

**Pipestone County Family Service Agency  
121 Main Street West  
Pipestone, Minnesota 56164**

**LIMITED ENGLISH PROFICIENCY PLAN  
Effective January 1, 2006**

**A. 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 US Department of Health and Human Services.

**B. 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 US 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 Pipestone County Family Service Agency 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 US 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 Person With Limited English Proficiency (August 30, 2000); OCR Website: [www.hhs.gov/ocr/lep/](http://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

**C. Written Plan**

**1. Persons Covered by Policy – Identifying Clients with Limited English Proficiency**

Pipestone County Family Service Agency 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 Pipestone County Family Service Agency staff. Sometimes it is not this 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.

## **2. Statement of Commitment to Meaningful Access**

No person will be denied access to Pipestone County Family Service Agency programs or program information because he/she does not speak English or speaks limited English. Pipestone County Family Service Agency will provide for effective communication between clients with LEP and Pipestone County Family Service Agency staff by making appropriate language 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.

## **3. 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 preference. For example, if a client wants a family member or friend to interpret rather than a Pipestone County Family Service Agency 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 5 & 6.]

## **4. Uncommon Languages**

When interpreter services are needed in a language not commonly used, the client with LEP will be connected to the Language Line, a telephone interpretation/translations service with which Pipestone County Family Service Agency contracts. Pipestone County Family Service Agency, in conjunction with the three (3) public school districts within Pipestone County have identified that the following languages are spoken here: Chinese, Laotian, Spanish, and Thai. Due to the minimal number of each, all languages other than English are considered uncommon in Pipestone County.

## **5. Emergency Situations**

When programs require access to services within short time frames, Pipestone County Family Service Agency 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, Pipestone County Family Service Agency goal is to make the service accessible within the required time frame, whether that means using the language line or any other appropriate type of language assistance.

## **6. Interpretation and Translation Defined**

For the 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.

## **7. Assisting Clients that Don't Read Their Language**

Pipestone County Family Service Agency 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.

## **D. Procedure for Using Interpretation**

### **1. Verification of Client's Identity**

Pipestone County Family Service Agency staff should continue the existing practice of verifying the identity of the client before releasing case-specific information. 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.

### **2. 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.

#### **a. Telephone Interpreter Service**

The Language Line number is 1-800-367-9559. The Pipestone County Family Service Agency Client ID number is 509068 and each employee has his/her own personal code that is assigned by the accounting department.

Pipestone County Family Service Agency staff should familiarize themselves with the Language Line before they actually need to use it. Being familiar with how to use this service will help staff act quickly when clients need interpreter assistance. See "Helpful Hints for Using Telephone Interpreters," Attachment 1 of this policy.

#### **b. Contract Interpretation and Translation Services**

Primary source of interpreter service will be the Language Line. Contract interpretation will be handled on a case-by-case basis. If a situation warrants an interpreter be present, the Agency will contract with an individual servicing the Pipestone/Jasper School District or the Worthington School District. Translation of documents will be done through the Language Line. The Agency does not plan to translate any specific forms at this time. If appropriate, forms translated by the Department of Human Services may be utilized.

**c. 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.

Pipestone County Family Service Agency 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 are not 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 Pipestone County Family Service Agency offers free interpreter services, Pipestone County Family Service Agency 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. Pipestone County Family Service Agency staff must 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, Pipestone County Family Service Agency should suggest that a trained interpreter listen in on the interview to ensure accurate interpretation.

Language Line 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. Language Line should also be preferred in situations where a client must answer complicated or detailed questions about his/her case. Family or friends may also handle these interpretations, but Language Line should be used for follow-up calls or letters.

Pipestone County Family Service Agency 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.

**d. Rule for Minor Children**

Pipestone County Family Service Agency staff should **never** use minor children as interpreters.

**e. 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 Pipestone County Family Service Agency, the information that is collected regarding its clients is considered private data. Except in emergencies, this data may not be released to anyone other than the client, Pipestone County Family Service Agency employees, the agents of Pipestone County Family Service Agency, or other authorized by the courts or federal law, without the client's written, informed consent.

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

**f. Competency of Interpreters**

Pipestone County Family Service Agency will make sure that interpreters have been trained and demonstrate competency. 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 an 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.

**E. Notice of Rights to Language Assistance**

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

Pipestone County Family Service Agency staff will use "I Speak" cards to help clients with LEP be able to identify their language needs for staff. Pipestone County Family Service Agency 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.

**F. Procedure for Using/Distributing Translated Forms**

At present, Pipestone County Family Service Agency does not maintain a supply of Income Maintenance forms or documents in languages other than English. Translated forms will

be obtained from DHS form supply or another county, as needed. The Health Care Application Form, Renewal Form, and Household Report Form are available on the DHS website at [www.dhs.state.mn.us/Forms](http://www.dhs.state.mn.us/Forms) and will be obtained as needed.

At the appropriate times, Pipestone County Family Service Agency staff must send clients the preferred translated forms automatically when the same forms are sent to clients automatically in English.

Social Services does maintain a supply of “Parent’s Rights Information: Removal of a Child from Home” in Cambodian, Hmong, Korean, Spanish, and Vietnamese.

## **G. Translation Plan**

Pipestone County Family Service Agency 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 Pipestone County Family Service Agency programs needs services or information in a language other than English to communicate effectively. Pipestone County Family Service Agency has determined that the significant number that will trigger translation is 500 individuals within an LEP language group.

Pipestone County Family Service Agency 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 to 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.

## **H. LEP Training for Pipestone County Family Service Agency Staff**

Pipestone County Family Service Agency 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 attend LEP training once per year. In addition, information about the LEP plan will be incorporated into the Pipestone County Family Service Agency New Employee Orientation beginning July 2001.

LEP training will include information on the following topics: Pipestone County Family Service Agency’s legal obligation to provide language assistance to clients with LEP; the substance of Pipestone County Family Service Agency’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 needs in the client’s case file.

## **I. Monitoring of the LEP Plan**

Beginning in January of each year, Pipestone County Family Service Agency will conduct an evaluation of its LEP plan to determine its overall effectiveness. The evaluation will consider what is working and what is not and make adjustments to the LEP plan accordingly.

Pipestone County Family Service Agency 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 and 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.
- Determine if existing language assistance services are meeting the needs of clients with LEP.
- Assessing whether staff members understand Pipestone County Family Service Agency'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, and the effectiveness of Pipestone County Family Service Agency's LEP plan.

#### **J. LEP Plan Posted for Public Review**

The LEP plan will be posted for public review in the Pipestone County Family Service Agency lobby. The LEP plan will be available in English, but interpreters will translate as needed 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.

#### **K. Distribution of LEP Plan**

Immediately upon its completion, the Pipestone County Family Service Agency plan will be distributed to all agency staff.

#### **L. Responsible Authority/Complaint Process – Contact Person**

Each Pipestone County Family Service Agency unit 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. Pipestone County Family Service Agency 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.

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