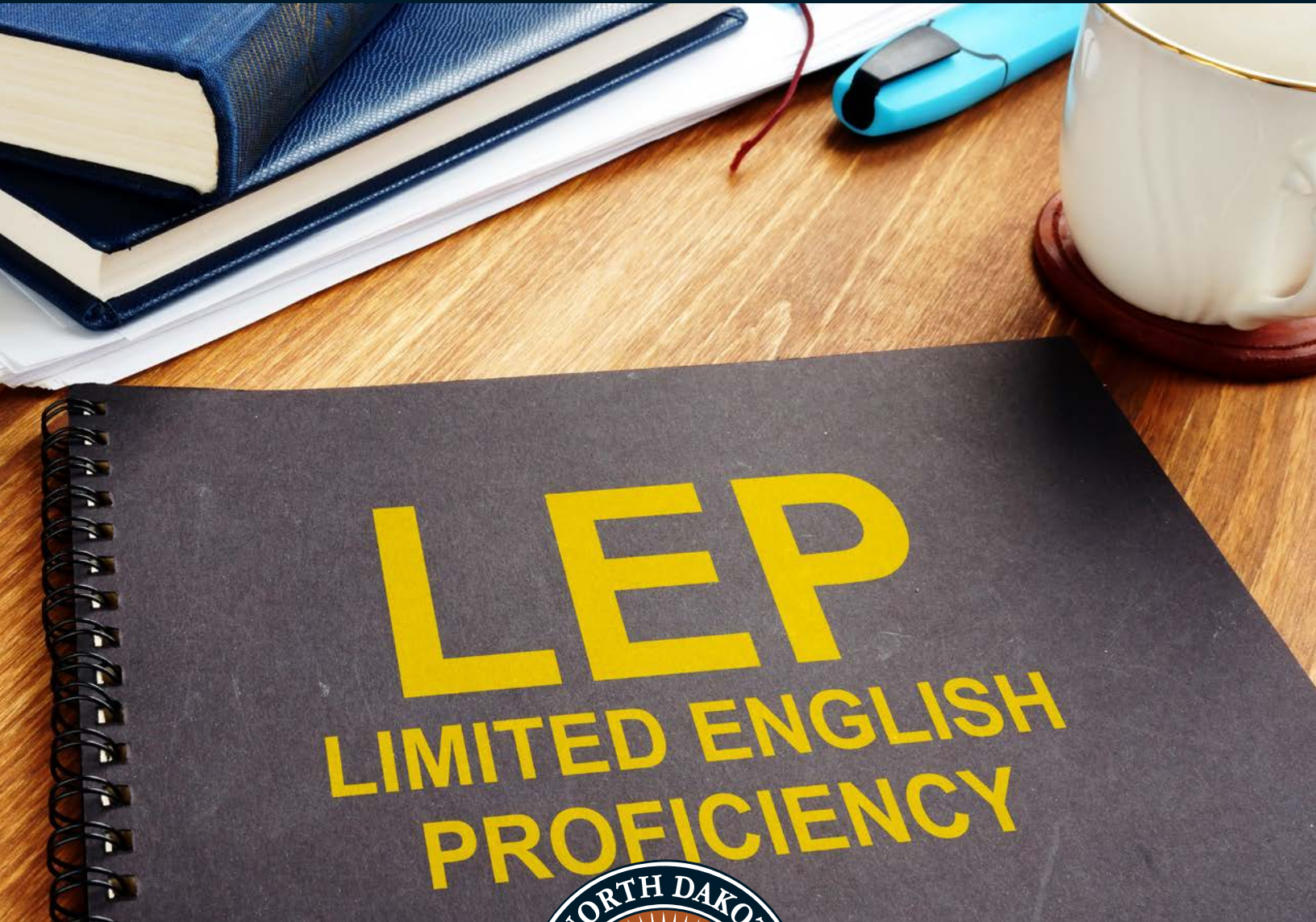


**NORTH DAKOTA
DEPARTMENT OF AGRICULTURE
LIMITED ENGLISH PROFICIENCY PLAN**



Agriculture Commissioner
Doug Goehring

Introduction

This Limited English Proficiency Plan has been prepared to address the North Dakota Department of Agriculture (NDDA) 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, Section 601; 42 U.S.C. 2000d et seq.; and its implementing regulations, stipulate that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity that receives Federal financial assistance. The Supreme Court, in *Lau v. Nichols*, 414 U.S. 563 (1974), interpreted Title VI regulations promulgated by the former Department of Health, Education, and Welfare to hold that Title VI prohibits conduct that has a disproportionate effect on LEP persons because such conduct constitutes national origin discrimination.

Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency,” reprinted at 65 FR 50121 (August 16, 2000), directs each Federal agency to examine the services it provides and to develop and implement a system by which LEP persons can meaningfully access those services. The Executive Order further states that recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. Federal agencies were instructed to publish guidance for their respective recipients in order to assist them with their obligations to LEP persons under Title VI. The Executive Order recommended uniform guidance to recipients on the preparation of a plan to improve access to its federally assisted programs and activities by eligible LEP persons. Each plan must be consistent with the standards set forth in the Department of Justice’s (DOJ) Policy Guidance Document entitled, “Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons” (“DOJ LEP Guidance”), reprinted at 67 FR 41455 (June 18, 2002). The DOJ LEP Guidance was drafted and organized to function as a model for similar guidance by other Federal agencies. In accordance with DOJ LEP Guidance, USDA issued LEP Guidance for Assisted programs on November 28, 2014.

Definitions/Key Terms

Agency - The departmental program with delegated authority to deliver programs, activities, benefits, and services.

American English – The language/dialect primarily used in the United States.

Certified Interpreter – An individual who has taken and passed an examination administered by a knowledgeable authority.

Discrimination – The unfavorable treatment or consideration of, or making a distinction in favor of or against, a person based on the group, class, or category to which that person belongs rather than on individual merit.

Federally Assisted Program – All programs and operations of entities that receive assistance from the Federal government.

Interpretation – Listening to communication in one language and orally converting it to another language while retaining the same meaning.

Language Access – Efforts to make programs and services accessible to individuals who are not proficient in English.

Language Assistance Services – Interpretation or translation services that assist Limited English Proficient individuals in understanding or communicating in another language.

Limited English Proficiency Person – An individual who does not speak English as his or her primary language and has a limited ability to reason, speak, write, or understand English.

Translation – The process of transferring ideas expressed in writing from one language to another.

Translator – A person who converts language into an alternative form of communication so it is understandable to persons who communicate differently.

Vital Document – Paper or electronic written material that contains information that is critical for accessing a program or activity, or is required by law, such as consent forms, applications, and notices of rights.

Policy Statement

It is the policy of the NDDA to take reasonable steps to provide meaningful access to all individuals who wish to access State services regardless of their national origin or limited ability to speak, read, write, or understand English. Should NDDA employees receive requests from current recipients or prospective recipients of services, they should contact their Division Director for guidance. To ensure that LEP customers are provided adequate services, the NDDA will conduct a four-factor analysis upon determining that LEP services are needed, in order to provide meaningful access to NDDA services. The four-factor analysis addresses the following:

I. Four Factor Analysis

1. The number or proportion of LEP persons eligible to be serviced or likely to be encountered by the Agency.
2. The frequency with which LEP persons using a particular language come in contact with the Agency.
3. The nature and importance in which the NDDA provided to the individual's life.
4. The resources available to the NDDA and costs associated with providing LEP services.

II. Language Assistance

LEP individuals will be informed of the availability of language assistance services free of charge at the point when it appears that the person is not able to communicate in English. Once identified, staff has the following assistance options available:

- Use Apple/Translate app on Agency issued I-Phone.
- Include attached LEP Preferred Language Table with applications (**Table 1**).
- NDDA website has self-translate feature built in.
- Locate a certified interpreter from within NDDA resources.
- Contact State contracted translation/interpretation services through Division Director.

If Limited English Proficiency services are offered by NDDA and refused, the State employee will complete (**Appendix 1**) to be filed with the appropriate NDDA Division.

III. Implementation

Our current implementation goals are outlined in (**Table 3**) of the Limited English Proficiency Plan for NDDA.

IV. Communication/Outreach (Current LEP practices)

This plan and the availability of LEP services will be posted on the NDDA's website. The LEP Plan will be displayed in State offices. NDDA will include LEP Preferred Language Table (**Table 1**) with applications in which it is required. The state will indicate compliance on the appropriate civil rights self-assessment form (i.e., FSIS 1520-1).

V. LEP Training

NDDA employees will be trained on LEP policy procedures annually. The training requirement may be fulfilled through review of the LEP Plan at performance new hire onboarding, employee appraisal discussion, department/division meetings, or other means as appropriate.

VI. Roles and Responsibilities

The Division Director is responsible for an annual review and update of this LEP Plan as needed. This administrative directive is part of the mandatory reference material for all program personnel, for example Meat & Poultry Inspection. Any requests for interpretation or translation shall be recorded on (**Table 2**) and routed to the Division Director through the supervisory chain. NDDA offers its programs to people of all ages, regardless of race, color, sex, religion, national origin, or disability and is an equal opportunity employer.

Table 1**LEP Preferred Language Table**

Mark this Box if you speak...	Language Identification Chart	Language
	I speak English	English
	Yo hablo español	Spanish
	አማርኛ እናገራለሁ።	Amharic
	我說中文	Chinese
	Mluvím česky	Czech
	Je parle français	French
	Ја говорим српски	Serbian
	Ich spreche Deutsch	German
	Govorim bosanski	Bosnian
	waxaan ku hadlaa somali	Somali
	Я розмовляю українською	Ukranian
	Nazungumza kiswahili	Swahili

Table 2

Limited English Proficiency (LEP) Requests

Establishment Number/Location: _____

Year: _____

Date	Person Contacted	Primary Language	How Contacted	Type of Service Provided to LEP

Return to Bismarck Office Before January 1

ND Department of Agriculture
600 E. Boulevard Ave, Dept 602
Bismarck, ND 58505-0020

Table 3

LEP Implementation Plan

Responsible Person/Staff	Action to be Taken	Timeline
Division Director	1. Ensure employees who interact with LEP individuals receive LEP training.	Annually (regular updates or courses as needed).
Division Director	2. Review and reissue LEP plan.	January 2025 (and then annually as needed).
Division Director	3. Gather data for languages spoken in geographic areas being serviced. Review and analyze any new data gathered to determine what new LEP services are needed.	Ongoing with an annual review.
Division Director	4. Identify any new vital documents to be translated.	Annually (or as needed based on the introduction of new documents).
Division Director	5. Secure contractor for translation and interpretation services.	Ongoing, with reviews annually or as needed.
Division Director	6. Ensure that there is adequate funding, and that other resources are available to provide effective and efficient LEP services.	Annually (or as needed).
Division Director	7. Notify beneficiaries of LEP services	Ongoing
Division Director	8. Track LEP interactions. (Table 2)	Ongoing, with annual reports.
Division Director	9. Report LEP interactions to the Agency's Civil Rights Staff.	Annually (or as needed).

LEP Release Acknowledgment Form

I hereby affirm that I offered language assistance or interpreter services at no cost to _____ and the services were declined. I explained that the use of a family member or friend for the services could result in a breach of confidentiality, violating his/her individual privacy, and could disclose sensitive and confidential information that he/she would not like disclosed.

Beneficiary's Acknowledgment:

By signing below, I acknowledge that I have received or declined language assistance services as explained above.

Beneficiary's Name (Printed): _____

Signature of Beneficiary (or Authorized Representative):

(If beneficiary is unable to sign, provide reason and include signature of authorized representative)

Date: _____

Name of NDDA Representative (Printed): _____

Signature of NDDA Representative: _____

Date: _____

Return to Bismarck Office Before January 1

ND Department of Agriculture
600 E. Boulevard Ave, Dept 602
Bismarck, ND 58505-0020

FOR STATE OFFICE USE ONLY
Establishment Number/Location:
Year:
Documented by:
Date:

