



Policy Name:	Language Assistance/ Limited English Proficiency Plan
Policy Code:	418
Policy Purpose:	Language Assistance/ Limited English Proficiency

a. Overview

The purpose of this plan is to document the policies and procedures as they apply to providing meaningful access (language access) to individuals with Limited English Proficiency (LEP) while accessing services and information at Rise. This plan serves to meet the Federal Transit Administration's (FTA's) and the Department of Human Services' requirements to comply with Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin.

Rise is committed to this plan as the appropriate response to meeting the people we support's needs. Rise as a sub-recipient of FTA funds, has a transit system that is pledged to take reasonable steps to provide meaningful access to its transit services for persons who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.

b. Authorities

The completion of this plan for persons with Limited English Proficiency conforms to the requirements of:

- a. 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.
- b. FTA Circular 4702.1B Title VI Requirements and Guidelines for Federal Transit Administration Recipients.
- c. Office for Civil Rights Policy Guidance, Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 68FR 47311 (2003).
- d. Department of Justice regulation, 28 CFR §42.405(d)(1), Department of Justice, Coordination of Enforcement of Non-discrimination in Federally Assisted Programs, Requirements for Translation. http://www.justice.gov/crt/grants_statutes/corregt6.txt
- e. Bilingual requirements in the Food Stamp program, 7 CFR §272.4 U.S. Department of Agriculture, Food and Consumer Service. <http://www.gpo.gov/fdsys/pkg/CFR-1998-title7-vol4/pdf/CFR-1998-title7-vol4-sec272-4.pdf>
- f. Communications Services, Minnesota Statutes § 15.441, subd (1), (2), (3), (4). <https://www.revisor.mn.gov/statutes/cite/15.441>

- g. Information for persons with limited English language proficiency, Minnesota Status §256.01 subd 16. <https://www.revisor.mn.gov/statutes/?id=256.01>

c. **Definitions**

- a. Culturally appropriate services – utilization or application of services, testing, and any other methodology that does not have the effect of subjecting individuals with LEP, and/or their families to discrimination because of their race, color, or national origin, or do not have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, or national origin.- 45 CFR 80.3(b)(2).
- b. Effective communication - In a human services setting, effective communication occurs when provider staff have taken the necessary steps to make sure that a person with limited English proficiency is given adequate information to understand the services and benefits available and receives the benefits for which he/she is eligible. Effective communication also means that a person with limited English proficiency is able to communicate the relevant circumstances of his/her situation to the provider.
- c. Individual with Limited English Proficiency (LEP) - A person with limited English proficiency or "LEP" is not able to speak, read, write or understand the English language well enough to allow him/her to interact effectively with health and social services agencies and other providers.
- d. Meaningful access - Meaningful access to programs and services is the standard of access required of federally funded entities to comply with Title VI's language access requirements. To ensure meaningful access for people with limited English proficiency, service providers must make available to applicants/recipient's free language assistance that results in accurate and effective communication.
- e. Office for Civil Rights (OCR) - The Office for Civil Rights is the civil rights enforcement agency of the U.S. Department of Health and Human Services. OCR Region V is the regional office that enforces Title VI in Minnesota for health and human services agencies/ providers.
- f. Primary languages - Primary languages are the languages other than English that are most commonly spoken by the people Rise Supports as identified by Rise's LEP Needs Assessment – the Four-Factor Analysis.
- g. Translation - Translation means the written transfer of a message from the source language into the target language.

d. **Resources**

The U.S. DOT's FTA Office of Civil Rights' publication "Implementing the Department of Transportation's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient Persons – A Handbook for Public Transportation Providers," dated April 13, 2007, and the Minnesota Department of Human Services Limited English Proficiency Plan (DHS-4210) (PDF), dated April 2007 were used in the preparation of this plan.

e. **Meaningful Access Policy**

- a. Plan Development

- i. This plan was developed to serve people supported by Rise’s programs, prospective persons supported, their family members/ guardians, or other interested members of the public (hereafter called “LEP person(s)”) who do not speak, read, write or understand English or who do so on a limited basis.
 - ii. Persons are eligible for supports under this plan 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 Rise staff.
 - b. Rise Commitment to Meaningful Program Access
 - i. No person will be denied access to Rise program information or programs because he/she does not speak English or communicates in English on a limited basis.
 - ii. Rise will provide for effective communication between LEP persons and Rise staff by making appropriate language assistance services available when persons need these services.
 - iii. Rise will provide the people we support with meaningful access to programs and services in a timely manner and at no cost to the person.
 - c. Affirmative Offer of Language Assistance
 - i. Rise staff will initiate an offer for language assistance to persons who have difficulty communicating in English.
 - ii. When persons ask for language assistance, staff must offer free interpretation and/or translation services in a language they understand, in a way that preserves confidentiality, and in a timely manner.
 - iii. Whenever possible, staff are encouraged to follow a person’s preferences.
 - d. Competency Standards for Interpreters
 - i. To provide effective services to LEP persons, Rise will use competent interpreters.
 - ii. “Competency” requires that interpreters will have demonstrated proficiency in both English and the intended language; training that includes the skills and ethics of interpreting (e.g. issues of confidentiality); fundamental knowledge in both languages of any specialized terms or concepts; and sensitivity to the person’s culture.
 - iii. Rise contracts with qualified translators or translating agencies to assist individuals with LEP in translating all vital documents, or documents needed to perform services.

f. **LEP Needs Assessment: The Four-Factor Analysis**

TITLE VI REQUIREMENTS AND GUIDELINES FOR FEDERAL TRANSIT ADMINISTRATION RECIPIENTS

Factor 1

The number or proportion of LEP persons in our service area who may be served or are likely to encounter a program, activity, or service.

- i. We assessed the following information about LEP persons to determine the number or proportion of LEP persons who might use or want to use our services.
- ii. Demographics of LEP population among current Rise program participants.
 1. Number of LEP person in our service area is 853,119 (see number 4 below for more details).
 2. The total eligible population in our service area is 2,986,485.
 3. The proportion of LEP person to the total eligible service population is 28.6%.
 4. Rise utilized data from the 2022 American Community Survey (ACS) to determine the number or proportion of LEP persons who might use or want to use our services.
 5. Rise’s assessment includes LEP persons in the following categories: Spanish, Other Indo-European Languages, Asian and Pacific Island Languages, and Other Languages as reported in the 2022 American Community Survey (ACS). Given the parameters outlined, our research indicates the following:

Populations	Total Number	Percentage of Total
Total Service Area*	2,986,485	100%
Spanish Language	233,193	7.8%
Other Indo-European Languages	133,638	4.5%
Asian and Pacific Island Languages	279,537	9.4%
Other Languages	206,751	6.96%

**This service area includes 8 Counties in Minnesota: Anoka, Chisago, Hennepin, Isanti, Mille Lacs, Ramsey, Stearns, Washington; and 1 County in Wisconsin: St. Croix. These counties are provided in Rise’s 2022 Outcomes and Demographics report as those that have 60 or more persons served by Rise programs.*

6. Rise leaders also considered the demographics of the agency’s overall service population. In 2022, 77% of Rise consumers identified as White/Caucasian; 14% as African American; 4% as Asian; 2% as Native American; 2% as Hispanic/Latino and 1% as Other.

Factor 2

The frequency with which LEP persons come in contact with our programs, activities, or services.

- I. While Rise managers in specific programs often interact with LEP persons, they have had limited requests for transportation services.
- II. Rise Transportation Services provide accessible and flexible service for persons with disabilities and seniors. Rise buses provide rides to work, program sites, recreation/fitness centers such as the local YMCAs, and community centers in the area.

- III. If there were a request, Rise's Director of Transportation and drivers would work directly with program managers to assist LEP persons seeking transit services, and to ensure they are able to provide appropriate safety and route information in the required language.
- IV. Rise's Director of Transportation and other program leaders participate regularly in relevant transportation-related Committees and maintain ongoing contacts with other community organizations to discuss issues for riders, whether they are persons with disabilities and/or LEP persons.
- V. The conclusions drawn from examining this information about LEP persons seeking transit services are: Our statistics indicate that less than two percent of individuals currently using Rise Transportation Services are among all LEP population groups above. Our data shows that twelve percent indicate American Sign Language (ASL) as a primary language in the populations that we serve.
- VI. We recognize the importance of accessible and flexible transportation for LEP persons, and we are confident that Rise has the capacity to serve LEP persons in our Transportation Services.

Factor 3

The nature and importance of programs, activities, or services provided to the LEP population.

- a. Our transit system considers transit to be an important and essential service for many people living in our service area.
 - a. Many LEP persons are eligible to use our transit service to travel to and from their residence and various program sites and/or places of employment throughout the communities shown above.

Factor 4

The resources available to Rise and the overall cost to provide language assistance.

- a. Our current budget for marketing to or communicating with LEP persons in their language about services that are available to them is \$2,500. This may include funding for staff training, translation services, brochures, flyers, posters, newspaper ads, radio ads, website, etc.
- b. Rise's experience in providing services for LEP persons shows the majority of non-English speakers have limited literacy in their native language. Because most program participants are unable to read in their own language, communication between staff members and consumers is generally oral.
- c. Rise utilizes interpreter services whenever appropriate.

VII. Language Assistance Measures

- a. Rise will post the Minnesota Department of Human Services Poster (DHS-4739-ENG) where it is visible to people we support, and potential people we may support at all of our locations.
- b. Rise front desk support staff will also have i-speak cards (DHS-4374-ENG) available for individuals that need assistance as well.

- c. Rise has the capacity to provide access to LEP individuals through competent oral interpreters, where oral language services are needed and reasonable.
- d. Staff members also have access to translation services in the community.
- e. Rise's LEP assessment will be reviewed annually.
- f. Program managers are responsible for reporting the demographics of their caseloads and maintaining information regarding a program participant's communication needs in the person's case file.
- g. Rise's Vice President of Human Resources is the organization's Corporate Compliance Officer, who has primary responsibility to monitor the Title VI Plan and LEP, ensuring our compliance with Title VI General Requirements and Guidelines as described in Chapter III of the FTA C 4702.1B Circular.

VIII. **Using an Interpreter – General Requirements**

- a. Verify person's identity.
 - i. Before releasing case-specific information, Rise staff must verify the identity of the person supported.
 - ii. Bilingual staff or contracted vendors providing interpretation or translation services may assist Rise staff in making verifications.
- b. Document use of interpreter
 - i. Rise staff must always document in the person's case file or keep appropriate records when an interpreter is used or when a person makes use of another form of language assistance.
- c. Do not use minor children
 - i. Rise staff will never use minor children as interpreters.
- d. In-person interpreter services
 - i. If an interpreter is needed in-person rather than over the telephone, staff will make arrangements to have an interpreter available at a time and place that is convenient for both the interpreter and the person requiring assistance.
- e. Uncommon languages
 - i. When interpreter services are needed for a language not commonly spoken in Minnesota, use the interpreter resources listed below.
- f. Primary methods
 - i. Rise bilingual staff:

1. Rise will use its best efforts to assign clients with LEP to bilingual staff who speak their language.
- ii. Contracted Qualified Interpreters:
 1. Middle English, 612-747-2813 or 612-276-6105 for Facetime, schedule@middle-english.com (American Sign Language (ASL) interpreting, in person and video)
 2. The Language Banc (PGLS), 612-588-9410 (onsite interpreting, over the phone and document translation services)
 3. Language Line Solutions, 1-800-752-6096 (over the phone)

IX. **LEP Liaison & Coordinator**

Denise Thul,
Vice President of Human Resources (Corporate Compliance Officer)
Rise, Incorporated
6499 University Ave, Suite #200
Fridley, MN 55432
763-783-8334
FAX: 763-792-2460
dthul@rise.org

Donna Klaphake,
HR Generalist
Rise, Incorporated
6499 University Ave, Suite #200
Fridley, MN 55432
763-783-2816
FAX: 763-792-2460
dklaphake@rise.org

X. **Annual Monitoring, Evaluating and Updating Plan**

- a. Rise reviews annually its LEP plan to adjust or modify its contingencies based on demographic data collected by Rise during its delivery of information and services to individuals with LEP throughout the year. As part of our review we will:
 - i. Assess its effectiveness (e.g., comparing numbers of LEP persons served by year, number of requests for language assistance received during the year);
 - ii. Assess the sufficiency of staff training and budget for language assistance;
 - iii. Review current sources for assistance to ensure continuing availability; and
 - iv. Review complaints from LEP persons, or complaints about their needs, that were received during the past year.

- b. This plan will be reviewed by the Vice President of Human Resources (Corporate Compliance Officer) annually. Revisions of this plan will be approved by the organization's Board of Directors and dated.

XI. Dissemination and Mandatory Training to Agency Staff, Volunteers, and Others

- a. To ensure effective implementation of this plan, Rise will schedule training for new staff and for all relevant employees on an annual or regular basis to review:
 - i. The Limited English Proficiency/ Language Assistance Plan;
 - ii. Demographic data about local LEP population;
 - iii. Printed LEP persons' materials, if required and/or appropriate;
 - iv. Procedure for handling verbal requests for services in a foreign language;
 - v. Responsibility to notify program managers about any LEP persons' unmet needs;
 - vi. Title VI of the Civil Rights Act of 1964;
 - vii. How to work effectively with interpreters; and
 - viii. Any other cultural issues related to delivery of information and services to individuals with LEP served by Rise.
- b. Receptionists at Rise facilities will be trained regarding procedures for handling Title VI questions, and have copies of Title VI Complaint Forms available upon request. The receptionist will generally refer all questions regarding our LEP plan and LEP resources to the Vice President of Human Resources (Corporate Compliance Officer), and will also include the Director of Transportation for all transportation-related issues and complaints.
- c. Rise will keep record of those training sessions and individual record of attendance to training will be part of personnel files. Record of this training will be kept for a minimum of five years and be readily available during governing agency audits, investigations, or any proceeding and as required by the law.

XII. Dissemination of Language Access Information in Public Areas

- a. This Language Assistance Plan is available on our website at www.rise.org and this plan is posted in public areas of Rise, to all staff, volunteer, and contractors, and to members of the community. This plan is also available at no cost in English upon request by telephone, fax, and mail or in person.
- b. If requested to be provided in another language and it is feasible to have it translated, information will be provided at no cost to the requestor.
- c. Rise makes available to individuals with LEP:
 - i. Notice of language access services by posting in public areas the "Language Poster", available through DHS public Web site ([DHS-4739-ENG \(migrationpolicy.org\)](http://DHS-4739-ENG(migrationpolicy.org)))

- ii. "I need an interpreter" card available in ten languages and from DHS public Web site ([DHS-4374-ENG 5-17 \(state.mn.us\)](https://www.dhs.gov/4374-eng-5-17-state.mn.us))

XIII. **Complaint Process**

- a. Individuals with LEP have the right to file a formal complaint with the following individuals. Additionally, the persons we serve have access to a complaints and grievance process outlined in Policy 411: Complaints and Grievances.
- I. Denise Thul
Vice President of Human Resources (Corporate Compliance Officer)
Rise, Incorporated
6499 University Ave, Suite #200
Fridley, MN 55432
763-783-8334
FAX: 763-792-2460
dthul@rise.org
 - II. Minnesota Department of Human Services (DHS), Limited English Proficiency (LEP) Coordinator:
Alejandro Maldonado
651-431-4018
P.O. Box 64997
Saint Paul, MN
55164-0997
alejandromaldonado@state.mn.us
Fax 651-431-7444
MN Relay 711 or 1-800-627-3529
 - III. Office for Civil Rights (OCR), Region V – Chicago, IL
Steven Mitchell, Regional Manager
Office for Civil Rights
U.S. Department of Health and Human Services
233 N. Michigan Ave., Suite 240
Chicago, IL 60601
Voice Phone (800) 368-1019
FAX (202) 619-3818
TDD 800- 537-7697
Email: ocrmail@hhs.gov
<http://www.hhs.gov/ocr/civilrights/complaints/index.html>
 - IV. U.S. Department of Transportation, Federal Transit Administration (FTA),
Office of Civil Rights
1200 New Jersey Avenue SE
Washington, DC 20590
Phone: 1-888-446-4511 or 711(Relay)
email: FTACivilRightsCommunications@dot.gov