**Towner County**

**Limited English Proficiency Plan**

**2021**

**INTRODUCTION**

This *Limited English Proficiency Plan* has been prepared to address Towner County’s 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 Towner County and its sub recipients.

**Plan Summary**

Towner County 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, Towner County 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.**

Towner County is a Local Public Agency with a defined service area as follows: Towner County, ND. Services may be provided by a specific area as follows: Towner County, ND

All previous contacts with LEP persons were identified by language along with the type of service provided for the reporting period, October 1, 2019 through September 30, 2020. The following contacts occurred.

In-person contacts:

* None

Telephonic Interpreter Services:

* None

Towner County attempted to identify LEP minority populations that are eligible beneficiaries that may be underserved because of existing language barriers. The following data was identified.

* The State of North Dakota has entered into a NASPO Value Point contract with Language Link, telephonic interpreter service provider. Local government agencies are included in that contract. There were no contacts from any residents of Towner County to the provider.

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.

Towner County consulted additional data sources:

U.S. Census for Towner County

* 2015-2019 American Community Survey 5 Year Estimates
  + The Towner County staff reviewed the 2015-2019 American Community Survey 5-Year Estimates for Towner County and determined that 4.5% of the population speak a language other than English.
    - Detailed Languages Spoken At Home – American Community Survey 5 year estimates 2019
      * Spanish 3.7%
      * Other Indo-European Languages .2%
      * Asian and Pacific Islander Languages .1%
      * Other Languages .5%
* Characteristics of People by Language Spoken at Home – Table S1603, 2019 ACS 5 Year Estimates report language estimates.
  + Educational Attainment: 72 individuals or 100% of 72 individuals 25 years of age and over who speak Spanish at home have a have a high school diploma or higher.

5 individuals or 5.8% of 86 individuals 25 years of age and over who speak some other language than English have less than a high school education.

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

Towner County identified the frequency with which Towner County staff have or should have contact with LEP individuals from different language groups seeking assistance. In the past year, Towner County staff have not encountered any LEP speaking individuals.

1. **The nature and importance of services provided by Towner County to the LEP population.**

Towner County 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.

Towner County 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 the Towner County website, the translation will be posted on the website.

Towner County 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 Towner County is in noncompliance; rather, it provides a starting point for Towner County 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

The State of North Dakota has entered into a NASPO value Point contract with Language Link, telephonic interpreter service provider. The services are used to communicate with individuals that have limited English proficiency meaning that they have difficulty using and understanding English. The cost is $ 0.57 per minute. Towner County, as a local government agency, is able to join the contract with the same provisions. You can obtain more information and view the contract on the State of ND Procurement Office webpage at the following location: <https://apps.nd.gov/csd/spo/services/bidder/listCurrentContracts.htm>

Written Translation

Towner County have identified the following written translation service providers.

Academic Translation Services

Inline Translation Services

In the event that written translation services are needed, one of these companies, or a similar reputable company will be obtained to translate documents as needed.

**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 Towner County 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, Towner County has examined the following language assistance options and identified which methods will provide Towner County with an effective LEP Plan. Spanish speaking individuals are most frequently encountered by Towner County.

**Selecting Language Assistance Services**

Oral Language Services.

* NASPO Value Point contract procured for State and local government agencies.
* Use of Cell Phone translation apps.
* Local Border Patrol agents are sometimes used if available.
* 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
  + Towner County allows at the request of LEP individual, if they are not willing to speak with an interpreter provided by Towner County.

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’ Towner County 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), Towner County 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**

Towner County employees will inform all LEP individuals attempting to access services that Towner County provides free interpreter services upon request for their interactions with the Towner County.

When Towner County receives a request or identifies a need for services, Towner County will make every effort to provide the services in a timely manner. Towner County 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 newspaper ads, and the Towner County Website at tccounty.com.
* Towner County website has a “Contact“ webpage for “Language Interpreter Services” with a contact person and telephone number.

**STAFF TRAINING**

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

* Annual training is provided to all Towner County employees
  + Information to know their obligations to provide meaningful access to information and services for LEP persons.
  + Information on Towner County LEP policies and procedures
  + Description of language assistance services offered to the public.
  + Primary Towner County contacts to assist LEP individuals.
  + Towner County 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 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 Language Link 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 –** Towner County 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 the Towner County 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 Towner County financial resources are sufficient to fund language assistance resources needed.
* Determine whether Towner County 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 Towner County LEP procedures.

**DISSEMINATION OF THE TOWNER COUNTY LEP PLAN**

* Post Towner County 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.
* Display free language assistance posters in all Towner County 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 Towner County
* Post on the transit provider’s websites, the LEP Plan and how to access free language services.