via PDCS-7043 (Foreign Language Fluency Questionnaire) to the member's commanding officer, of the member's self-identified proficiency in languages other than English.

a. The Supervisor of the Personnel Section shall maintain an inventory of all language skills identified by members of the Department.

b. The LAC shall compile and maintain a DAI list and provide this list to the Communications Section where it will be made accessible to the supervisor on duty.

2. Skill Certifications

a. Members of the Department seeking inclusion on the DAI list will make a request for inclusion to the LAC.

b. The LAC will schedule an interpreter skills test via the designated contract vendor for members seeking certification. Interpreter's skills tests will be scheduled on an as needed basis and will evaluate the member's

(1) Fluency in English and the tested language

(2) Knowledge of basic police terminology

(3) Accuracy of interpreting

(4) Attentive listening

(5) Information retention

(6) Ability to follow instructions

(7) Role of the interpreter and ethical considerations

c. Members providing interpreter certification from the contract vendor shall be placed on the DAI list.

d. Members who are unable to obtain interpreter certification from the contract vendor shall advise the LAC and schedule a language proficiency test.

(1) Members providing language proficiency certification from the contract vendor shall be designated "Bilingual Officer/Member" for the language(s) tested.

(2) Members unable to provide language proficiency certification will be eligible to re-test at the LAC's discretion.

e. The LAC shall schedule all biennial re-assessment tests for each member on the DAI list and each Bilingual Officer/Member.

(1) DAIs who do not pass re-assessment shall be removed from the DAI list.

(2) Bilingual Officers/Members who do not pass re-assessment shall no longer be designated "Bilingual".

(3) Any member unable to pass re-assessment shall be permitted to schedule a re-test at the discretion of the LAC.

f. DAIs seeking additional certification as translators will request certification from the LAC.

(1) The LAC will schedule translator certification tests with the designated contract vendor on an as-needed basis.

(2) DAIs passing the designated translation skills test shall be designated as "Translators" on the DAI list"

(3) The LAC shall schedule biennial re-assessment tests of each member designated as a "Translator". Members who do not pass re-assessment shall have the "Translator" designation removed.

VII. ACCREDITATION

A. NYSLEAP

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