



# Limited English Proficiency Plan

Updated: November 2020

## INTRODUCTION

This *Limited English Proficiency Plan* has been prepared to address the City of West Fargo 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 City of West Fargo and its sub recipients.

## PLAN SUMMARY

The City of West Fargo 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 in 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 City of West Fargo 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 encounter the program, activity, or services.
3. The nature and importance of the program, activity, or service provided by the program.
4. The resources available to the recipient and costs.

**NUMBER OF LEP POPULATION IN THE ELIGIBLE SERVICE POPULATION**

The City of West Fargo is a local public agency with a defined service area as follows: areas within the boundaries of the City of West Fargo. Services may be provided by a specific area as follows: police, fire, administration, public works, library and municipal court. The City of West Fargo defined service area does not include the public school district or the park district.

City of West Fargo attempted to identify LEP minority populations that are eligible beneficiaries that may be underserved because of existing language barriers. The following data was identified from sources such as census, school systems, religious organization, community organizations, community agencies, and state and local governments.

City of West Fargo consulted additional data sources:

U.S. Census for City of West Fargo

- 2013-2018 American Community Survey 5 Year Estimates

The City of West Fargo staff reviewed the 2013-2018 American Community Survey 5-Year Estimates for the City of West Fargo and determined that 2,378 individuals, in the City of West Fargo [7.6% of the population] speak a language other than English. Of those, 454 individuals have limited English proficiency; that is; they speak English less than “very well” or “not at all.” This is 1.4% of the overall population in the City of West Fargo.

Individuals with Limited English Proficiency that are greater in number than 5% of the language group are:

Language	Total	Total who speak English less than very well	Percent
Spanish/Spanish Creole	338	121	36%
French	36	17	47%
German	339	73	21%
Russian	55	18	32%
Serbo-Croatian	59	13	22%
Indic languages <sup>1</sup>	26	26	100%
Japanese	35	10	29%
Vietnamese	252	90	36%
Other Asian languages <sup>2</sup>	153	22	14%
Arabic	81	19	23%
African languages <sup>3</sup>	436	414	95%
Other and unspecified languages <sup>4</sup>	18	18	100%

- Characteristics of People by Language Spoken at Home – Table S1603, 2012-2016 ACS 5 Year Estimates report language estimates.

Educational Attainment: 20 individuals or 8.8% of 226 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 available.

West Fargo Public Schools:

- 2020-2021 Total Enrollment: 12,034

ELL students: 1,263 (10% of student population)

Languages spoken: 74

Top 5 languages other than English in order Somali (25%), Creoles and pidgins English-based (11%), Nepali (11%), Spanish (9%) and Bosnian (6%).

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.

	2019	2018	2017	2016
Admitted refugees	124	174	421	558

Most common countries of origin are Bhutan, Iraq, Somalia and Democratic Republic of Congo

### **FREQUENCY OF LEP ENCOUNTERS**

- All legal notices of public input meetings provide the following language to identify LEP individuals and notify of LEP services:

The City of West Fargo will consider every request for reasonable accommodation to provide:

- Language interpretation for people with limited English proficiency (LEP), and
- Translations of written material necessary to access NDDOT programs and information.

Appropriate provisions will be considered when the City is notified at least five days before the meeting date or the date the written translation is needed.

To request accommodations, contact Andrew Wruke, Transportation Engineer, City of West Fargo at 701-433-5428 or Andrew.Wruke@westfargond.gov. TTY users may use Relay North Dakota at 711 or 1-800-366-6888.

- City of West Fargo has had a low frequency of staff having contact with LEP individuals from different language groups seeking assistance. Therefore, the City of West Fargo will begin tracking the following data points for an annual review of the LEP.
  - Number of times telephonic interpreter service was used for walk-in and/or call-in customers during the year (Jan. 1 through Dec. 31)
  - Frequency of contact per month.
  - Contacts by language
  - Purpose of contact by department and project
- Following is a breakdown of the contacts with LEP individuals who have been documented through police, fire and court services.

Telephonic Interpreter Services:

- West Fargo Police Department
  - Over-the-phone interpretation
  - Contact frequency: 22 contacts (August 2019-August 2020)
  - Languages: Nepali, Arabic, Spanish, Russian, Albanian, Somali, Rundi, Vietnamese
- West Fargo Municipal Court:
  - Over-the-phone interpretation
  - Contact frequency: 1 (August 2019-August 2020)
  - Languages: Not recorded
- West Fargo Fire Department:
  - Over-the-phone interpretation
  - Contact frequency: 2 (August 2019-August 2020)
  - Languages: Not recorded

Nature and importance of services provided by the City of West Fargo to the LEP population.

City of West Fargo 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: Continually survey/assess the needs of eligible service population to determine what outreach materials are critical to translate.

City of West Fargo 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 City of West Fargo website, the translation will be posted on the website.

City of West Fargo 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 City of West Fargo is in noncompliance; rather, it provides a starting point for City of West Fargo to consider in relation to the Four Factors.

Immediate oral telephonic interpreter services are provided free.

- ACTION ITEM: The City of West Fargo to develop a standard list of vital documents and languages to translate by June 1, 2021.

## RESOURCES AVAILABLE TO LEP POPULATION

### Telephonic Interpreter Services

City of West Fargo uses LanguageLine Services, Inc. for telephonic interpreter services.

- City of West Fargo set up a LanguageLine Services, Inc. agreement with the two telephone based interpreter services to provide immediate interpreter services at no cost to LEP individuals statewide.
  - From August 2019 through August 2020, the service was accessed at least 25 times for at least 344 minutes at a total cost of \$740.64.
- ACTION ITEM: The City of West Fargo to train all departments in the use and availability of the LanguageLine Services, Inc. telephonic interpreter services by June 1, 2021.

### Written Translation

The City of West Fargo will identify and contact several written translation service providers for vital documents such as Title VI forms, the LEP, budgets, and city ordinances. The City of West Fargo will 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 by creating uniform documents and templates. Using qualified translators and interpreters to ensure that documents need not be fixed later that inaccurate interpretations do not cause delay. When revisions occur, it will most likely be due to an ordinance or procedural change which cannot be predetermined.

- ACTION ITEM: The City of West Fargo to identify and contract at least two written translation service providers by June 1, 2021.

### Interpreter Services

- ACTION ITEM: The City of West Fargo to identify and contract at least one interpreter service by June 1, 2021.

## 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 City of West Fargo 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, City of West Fargo has examined the following language assistance options and identified which methods will provide City of West Fargo with an effective LEP Plan. Based on documented interactions, Spanish-speaking individuals are most frequently encountered by City of West Fargo. Census data indicates that the City of West Fargo should also expect to encounter LEP individuals who speak African languages.

### Selecting Language Assistance Services

#### Oral Language Services

Using telephone interpreter lines offer prompt interpreting assistance in many different languages.

- LanguageLine Services, Inc.

240+ languages available on-demand

Has 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

City of West Fargo allows at the request of LEP individual, if they are not willing to speak with an interpreter provided by City of West Fargo.



## 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 5% 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’ City of West Fargo documents, if there are fewer than 50 persons in a language group (that reaches 5% of the population of persons eligible to be served or likely to be affected or encountered), the City of West Fargo 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 is 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

City of West Fargo employees will inform all LEP individuals attempting to access services that the City of West Fargo provides free interpreter services upon request for their interactions with the City of West Fargo.

When City of West Fargo receives a request or identifies a need for services, City of West Fargo will make every effort to provide the services in a timely manner. City of West Fargo 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, driver's license study guides, Environmental Justice Brochure.
- Auditory documents (to be identified) for those who understand English but are unable to read English.
- Spanish translation of documents (to be identified)
- City of West Fargo website has a "Contact" webpage for "Language Interpreter Services" with a contact person and telephone number.
- To ensure competency of interpreter services, City of West Fargo joined LanguageLine Services, Inc. contract where competency was thoroughly checked, verified, and tested for competency.
- City of West Fargo 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 City of West Fargo employees
  - Information to know their obligations to provide meaningful access to information and services for LEP persons.
  - Information on City of West Fargo LEP policies and procedures
  - Description of language assistance services offered to the public.
  - Primary West Fargo City Hall, Police Department, Fire Department and Municipal Court contacts to assist LEP individuals.
  - City of West Fargo 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 LanguageLine Services telephonic interpreter language lists
  - Use of "I Speak" cards for in-person LEP individuals located at:  
<http://www.justice.gov/sites/default/files/crt/legacy/2010/12/14/ISpeakCards.pdf>
  - Access for 1 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

- ACTION ITEM: Schedule an annual LEP training for City of West Fargo employees by Feb. 1, 2021.
- ACTION ITEM: Identify primary West Fargo City Hall, Police Department, Fire Department and Municipal Court contacts to assist LEP individuals by Dec. 1, 2020.
- ACTION ITEM: Create External Complaints of Discrimination process by Feb. 1, 2020.
- ACTION ITEM: Develop system for documenting language assistance requests by Dec. 1, 2020.

## MONITORING

Monitoring and Updating the LEP Plan - The City of West Fargo 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 City of West Fargo 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 City of West Fargo financial resources are sufficient to fund language assistance resources needed.
- Determine whether the City of West Fargo 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 City of West Fargo LEP procedures.

## ***DISSEMINATION OF THE CITY OF WEST FARGO LEP PLAN***

- Post City of West Fargo 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 City of West Fargo 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 City of West Fargo.
- 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.