**(Insert Sub Recipient Name)**

**Limited English Proficiency Plan**

**(Insert Month) 201\_**

**INTRODUCTION**

This *Limited English Proficiency Plan* has been prepared to address the (insert sub recipient name) responsibilities as a sub recipient of federal financial assistance as they relate to the needs of individuals with Limited English Proficiency language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq, and its implementing regulations, which state that no person shall be subjected to discrimination on the basis of race, color or national origin.

Executive Order 13166, titled ***Improving Access to Services for Persons with Limited English Proficiency****,* indicates that differing treatment based upon a person’s inability to speak, read, write or understand English is a type of national origin discrimination. It directs each agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies which receive federal funds, including all (insert sub recipient name) and its sub recipients.

**Plan Summary**

The (insert sub recipient name) has developed this **Limited English Proficiency Plan** to help identify reasonable steps for providing language assistance to individuals with Limited English Proficiency (LEP) who wish to access services provided. As defined Executive Order 13166, LEP individuals are those who do not speak English as their primary language and have limited ability to read, speak, write or understand English. This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and how to notify LEP individuals that assistance is available.

In order to prepare this plan, the (insert sub recipient name) used the four-factor LEP analysis which considers the following factors:

1. The number or proportion of LEP persons served or encountered in the eligible service population.
2. The frequency with which LEP individuals come in contact with the program, activity, or service~~s~~.
3. The nature and importance of the program, activity, or service provided by the program.
4. The resources available to the recipient and costs.

**MEANINGFUL ACCESS: FOUR-FACTOR ANALYSIS**

1. **The Number or proportion of LEP served or encountered in the eligible service population.**

The (insert sub recipient name) is a (insert Local Public Agency or private entity) with a defined service area as follows: (insert the defined service area). Services may be provided by a specific area as follows: (if applicable, state names of areas within a service area, such as counties/cities/department/office).

All previous contacts with LEP persons were identified by language along with the type of service provided for the reporting period, October 1, 201\_ through September 30, 201\_. The following contacts occurred.

In-person contacts:

* List individually each department/office, type of contact, and languages encountered.
* List individually each department/office, type of contact, and languages encountered.
* List individually each department/office, type of contact, and languages encountered.

Telephonic Interpreter Services:

* List individually each department/office, type of contact, and languages encountered.
* List individually each department/office, type of contact, and languages encountered.
* List individually each department/office, type of contact, and languages encountered.

(Insert sub recipient name) attempted to identify LEP minority populations that are eligible beneficiaries that may be underserved because of existing language barriers. The following data was identified.

* List individually each department/office, type of service offered, if service was utilized by LEP, and languages provided or not provided. (Insert type of services) were offered/available/taken at (insert location/name of office).
* State if specific services are used in one area and not another; identifying needs in different parts of service area.
* All requested languages were interpreted, except (insert language(s)).
* State why a requested language was not interpreted.
* State other circumstances affecting your ability to provide languages services requested.

Additional data on LEP populations was obtained from sources such as: census, school systems, religious organization, community organizations, community agencies, and state and local governments.

(Insert sub recipient name) consulted additional data sources:

U.S. Census for (insert name of your service area)

* 201\_-201\_ Use most current years) American Community Survey 5 Year Estimates
  + The (sub recipient name) staff reviewed the 201\_-201\_ American Community Survey 5-Year Estimates for (insert your service area name) and determined that (insert #) individuals, in (insert service area name) [\_\_\_% of the population] speak a language other than English. Of those, (insert #) individuals have limited English proficiency; that is; they speak English less than “very well” or “not at all.” This is only (insert #) % of the overall population in (insert service area name).
  + Individuals with Limited English Proficiency that are greater in number than 5% of the language group are: (insert languages).

These groups reside throughout the (insert service area name or identify where each group resides in your service area(s)) and (state # or if any/all) groups are small in number. Table B16001.

* + - Detailed Languages Spoken At Home and Ability to Speak English - Table 35, 2009-2013 Release Date October 2015 (Instructional only- delete from your final LEP plan: This table is the most current data (5/2018). It is a breakdown of the US Census large combined language groups into specific languages. Use data to help you identify language groups in your service area. For example: On Table B16001, Scandinavian Languages are clarified on Table 35, telling us the number of Norwegian and Swedish speaking people in ND. You have undisclosed data for Icelandic and Danish. If you have reported Scandinavian Language groups in your service area, you will cross reference with this data. Only languages groups identified in your service area are applicable. Delete what is not applicable for your LEP Plan.)
      * Scandinavian: consists of 4 languages (2 undisclosed); data available for 2 languages: Norwegian and Swedish
      * Other Native North American Languages: consists of 20 languages (14 undisclosed); data available for 6 languages: Okanogan, Hidatsa, Mandan, Dakota, Arikara, American Indian
      * Other Slavic Languages: consists of 5 languages (3 undisclosed); data available for 2 languages: Ukrainian and Czech
      * Other Indic Languages: consists of 6 languages (5 undisclosed); data available for 1 language: Nepali
      * Other Indo-European Languages: consists of 7 languages (6 undisclosed); data available for 1 language: Romanian
      * Other Asian Languages: consists of 6 languages (4 undisclosed); data available for 2 languages: Telugu and Turkish
      * Other Pacific Island Languages: consists of 7 languages (5 undisclosed); data available for 2 languages: Indonesian and Malay
      * African languages: consists of 9 languages (2 undisclosed); data available for 7 languages: Amharic, Cushite (Somali), Sudanic, Swahili, Bantu (group of 250 languages/dialects), Mande, (group of 3) Kru, Ibo, Yoruba
      * Other and unspecified languages: consists of 4 languages (2 undisclosed); data available for 2 languages: Finnish and Syriac
* Characteristics of People by Language Spoken at Home – Table S1603, 2012-2016 ACS 5 Year Estimates report language estimates.

(Instructions to complete next bullet for Spanish language: You must look up the specific table referenced above. Replace the ND statewide data listed below with your service area Spanish data. If no Spanish data is available in your service area, you would state: No US Census data is available in (insert name of service area) service area in any languages. Delete this instruction from your final LEP Plan. This data is used to help determine what language services would be effective. For example, if the language group cannot read, written translation would not be effective.)

* + Educational Attainment: 1,470 individuals or 21.2% of 6,937 individuals 25 years of age and over who speak Spanish at home have less than a high school education. Other languages data estimates are not applicable or not available.

North Dakota Department of Public Instruction (NDDPI) - Reports the English Language Learner languages. (Use your service area data, if any)

* In 201\_, NDDPI reported (insert number) ELL students in (insert #) schools.
  + (insert)% (insert language) or (and insert #) students
  + (Insert)% Other
* The North Dakota State Assessment for Grades 3-8 and 11 for the School Year (use most current year available) showed:
  + Of (insert #) LEP students, (insert #)% were not proficient in Reading
  + Of (inset #) LEP students, (insert #)% were not proficient in Mathematics

Lutheran Social Services of North Dakota (LSSND)

* LSSND is a religious organization that is appointed as the U.S. agency for resettlement of refugees in North Dakota.
  + Resettled (insert #) in 2017
  + Resettled (insert #) in 2016
  + Resettled 377 in 2015
  + Resettled 590 in 2014

1. **The frequency with which LEP individuals come in contact with the program, activity, or service.**

(Insert sub recipient name) identified the frequency with which (insert sub recipient name) staff have or should have contact with LEP individuals from different language groups seeking assistance. (insert language) speaking individuals are the most frequently encountered LEP language group.

(Insert name of specific agency/county/city/office within service area)

* (Instructions: State type of service provided, languages provided, number of locations in the service area.) There was a total of (insert # and type of service provided). A breakdown of the service area specific locations/offices is provided on the table below. (Instructions: Use of a table is optional; see example of NDDOT’s table below. You could create a table similar to this example and fill in your service area data. Delete all instructions from your final LEP plan.)
* Telephonic interpreter service was used for (insert #) walk-in and/or call-in customers during the past 12 month reporting period of October 1, 201\_ through September 30, 201\_.
* Contacts ranged from (insert #) per month to (insert #) per month.
* Contacts by language were as follows: (insert # and language); (insert # and language)

(Insert name of specific agency/county/city/office within service area)

* Telephonic interpreter services were used for (insert #) call-in/walk-in customers during the past 12 month reporting period.
* Contacts ranged from (insert #) during each of 11 months, and 1 month had (insert #) contacts during 201\_-201\_ for (insert language) speaking customers.

(Instructions: Repeat if necessary, for another location within service area)

* Telephonic interpreter services were used for (insert # and type of service, language, month and year during reporting period).

1. **The nature and importance of services provided by the (Insert Sub Recipient name) to the LEP population.**

(Insert sub recipient name) determined the importance of its services for the LEP population in its service area by reviewing and considering the following factors including the identification of vital documents.

Identification of Vital Documents

* A document will be considered vital if it contains information that is critical for obtaining the federal services and/or benefits, or is required by law.
* Examples:
  + Applications
  + Consent and complaint forms,
  + Notices of rights and disciplinary action
  + Notices advising LEP persons of the availability of free language assistance
    - Written tests that assess competency for a particular license, job, or skill for which English competency is not required
    - Letters or notices that require a response from the beneficiary or client
  + Larger documents, translation of vital information contained within the document will suffice and need not be translated in its entirety.
  + Outreach docs: difficult to determine if vital-lack of awareness may effectively deny LEP persons access. It’s important to continually survey/assess the needs of eligible service population to determine what outreach materials are critical to translate.

(Insert sub recipient name) provides a Request for Reasonable Accommodations form for individuals to request services for oral or written translations as determined by the Four-Factor Analysis or defined by Safe Harbor requirements. Safe Harbor applies to written translations only.

Vital documents will be translated when a significant number of percentage of the population eligible to be served, or likely to be directly affected by the program/activity, needs services or information in a language other than English to communicate effectively.

If the English language version is posted on (insert sub recipient name) website, the translation will be posted on the website.

(Insert sub recipient name) considered the importance of immediate and long-term effects of a delay in written translations. Most services have several days to weeks allowed for comment or completion.

Failure to provide written translation under these cited circumstances does not mean that the (insert sub recipient name) is in noncompliance; rather, it provides a starting point for (insert sub recipient name) to consider in relation to the Four Factors.

Immediate oral telephonic interpreter services are provided free.

1. **The resources available to the recipient and costs.**

Telephonic Interpreter Services (Edit for your provider)

(Insert sub recipient name) has joined the State of North Dakota WSCA contract for telephonic interpreter services that is available to all state and local governments.

* (Insert sub recipient name) set up a WSCA agreement with the two telephone based interpreter services to provide immediate interpreter services at no cost to LEP individuals statewide.
* The new WSCA contract started in June of 2015 and is $0.57 to $0.62 per minute dependent on which provider is accessed. (insert #) telephonic service calls made; (insert #) total minutes used in 201\_-201\_ for a total cost of approximately $(insert cost).
* In person interpreters- Courts List- rate varies per interpreter, approximately $(insert cost) per hour; none were used this past year.

Written Translation

(Insert sub recipient name) has identified and contacted several written translation service providers.

(Insert sub recipient name) procured the written translation of the (insert name of document) from English into Spanish at a cost of $(insert cost) which took about (insert days) days to complete.

(Insert sub recipient name) has translated (insert names of documents and languages translated in past, and names of documents and languages translated this past year). The current cost to translate the (insert name of document at this time) into another language is approximately $(insert cost) per language.

Prioritize the needs so that language services are targeted where most needed because of the nature and importance of the activity.

Resource and cost issues can be reduced: (Insert sub recipient name) vital documents are uniform throughout the (insert sub recipient name) service area due to (insert reason, if any). (Insert sub recipient name) can access templates of relevant documents from NDDOT for use in the development of their Title VI plans including some templates translated into Spanish. (Insert sub recipient name) revision costs for minor translations of NDDOT’s sub recipient templates should be a minimal cost.

Using qualified translators and interpreters to ensure that docs need not be fixed later and that inaccurate interpretations do not cause delay other costs (insert sub recipient name) has access to qualified translators through several companies. When revisions occur, it is most likely due to legislative changes which cannot be predetermined. (Insert sub recipient name) telephonic interpreter service was thoroughly tested in the (insert vendor name) procurement process and has qualified interpreters.

(Insert sub recipient name) has many significantly large documents. Written translation of (insert sub recipient name) large documents can range from translation of an entire document to translation of a short description of the document.

**LANGUAGE ASSISTANCE**

A person who does not speak English as their primary language or who has a limited ability to read, write, speak or understand English may be a Limited English Proficient person and may be entitled to language assistance with respect to (insert sub recipient name) services.

Language assistance can include interpretation, which means oral or spoken transfer of a message from one language into another language and/or translation, which means the written transfer of a message from one language into another language.

After applying the four-factor analysis, (insert sub recipient name) has examined the following language assistance options and identified which methods will provide (insert sub recipient name) with an effective LEP Plan. (Insert the language) speaking individuals are most frequently encountered by (insert sub recipient name).

**Selecting Language Assistance Services**

Oral Language Services

Using telephone interpreter lines offer prompt interpreting assistance in many different languages. (Edit this section for the vendor/provider you are utilizing)

* WSCA contract procured for multiple state DOTs resulted in two competent service providers able to interpret transportation technical or legal terms.
  + 240+ languages
  + Includes all languages encountered by NDDOT for past 3 years
  + Both WSCA contract service providers have additional services available for video teleconferencing and written translation.
* Contracting for Interpreters
  + The North Dakota Courts has an interpreters list available for independent contractors.
* Use of family members, friends, other customers/passengers as interpreters
  + (Insert sub recipient name) allows at the request of LEP individual, if they are not willing to speak with an interpreter provided by (insert sub recipient name).
  + In rare emergency situations, (insert sub recipient name) may allow.

Written Language Services - Translation of Documents

A “safe harbor” provision regarding the translations of documents is provided by the Department of Justice. The DOJ suggests providing written translations of vital documents for each eligible LEP language group that constitutes five percent or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. The safe harbor provision applies to the translation of written documents only.

Written translations would not be effective or useful for people with low literacy in their language. The literacy level should be determined.

For ‘vital’ (insert sub recipient name) documents, if there are fewer than 50 persons in a language group (that reaches five percent of the population of persons eligible to be served or likely to be affected or encountered), the (insert sub recipient name) does not translate ‘vital’ written materials but will provide written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

* Identification of Vital Documents
  + A document will be considered vital if it contains information that is critical for obtaining the federal services and/or benefits, or is required by law.
  + Examples:
    - Applications
    - Consent and complaint forms,
    - Notices of rights and disciplinary action
    - Notices advising LEP persons of the availability of free language assistance
    - Written tests that assess competency for a particular license, job, or skill for which English competency is not required
    - Letters or notices that require a response from the beneficiary or client
    - Larger documents, translation of vital information contained within the document will suffice and need not be translated in its entirety.
    - Outreach docs: difficult to determine if vital- lack of awareness may effectively deny LEP persons access. It’s important to continually survey/assess the needs of eligible service population to determine what outreach materials are critical to translate.

Failure to provide written translation under these cited circumstances does not mean that the sub recipient is in noncompliance; rather, it provides a starting point for sub recipients to consider in relation to the Four Factors.

**LANGUAGE ASSISTANCE MEASURES**

(Insert sub recipient name) employees will inform all LEP individuals attempting to access services that the (insert sub recipient name) provides free interpreter services upon request for their interactions with the (insert sub recipient name).

When (insert sub recipient name) receives a request or identifies a need for services, (insert sub recipient name) will make every effort to provide the services in a timely manner. (Insert sub recipient name) will pay for interpreter services and translation of vital documents as necessary.

* Request For Reasonable Accommodations form is available to request oral interpretation and written translation services.
* The public is notified of LEP services via Press Releases, newspaper ads, and advocacy groups, notices in division/district manual, posters, drivers license study guides, Environmental Justice Brochure.
* (Insert names of documents) are available in (insert #) languages.
* Auditory (inset name of documents) for those who understand English but are unable to read English.
* Spanish translation of the (insert name of documents).
* (Sub recipient name) website has a “Contact“ webpage for “Language Interpreter Services” with a contact person and telephone number.
* To ensure competency of interpreter services, (sub recipient name) joined a (insert name of vendor) contract where competency was thoroughly checked, verified, and tested for competency.
* (Sub recipient name) checked references to verify translation services providers to ensure competent services.

**STAFF TRAINING**

Training includes how to obtain language assistance service and communication with interpreters and translators.

* Annual training is provided to all (insert sub recipient name) employees
  + Information to know their obligations to provide meaningful access to information and services for LEP persons.
  + Information on (insert sub recipient name) LEP policies and procedures
  + Description of language assistance services offered to the public.
  + Primary (insert name of specific offices) contacts to assist LEP individuals.
  + (Insert sub recipient name) process for External Complaints of Discrimination
* Additional training is provided to employees in public contact positions who may receive telephone calls from or provide in-person services to LEP individuals as follows:
  + Instructions to work effectively with telephone interpreters.
  + Instructions for working with an in-person interpreter
  + Instructions for transferring calls with LEP individuals on the telephone line
  + Use of (insert # of vendor) telephonic interpreter language lists
  + Use of “I Speak” cards for in-person LEP individuals. It is located at: <http://www.justice.gov/sites/default/files/crt/legacy/2010/12/14/ISpeakCards.pdf>
  + Access for (insert # of vendor) telephonic interpreter service providers
  + Documentation of language assistance requests.
  + Reporting of poor quality services by interpreter
* Training is provided for assigned employees for specific services
  + Request for Reasonable Accommodations
    - Instructions for processing requests
    - Accessing assistive technology
    - Follow-up on quality of services

**MONITORING**

**Monitoring and Updating the LEP Plan -** The (insert sub recipient name) will update the LEP Plan as required. At a minimum, the plan will be reviewed and updated when data from the 2020 U.S. Census is available, or when it is clear that higher concentrations of LEP individuals are present in (insert sub recipient name) service area. Updates will include the following:

* The number of encountered LEP persons, by language who received language assistance services annually.
* The frequency of encounters with LEP persons
* The current/primary language of LEP populations in the service area.
* Whether the need for translation services has changed.
* Whether local language assistance programs have been effective.
* Whether the (insert sub recipient name) financial resources are sufficient to fund language assistance resources needed.
* Determine whether the (insert sub recipient name) fully complies with the goals of this LEP Plan.
* Determine the number and type of complaints received concerning the needs of LEP individuals.
* Whether staff are knowledgeable about (insert sub recipient name) LEP procedures.

**DISSEMINATION OF THE (insert SUB RECIPIENT NAME) LEP PLAN**

* Post (insert sub recipient name) LEP Plan to their website.
* Send electronic notification of the LEP Plan to advocacy groups, local governments, sub recipients, consultants, and other stakeholders via email lists. (Edit for your service area.)
* Display free language assistance posters in all (insert sub recipient name) building’s public areas.
* State on agendas, public notices, brochures, fliers, ads that a Request For Reasonable Accommodation is available to request language assistance (oral interpretation and written translation) of documents from (insert sub recipient name).
* Post signs in public areas of Transit facilities and in transit vehicles notifying LEP individuals of the LEP Plan and how to access free language services.
* Post on the transit provider’s websites, the LEP Plan and how to access free language services.