

Limited English Proficiency (LEP) PLAN

Effective Date: September 1, 2014

**Red Lake County Social Services
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1. Purpose and Legal Basis

The purpose of this limited English proficiency plan is to ensure meaningful access to program information and services for persons with limited English language proficiency. The legal basis for this plan comes from Title VI of the Civil Rights Act of 1964. This plan implements the Title VI language access responsibilities of human services providers receiving federal financial assistance from the U.S. Department of Health and Human Services.

This information is available in other forms to people with disabilities by contacting us at (218) 253-4131 (Voice), or through the Minnesota Relay Service at 1-800-627-3529 or 1-877-627-3848 (speech-to-speech relay service).

TABLE OF CONTENTS

<u>Topic</u>	<u>Page</u>
1. Purpose and Legal Basis	1
2. Legal Authorities/References	3
3. Written Plan	3
a. Persons Covered by Policy	3
b. Statement of Commitment to Meaningful Access	4
c. Offering Language Assistance Services	4
d. Uncommon Languages; In-Person Interpreter Services	4
e. Emergency Situations	5
f. Interpretation, Translation Defined	5
g. Assisting Clients That Don't Read Their Language	5
h. Assigning Clients with LEP to Bilingual Staff	5
4. Procedure for Using Interpretation	6
a. Verification of Client's Identity	6
b. Language Assistance Resources -- Order of Preference for Use	6
1. Bilingual Staff	6
2. County Contracted Interpreters	6
3. Telephone Interpreter Services	6
4. Contract Interpretation and Translation Services	7
5. Using Family and/or Friends as Interpreters	7
6. Rule for Minor Children	8
c. Minnesota Data Practices Act	8
d. Competency of Interpreters	9
5. Notice of Rights to Language Assistance	9
6. Procedure for Using/Distributing Translated Forms	9
7. Translation Plan	10
8. LEP Training for RLCSS Staff	10
9. Monitoring of the LEP Plan	11
10. LEP Plan Posted for Public Review	12
11. Distribution of LEP Plan	12
12. Responsible Authority/Complaint Process - Contact Person	12
Attachment 1- Helpful Hints for Using Telephone Interpreters	13
Attachment 2- County Contracted Interpreters	14
Attachment 3- Bilingual Staff	15
Attachment 4- Case Worker's LEP Checklist	16

2. Legal Authorities/References

According to the Office for Civil Rights (OCR), in order to avoid discrimination on the basis of national origin against persons with limited English language proficiency, recipients of federal financial assistance from the U.S. Department of Health and Human Services must take adequate steps to ensure that persons with limited English proficiency receive the language assistance necessary to allow them meaningful access to services, free of charge. This limited English proficiency plan for Red Lake County Social Services (RLCSS) has been completed at OCR's instruction. In OCR's August 30, 2000 policy guidance, issued to interpret the regulations under Title VI, OCR states that a recipient of federal financial assistance can ensure effective communication (which leads to meaningful access) by implementing a limited English proficiency plan that accounts for how the recipient (agency) will provide language assistance services when they are needed by applicants, clients, and members of the public.

- **Title VI of the Civil Rights Act of 1964**, 42 U.S.C. §2000 et seq.; 45 CFR §80, Nondiscrimination Under Programs Receiving Federal Financial Assistance Through the U.S. Department of Health and Human Services Effectuation of Title VI of the Civil Rights Act of 1964
- **Office for Civil Rights Policy Guidance**, 65 Fed. Reg. 52762 (2000), Department of Health and Human Services, Office for Civil Rights, Policy Guidance on the Prohibition Against National Origin Discrimination As It Affects Persons With Limited English Proficiency (August 30, 2000); OCR Website: www.hhs.gov/ocr/lep/
- **Department of Justice Regulation**, 28 CFR §42.405(d)(1), Department of Justice, Coordination of Enforcement of Non-discrimination in Federally Assisted Programs

3. Written Plan

a. Persons Covered by Policy - Identifying Clients with Limited English Proficiency

RLCSS' limited English proficiency plan has been developed to serve its clients, prospective clients, family members of clients or prospective clients, or other interested members of the public (hereafter called "clients") who do not speak English or who speak limited English.

A client has limited English language proficiency (LEP) when he/she is not able to speak, read, write or understand the English language at a level that allows him/her to interact effectively with RLCSS staff. Sometimes it is not easy to identify a person with LEP. Some clients may know enough English to manage basic life skills, but may not speak, read or understand English well enough to understand in a meaningful way some of the more complicated concepts they may encounter within the human services systems (i.e., legal, medical or program language). These clients may also fit the description of a person with LEP.

b. Statement of Commitment to Meaningful Access

No person will be denied access to RLCSS programs or program information because he/she does not speak English or speaks limited English. RLCSS will provide for effective communication between clients with LEP and RLCSS staff by making appropriate language assistance services available when clients need these services. Clients will be provided with meaningful access to programs and services in a timely manner and at no cost to the client.

c. Offering Language Assistance Services

Staff will initiate an offer for language assistance to clients who have difficulty communicating in English, or when a client asks for language assistance. Whenever possible, staff members are encouraged to follow the client's preferences. For example, if a client wants a family member or friend to interpret rather than an RLCSS provided interpreter, staff should allow this if doing so will not violate the client's data privacy rights and the friend/family member can demonstrate that he/she is competent to interpret. Staff must offer free interpretation and/or translation services to persons with LEP in a language they understand, in a way that preserves confidentiality, and in a timely manner. [See rule for using family and friends as interpreters on pages 7 and 8.]

d. Uncommon Languages; In-Person Interpreter Services

When interpreter services are needed in a language not commonly used, the client with LEP will be connected to the Language Line or Novelty Languages which are telephone interpretation services available to RLCSS staff. [See Language Line service on page 6.]

If an interpreter is needed *in-person*, rather than over the telephone, arrangements will be made to have an interpreter available at a time and place that is convenient for both the interpreter and the client. Arrangements for in-person interpreting should be made by contacting vendors directly. [See Department of Administration's website addresses below.]

e. Emergency Situations

When programs require access to services within short time frames, RLCSS will take whatever steps necessary to ensure that all clients, including clients with LEP, have access to services within the appropriate time frames. For example, when a client needs an interpreter or other language assistance services to obtain expedited program services, RLCSS's goal is to make the services accessible within the required time frame, whether that means using an interpreter or any other appropriate type of language assistance.

f. Interpretation and Translation Defined

For purposes of this policy, **interpretation** is defined as a spoken or visual explanation provided to help two or more people who do not speak the same language to communicate with each other. **Translation** is defined as a written version of a document provided in a different language than the original document.

g. Assisting Clients That Don't Read Their Language

RLCSS staff must assist a client with LEP who does not read his/her primary language to the same extent as staff would assist an English speaker who does not read English.

h. Assigning Clients with LEP to Bilingual Staff

Where applicable, and as a program practice, RLCSS will use its best efforts to assign clients with LEP to bilingual staff who speak their language.

4. Procedure for Using Interpretation

a. Verification of Client's Identity

RLCSS staff must continue the existing practice of verifying the identity of the client before releasing case-specific information. Bilingual staff, Language Line staff, or other private companies providing interpretation or translation services through contracts with the State (hereafter "contractors"), may be used in making verifications.

b. Language Assistance Resources -- Order of Preference for Use

As much as possible, staff should use these language assistance services in the order set out below.

1. Bilingual Staff -- when available

The list of bilingual staff members available to serve as interpreters will be Attachment 3 of this Policy.

2. County Contracted Interpreters

RLCSS has contracted with individuals in the local area who are certified interpreters. When available it is preferred that they are used for face-to-face interpreting before using a telephone interpreter. A list of these individuals will be updated at least semi-annually. This list is titled "County Contracted Interpreters" and is Attachment 2 of this policy.

3. Telephone Interpreter Services

For other languages staff should use the Language Line Services or Novelty Languages for interpreter assistance when bilingual staff and/or county contracted interpreters are not available or when the language is one not commonly encountered at RLCSS.

To access Language Line Services, go to www.language.com and click "Need an Interpreter Now" on the left bar. Click "Personal Interpreter" in the center of the page. ***further info available on agency use version of this policy.

To access Novelty Languages go to www.noveltylanguages.com and click "Online Request". Enter requested information to schedule the interpreter. They will send a bill for services. ***further info available on agency use version of this policy.

RLCSS staff should familiarize themselves with telephone interpreting services before they actually need to use it. A video is available to view that shows examples of how to use telephone interpreting. Being familiar with how to use this service will help staff act quickly when clients need interpreter assistance. Please also see "Helpful Hints for Using Telephone Interpreters," Attachment 1 of this Policy.

4. Contract Interpretation and Translation Services

The state Department of Administration holds contracts with several interpretation and translation services contractors in the metro area. RLCSS divisions can contract on an individual basis to set up short/long term arrangements with these (and other) contractors. RLCSS staff can

access these contractor lists electronically at the Department of Administration's website. By making these lists available to staff, RLCSS does not endorse them, nor does it claim that they are exhaustive lists of providers for these services.

For an extensive listing of additional interpretation and translation vendors, see the Yellow Pages under "Translators and Interpreters." See also, "Helpful Hints for Using Interpreters," Attachment 1 of this Policy.

5. Using Family and/or Friends as Interpreters

Staff members are asked to accommodate clients' wishes to have family or friends serve as interpreters whenever possible. However, staff must keep in mind both client confidentiality and interpreter competency and should also follow the rules set out below.

RLCSS may expose itself to liability under Title VI if it requires, suggests, or encourages a client with LEP to use friends, minor children, or family members as interpreters because family, friends, or minor children may not be competent to serve as interpreters.

Use of family or friends could result in a breach of confidentiality or reluctance on the part of clients to reveal personal information critical to their situations. Family and friends may not be competent to act as interpreters because they may not be proficient enough in both languages, may lack training in interpretation, and/or have little familiarity with specialized program terminology.

If a client still prefers a family member or friend to interpret after RLCSS offers free interpreter services, RLCSS may use the family member or friend if doing so will not compromise the effectiveness of the interpretation and/or violate the client's confidentiality. RLCSS staff should document in the client's case file their offer of interpreter assistance and the fact that the client declined the offer. Even if a client elects to use a family member or friend as an interpreter, RLCSS staff should suggest that a trained interpreter listen in on the interview to ensure accurate interpretation.

RLCSS bilingual staff or contracted interpreters should be used in circumstances when a client is giving information that may negatively impact his/her eligibility for services – e.g., deadlines or certifications. Bilingual staff or contracted interpreters should also be preferred in situations where a client must answer complicated or detailed questions about his/her case. These interpretations may also be handled by family or friends, but should also be referred to RLCSS bilingual staff, Language

Line staff, or contractors for follow-up calls or letters.

RLCSS staff must consider the requirements of the Minnesota Data Practices Act when determining whether or not, or in what capacity, a family member or friend may be used to interpret.

6. Rule for Minor Children

RLCSS staff should never use minor children as interpreters.

c. Minnesota Data Practices Act

Minnesota Data Practices Act requires Minnesota government agencies to maintain the privacy of data that they collect in the course of their business. In the case of RLCSS, the information that it collects regarding its clients is considered private data. Except in emergencies, this data may not be released to anyone other than the client, RLCSS employees, the agents of RLCSS, or others authorized by the courts or federal law, without the client's written, informed consent.

For purposes of the Data Practices Act, organizations and persons who contract to provide translation and interpretation services to RLCSS clients are considered agents of RLCSS. They may be privy to RLCSS clients' private data and are bound by the same requirements for confidentiality as are RLCSS employees.

d. Competency of Interpreters

RLCSS will make sure that interpreters have been trained and demonstrate competency, whether they are bilingual staff or professional interpreters. To be *competent* to provide interpreter services, the interpreter must be proficient in both English and the target language and be able to convey information in both languages accurately, have had orientation/training that includes the skills and ethics of interpreting, have basic knowledge in both languages of specialized program terms or concepts, and be sensitive to the client's culture.

5. Notice of Rights to Language Assistance

RLCSS staff must inform all clients with LEP of the public's right to free interpreter services, that these services must be provided in a timely manner and that they must be available during RLCSS business hours. Staff must also hand out fliers stating the same to all clients with LEP.

RLCSS will use "I Speak" cards to help clients with LEP be able to identify their language needs for staff. RLCSS will also use "I Speak" posters in the agency to help staff inform clients that language interpreters are available at no cost to the client.

6. Procedure for Using/Distributing Translated Forms

RLCSS staff with access to MAXIS can retrieve a list of translated documents/forms found in POLI/TEMP Manual at TE12.01.13. Staff members who do not have access to MAXIS can obtain this list by calling the LEP plan contact person listed at the beginning of this document.

Additionally, the Health Care Application Forms, the Renewal Forms, and the Household Report Forms have been translated into Spanish, Russian, Somali, Hmong, Cambodian, Lao, Vietnamese, and Arabic. Some other DHS forms have also been translated and are available on the eDocs website as well. The eDocs website is edocs.dhs.state.mn.us.

Regularly used RLCSS forms will be made available in translated form by posting them in a central location in the RLCSS lobby at 125 Edwards Ave, Red Lake Falls, Minnesota. At the appropriate times, RLCSS staff must send clients the preferred translated forms automatically when the same forms are sent to clients automatically in English.

7. Translation Plan

RLCSS will translate vital documents and vital information contained in its documents--and materials in alternate formats--into the non-English languages of those language groups when a significant number or percentage of the population eligible to be served or likely to be directly affected by RLCSS's programs needs services or information in a language other than English to communicate effectively. RLCSS has determined that the significant number that will trigger translation is 250 individuals within an LEP language group. (RLCSS will adopt the definition of vital document or information as it appears in the OCR Guidance. According to OCR, a document or information should be considered vital if it contains information that is critical for accessing a federal fund recipient's services or benefits or is required by law. Vital documents include, but are not limited to applications, consent forms, letters containing information regarding eligibility or participation criteria, notices pertaining to the reduction, denial, or termination of services or benefits, notices that require a response from beneficiaries, and documents that advise of free language assistance.)

Currently there are no language groups in Red Lake County, which trigger translation requirements. If/when a group is identified, a translation schedule will be developed and followed to make sure that all vital documents are completed within a reasonable amount of time.

All RLCSS forms are available in other forms to people with disabilities by contacting RLCSS at 218-253-4131 (Voice), or through the Minnesota Relay Service at 1-800-627-3529 or 1-877-627-3848 (speech to speech relay service).

8. LEP Training for RLCSS Staff

RLCSS will distribute the LEP plan to all staff so they can learn the policies and procedures required to make language assistance available to clients with LEP. All staff members with ongoing client contact are required to have LEP refresher training annually. In addition, information about the LEP plan is included in the RLCSS new employee orientation.

LEP training will include information on the following topics: RLCSS's legal obligation to provide language assistance to clients with LEP; the substance of RLCSS's LEP plan including its policies and procedures to access language assistance services; tips on working with interpreters; and how to properly document information about a client's language needs in the client's case file.

9. Monitoring of the LEP Plan

RLCSS will conduct an evaluation of its LEP plan annually to determine its overall effectiveness. The evaluation will consider what is working and what is not and make adjustments to the LEP plan accordingly. The evaluation will also determine whether new languages will be added for translation and whether existing languages will be dropped. RLCSS's LEP Coordinator will lead the annual evaluation activities with the help of a team of staff persons familiar with the LEP plan and how it functions.

RLCSS's annual evaluation of its LEP plan will include the following activities:

- Assessment of the numbers of persons with LEP in the service delivery area.
- Assessment of the current language needs of clients with LEP to determine whether clients need an interpreter and/or translated materials to communicate effectively with staff; updating files which lack information about a client's language needs; and confirming information with clients about their language preference at recertification.
- Determining if existing language assistance services are meeting the needs of clients with LEP.
- Assessing whether staff members understand RLCSS's LEP policies and procedures, how to carry them out and whether language assistance resources and arrangements for those resources are still current and accessible.
- Seeking and getting feedback from LEP communities, including clients and community organizations and advocacy groups working with LEP communities, about the effectiveness of RLCSS's LEP plan.

10. LEP Plan Posted for Public Review

The LEP plan will be posted for public review in the RLCSS lobby on the wall on the north side of the reception area. The LEP plan will be available in English, but bilingual staff or interpreters will be available to translate the plan for those who do not speak English who wish to read it. The words “Limited English Proficiency Plan” or something to that effect, in all appropriate languages, will be posted next to the LEP plan so clients with LEP know that such a plan exists and that they can get help to read it. The plan will also be posted on the Red Lake County website, however, specific information about billing codes/processes only needed by RLCSS employees will be removed in public postings.

11. Distribution of LEP Plan

The RLCSS LEP plan will be distributed to RLCSS staff at the time of their new hire orientation and to all RLCSS staff each time the plan is revised.

12. Responsible Authority/ Complaint Process - Contact Person

Each RLCSS division and special office is responsible for implementing this LEP plan in its area. The person designated to provide technical assistance and respond to inquiries and complaints from the public is listed below. RLCSS has an existing complaint resolution procedure used to resolve civil rights related disputes and complaints and this procedure will be used to resolve LEP-related disputes/complaints. The contact person listed below will provide information about this complaint procedure to all clients in a language they understand.

**RLCSS Office Support Specialist serves as
Civil Rights Compliance Officer**
Red Lake County Social Services
125 Edwards Ave
PO Box 356
Red Lake Falls, Minnesota 56742
(218) 253-4131 (Voice) or (877) 294-0846 (Toll Free)
(218) 253-2926 (Fax)

Attachment 1

RED LAKE COUNTY SOCIAL SERVICES

HELPFUL HINTS FOR USING TELEPHONE INTERPRETERS

1. Tell the interpreter the purpose of your call - describe the type of information you are planning to convey.
2. Enunciate your words and try to avoid contractions, which can be easily misunderstood as the opposite of your meaning. Ex.: "Can't" should be stated as "cannot."
3. Speak in short sentences, expressing one idea at a time.
4. Speak slower than your normal speed of talking, pausing after each phrase.
5. Avoid the use of double negatives. Ex, "If you don't appear in person, you won't get your benefits." Instead, "You must come in person in order to get your benefits."
6. Speak in the first person. Avoid the "he said/she said."
7. Avoid using colloquialisms and acronyms, e.g., "EGA," "MFIP," etc. If you must do so, please explain their meaning.
8. Provide brief explanations of technical terms, or terms of art, e.g., "*Spend-down* means the client must use up some of his/her monies or assets in order to be eligible for services."
9. Pause occasionally to ask the interpreter if he/she understands the information that you are providing, or if you need to slow down or speed up in your speech patterns. If the interpreter is confused, so is the client.
10. Ask the interpreter if, in his/her opinion, the client seems to have grasped the information that you are conveying. You may have to repeat or clarify certain information by saying it in a different way.
11. ABOVE ALL, BE PATIENT with the interpreter, the client and yourself!
12. Thank the interpreter for performing a very difficult and valuable service.

Attachment 2

Red Lake County Social Services

County Contracted Interpreters

RLCSS does not currently have any County Contracted Interpreters.

Attachment 3

Red Lake County Social Services

**Bilingual Staff
September 2014**

Red Lake County Social Services currently has no bilingual staff members.

Attachment 4

Case Worker's LEP Check list

- _____ Ask the client his/her primary language preference and note in file and on MAXIS/MMIS/SSIS. (You may need to use "I Speak" cards.)
- _____ Ask client if he/she wants interpreter services and note in case and computer file. Advise client that this service is free of charge.

Note: If client declines interpreter service, make note of this in the file. Share this information with anyone else in the agency that has a file on this client.
- _____ Ask client if he/she wants to use translated forms and note in file.
- _____ If needed, obtain written release of Information from client to allow communication with interpreter.
- _____ Contact interpreter and set up appointment with county worker, client and interpreter (this may need to be same day service). Note: Obtain permission from your supervisor to request an interpreter.
- _____ During appointment use Helpful Hints contained in Attachment 1 of LEP plan.
- _____ Interpreter sends bill to the county worker.
- _____ County worker reviews and approves the charges and sends bill on through normal process for payment.
- _____ Refer to plan for complaint resolution process if client has a complaint.