

Limited English Proficiency Plan

October 2014

INTRODUCTION

This *Limited English Proficiency Plan* has been prepared to address the North Dakota Department of Transportation's (NDDOT) responsibilities as a 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 NDDOT.

Plan Summary

The NDDOT 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 NDDOT used the four-factor LEP analysis which considers the following factors:

1. The number or proportion of LEP individuals in the service area who may be served by the NDDOT.
2. The frequency with which LEP individuals come in contact with NDDOT services.
3. The nature and importance of services provided by the NDDOT to the LEP population.
4. The interpretation services available to the NDDOT and overall cost to provide LEP assistance. A summary of the results of the four-factor analysis is in the following section.

MEANINGFUL ACCESS: FOUR-FACTOR ANALYSIS

1. The number or proportion of LEP individuals in the service area who may be served or are likely to require NDDOT's services.

The NDDOT staff reviewed the 2007-2011 American Community Survey 5-Year Estimates for North Dakota and determined that 33,158 individuals, in North Dakota [5.3% of the population] speak a language other than English. Of those 9,137 individuals have limited English proficiency; that is, they speak English less than "very well" or "not at all." This is only 1.46% of the overall population in North Dakota. In North Dakota, of those individuals with Limited English Proficiency, 0.30% speaks German, 0.25% speaks Spanish, 0.16% speaks African languages, 0.13% speaks Chinese, 0.10% speaks Serbo-Croatian, 0.06%

speaks Japanese, 0.06% speaks Vietnamese, 0.05% speaks Russian, 0.05% speaks Scandinavian, 0.04% speaks Arabic, 0.03% speaks French (Patois, Cajun), 0.03% speaks other Native North American languages, 0.03% speaks Tagalog, 0.02% speaks other Asian Languages, 0.02% speaks other Indic languages, 0.02% speaks Korean, 0.02% speaks other Pacific Island languages, 0.02% speaks other Slavic languages, 0.02% speaks Polish, 0.01% speaks other Indo-European languages, 0.01% speaks other and unspecified languages, 0.007% speaks Gujarati, and 0.004% speaks French Creole, 0.004% speaks Mon-Khmer, Cambodian, 0.004% speaks Persian, 0.004% Portuguese or Portuguese Creole, 0.003% Hungarian, 0.003% speaks Italian, 0.003% speaks Laotian, 0.003% speaks Thai, 0.003% speaks Urdu, 0.001% speaks Hebrew, 0.002% speaks Greek, 0.001% speaks Hindi, 0.001% speaks Yiddish. NDDOT has contracted with a telephone based interpreter service that provides immediate interpreter services.

2. The frequency with which LEP individuals come in contact with NDDOT services.

The NDDOT staff reviewed the frequency with which NDDOT division and district staff have, or could have, contact with LEP individuals. This includes documenting phone inquiries or office visits. NDDOT utilizes a telephonic interpreter service for requests for oral interpretation. NDDOT Drivers License Division received requests for the translation of the Rules of the Road Study Guide and Rules of the Road Knowledge Test in other languages. NDDOT will assess the requests. The Drivers License Division previously received requests for drivers tests to be offered in other languages and obtained translations. The Rules of the Road test is offered in nine foreign languages at the eight major offices. Of the total number of tests administered, 2.29 % was Spanish, 1.62% Somali, 1.19% Arabic, 0.28% Nepali, 0.21% Russian, 0.16% Swahili, 0.07% Vietnamese, 0.07% Serbo-Croatian, 0.04% Turkish. Drivers License Division provided telephone based language interpreter services for Arabic, Bosnian, Burmese, Cambodian, Cantonese, Khmer, Korean, Kurdish, Somali, Spanish, and Swahili speaking individuals 32 times. The Legal Division provided language interpreter services two times for Russian and Spanish speaking individuals. Motor Vehicle division provided telephone based language interpreter services for French, Somali, Spanish, Nepali, and Vietnamese speaking individuals 39 times. The other division and district staff have had very little to no contact with LEP individuals.

3. The nature and importance of services provided by the NDDOT to the LEP population.

There is no large geographic concentration of any type of LEP individuals in the North Dakota. The overwhelming majority of the population, 94.7%, speaks only English. As a result, there are only a few social, service, or professional and leadership organizations within North Dakota that focus on outreach to LEP individuals. The NDDOT Drivers License Division staff is most likely to encounter LEP individuals through testing sites, office visits, telephone conversations, and drivers license notifications. Motor Vehicle Division staff are most likely to encounter LEP individuals through vehicle licensing sites at NDDOT Central Office and outlying Branch Offices, telephone conversations, and motor vehicle licensing notifications. NDDOT considered the importance of immediate and long-term effects of a delay in written translations. All services have several days to weeks allowed for comment or completion. Immediate oral interpretation is provided. Written translation is considered within a reasonable timeframe.

4. The resources available to the NDDOT and overall cost to provide LEP assistance.

The NDDOT reviewed its available resources that could be used for providing LEP assistance for oral interpretation and written translation. NDDOT has contracted with a telephone based interpreter service to provide immediate interpreter services at no cost to LEP individuals. NDDOT has identified and contacted written translation service providers. NDDOT provides notice to the public of the availability to request accommodations for language assistance. All requests for translation are considered based on the possible impacts and known LEP population.

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 NDDOT 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.

How the NDDOT staff may identify an LEP person who needs language assistance:

- Post notice of LEP Plan and the availability of interpretation or translation services free of charge.
- All NDDOT division and district staff will be provided with language lists to assist in identifying the language interpretation needed.
- All NDDOT staff who has encountered LEP will be informally surveyed periodically on their experience concerning any contacts with LEP individuals during the previous year.
- When the NDDOT sponsors an informational meeting or event, a staff person may greet participants as they arrive. By informally engaging participants in conversation it is possible to gauge each attendee's ability to speak and understand English. Although translation may not be able to be provided at the event it will help identify the need for future events.

Language Assistance Measures

Although there are a very low percentage of LEP individuals in the State of North Dakota, that is, individuals who speak English less than "very well" or "not at all", NDDOT will strive to offer the following measures:

1. The NDDOT staff will take reasonable steps to provide the opportunity for meaningful access to LEP clients who have difficulty communicating in English.
2. The following resources will be available to accommodate LEP individuals:
 - Language interpretation will be accessed for most languages through a telephone interpretation service.

STAFF TRAINING

The following training is provided to all staff:

- Information on the Title VI Policy and LEP responsibilities.

- Description of language assistance services offered to the public.
- Use of the language lists.
- Documentation of language assistance requests.
- Title VI Complaint Process.

TRANSLATION OF DOCUMENTS

NDDOT has an outreach process. NDDOT has a Request For Accommodation procedure that refers all requests to Civil Rights for processing. NDDOT has translation services available. NDDOT places a notice of accommodation in public ads, meeting notices, flyers, and agendas. NDDOT considers requests as follows:

- NDDOT Civil Rights Division will assess requests for translation of documents based on the possible impacts and known LEP population.

MONITORING

Monitoring and Updating the LEP Plan - The NDDOT 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 North Dakota. Updates will include the following:

- The number of documented LEP person contacts encountered annually.
- How the needs of LEP individuals have been addressed.
- Determination of the current LEP population in the service area.
- Determination as to whether the need for translation services has changed.
- Determine whether local language assistance programs have been effective and sufficient to meet the need.
- Determine whether the NDDOT's financial resources are sufficient to fund language assistance resources needed.
- Determine whether the NDDOT fully complies with the goals of this LEP Plan.
- Determine whether complaints have been received concerning the agency's failure to meet the needs of LEP individuals.

DISSEMINATION OF THE NDDOT LEP PLAN

- Post signs at NDDOT division and district offices notifying LEP individuals of the LEP Plan and how to access language services.
- State on agendas and public notices that a Request For Accommodation is available to request documents in various languages at NDDOT division and district offices.
- Post on NDDOT's website the LEP Plan and how to access language services.
- NDDOT's website has a "Contact Us" webpage with a contact person and telephone number for "Language Interpreter Service" assistance.