



LANGUAGE ACCESS PLAN

I. PURPOSE AND AUTHORITY

The purpose of this NDSP Limited English Proficiency (LEP) Plan is to ensure that NDSP takes reasonable steps to provide LEP individuals with meaningful and timely access to all of its programs, activities, and services. This LEP Plan is intended to satisfy the requirements of Title VI of the Civil Rights Act of 1964, its implementing regulations and guidance documents, and Nevada Senate Bill 318 (2021). Title VI prohibits intentional discrimination and discriminatory effects on the basis of race, color, and national origin, including limited English proficiency, by recipients of federal financial assistance. SB 318 requires NDSP to assess existing needs of persons served by NDSP and develop a plan to improve access to its programs, activities, and services.

Consistent with these laws, NDSP developed this Plan to set forth reasonable steps for ensuring communications between the NDSP and LEP individual are not impaired as a result of an individual's limited English proficiency. This LEP Plan is an essential piece of NDSP's mission to preserve and enhance the environment of the State in order to protect public health, sustain healthy ecosystems, and contribute to a vibrant economy.

The LEP Plan is intended only to improve access to NDSP's programs, activities, and services, and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the State of Nevada, its agencies, its officers or employees, or any person. Because this document is intended for internal management purposes only, it should not be cited in any judicial or administrative proceedings. Administration of the program discussed in this LEP Plan is within the sole discretion of NDSP.

II. POLICY STATEMENT

A. Commitment to Meaningful Access

NDSP is committed to providing LEP individuals with meaningful access to NDSP's services, programs, and activities.

B. Language Assistance Measures

NDSP will develop methods for identifying LEP individuals who contact NDSP through correspondence (via U.S. mail, fax, email, or website inquiry), telephonically, or in person, and who may need language assistance. Upon determining the need for language assistance, NDSP will take reasonable steps to ensure that its communications and materials pertinent to the

program, service, or activity are conducted with the use of a qualified interpreter or translator, through telephonic or video interpretation with qualified interpreters, or through a bilingual staff member. NDSP will take reasonable steps to ensure that vital documents related to NDSP's programs, services, and activities are translated into the most frequently encountered language(s) of those LEP individuals affected by the programs, services, or activities or are interpreted for LEP

individuals. NDSP staff who interact with the public will be trained on language access policies and procedures, including how to access policies and procedures, how to access language assistance services, and how to identify and work with LEP individuals, interpreters, and translators. NDSP staff who encounter and identify LEP individuals should maintain a record of their contact with them and the primary languages spoken. NDSP's Language Access Coordinator will facilitate compliance with this LEP Plan.

C. Language Access Coordinator

Janice Keillor
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901 South Stewart Street, Suite 5005
Carson City, Nevada 89701
jkeillor@parks.nv.gov
775-684-2787

III. APPLICABILITY

The policies, procedures, and responsibilities of this LEP Plan apply to all NDSP staff, including those working on their behalf, such as contractors and grantees.

IV. DEFINITIONS

Bilingual Staff Member – An agency staff member who has demonstrated proficiency in both English and at least one other language. A bilingual staff member may speak or write directly to an LEP individual in a language other than English.

Contractor – Any entity that performs work or provides services on behalf of NDSP under a contractual agreement with reimbursement. (“Contract means a mutually binding legal relationship obligating the seller to furnish the supplies or services (including construction and the buyer to pay for them).”)

Effective Communication – Communication sufficient to provide the LEP individual with substantially the same level of access to services and information received by individuals who are not LEP.

Interpretation – The act of listening to or watching a communication in one language (source language) and orally or visually converting it to another language (target language) while retaining the same meaning.

Interpreter – An individual who conveys meaning orally or visually from one language (the source language) into another (the target language).

Limited English Proficient (LEP) Individuals – Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English. LEP individuals

may be competent in English for certain types of communication (e.g. speaking or understanding), but still be LEP for other types of communication (e.g. reading or writing).

Meaningful Access – Language assistance that results in accurate, timely, and effective communication to the LEP individual. For LEP individuals, meaningful access denotes reasonable efforts to provide language assistance services to ensure that LEP individuals have substantially equal access to NDSP programs, services, and activities.

Primary Language – An individual’s primary language is the language in which an individual most effectively communicates.

Written Translation – The replacement of written text from one language (source language) into an equivalent written text in another language (target language).

Visual Translation – The use of visual sign language to bridge the communication gap between deaf and hearing people.

Vital Document – Paper or electronic material that is critical for access to NDSP’s programs, services, and activities or contains information about procedures or processes required by law. Classification of a document as “vital” depends on the importance of the program, information, encounter, service involved, or activity and the consequence to the LEP individual if the information in question is not provided accurately or in a timely manner.

V. NDSP DATA COLLECTION ON LEP CLIENTS

NDSP will track the oral, written, and visual language services provided to its LEP clients. NDSP’s LEP coordinator will develop a system and means to track client data required for compliance with Title VI of the Civil Rights Act and SB 318 (2021) as well as cost for these services. NDSP will review and analyze this data as part of its biannual update to this Plan and will adjust this Plan and its procedures, if appropriate, to more effectively provide its LEP clients with meaningful access to its programs, services, and activities.

VI. NDSP LIMITED ENGLISH PROFICIENCY PROCEDURES

A. NDSP’s Interaction with LEP Individuals

Following this plan and protocol will ensure that NDSP is inclusive as it strives to meet its mission and statutory requirements:

It is the intention of the Legislature that the Division shall acquire, protect, develop and interpret a well-balanced system of areas of outstanding scenic, recreational, scientific and historical importance for the inspiration, use and enjoyment of the people of the State of Nevada and that such areas shall be held in trust as irreplaceable portions of Nevada’s natural and historical heritage. (NRS 407.013).

Given NDSP’s varied activities, its specific missions, programs, and services and the State’s diverse population distribution, the type and frequency of contact and interaction with the public and LEP individuals varies significantly.

- NDSP will examine its mission and the programs, services, and activities it offers.
- To the extent that NDSP makes programs, services, and activities available to the public, NDSP will take reasonable steps to ensure meaningful access is available to the LEP public.

Accordingly, NDSP will examine the types and methods of its public interactions. For example, telephone numbers regularly used by the public, public outreach activities and events, publications and letters, and program information available through parks.nv.gov should be accessible to LEP individuals.

B. Identification and Assessment of LEP Communities: A Profile of NDSP's Interaction with LEP Individuals

1. **Profile of LEP Individuals:** The LEP individuals that NDSP encounters include communities, individuals, businesses, and tribal governments. The majority of these LEP individuals speak Spanish. However, NDSP may at times have interactions with individuals who speak other languages.
2. **Prominent Languages:** NDSP considers the languages most commonly spoken by LEP individuals as those identified in by the American Community Survey. According to the (2011-2015) ACS 5-year estimates. For the State of Nevada, the top 3 languages other than English spoken at home by LEP individuals age five years or older are Spanish, Tagalog, and Chinese. To ensure the list remains current, NDSP will review the list each time the ACS survey is updated. Where translated material is targeted at an audience that include LEP language groups other than Spanish, Tagalog, and Chinese, NDSP will consider what additional languages that material should be translated to. Translated material directed to a particular audience need not be translated to other audiences. For example, if a translation is made for a targeted area that is dealing with an environmental hazard and the demographic analysis has shown that the affected language group only speaks Spanish, there is no need to translate the same material into Tagalog, Chinese, etc.
3. **Point of First Contact – Identification of LEP Individuals:** At the first point of contact with an LEP individual, NDSP will make an initial assessment of the need for language assistance services and arrange for such services if they are needed to effectively communicate with the individual.

For field staff the first contact is likely to be in-person, and for office staff it will likely be by telephone or e-mail. To identify the individual's primary language, staff may rely on self-identification by the LEP individual. Staff may also use a bi-lingual staff member and NDSP will research telephonic interpretation services to assist with identifying an LEP individuals language.

During the telephone or in-person individual contact, if relatives, friends, acquaintances, neighbors, or children are present with the individual, staff may rely on these individuals to conduct a first inquiry as to the primary language of the LEP individual. However, staff generally should not rely on these individuals to provide interpretation services because this could result in a breach of confidentiality, a conflict of interest, or an inadequate interpretation.

To identify an individual's primary language, staff may use one or more of the following:

- a. Self-identification by the LEP individual or companion;
- b. Verification by a bilingual staff member; and/or
- c. Contracted interpretation services.
 - 1) Staff Communication while in the Field: If staff encounter LEP individuals who need interpretation services, staff will ask the LEP individuals to identify their language by using an "I Speak" card or other effective resources and will arrange for interpretation services either while on site or as soon as possible thereafter.

- 2) Documenting and Reporting: Staff should utilize the method or process discussed in Section V to document the contact

C. Language Assistance Procedures

NDSP will either employ individual translators/interpreters and/or obtain a language services contract that will provide document translation, in-person interpretation, and telephonic interpretation services to staff and park visitors.

NDSP staff will take reasonable steps to respond in a timely and effective manner to LEP individuals who need assistance or information. LEP individuals will be advised that they may choose to either: use the services of an interpreter provided by NDSP at no cost to them, or, at their own expense, secure the assistance of an interpreter of their own choosing. To ensure that the language assistance services are accurate, meaningful, and effective, NDSP will, on a case-by-case basis, determine which services (interpretation or translation) should be provided. To accomplish this, NDSP will make reasonable efforts to ensure that:

1. LEP individuals who call or visit NDSP offices or parks will receive prompt interpretation or translation from a staff member who has been identified as having the ability to provide language assistance in the language of the customer or through telephonic interpretation service;
2. If NDSP staff encounter an LEP individual while in the field, staff will arrange for a contracted interpreter or an available bilingual staff member.
3. LEP individuals who are unable to access documents written in English will receive a translation or oral or visual interpretation, depending on NDSP determination of the importance of the document and the needs of the LEP individual.

D. Oral and Visual Language Services (Interpreters)

1. NDSP will not require LEP individuals to provide their own language assistance services when communicating with NDSP. NDSP will make oral and visual interpretation services free of charge to the LEP individual. However, LEP individuals who wish to select their own interpreters will bear the responsibility for costs.
2. Depending on the type of language assistance services needed, bilingual staff can be used. When the services of bilingual NDSP staff are not available or appropriate and there is a need for an outside interpreter, NDSP may seek interpretation assistance from contracted interpreters through an agency-wide contract.
3. NDSP will contract with a language service provider that will provide translation, in-person interpretation, and telephonic interpretation agency-wide. NDSP will develop a procedure for requesting and/or reserving these services.
4. Except in unusual circumstances, NDSP should not rely on untrained individuals or volunteer family members, neighbors, friends, acquaintances, and children of the LEP individual to provide interpretation services.

E. Written Language Services (Translation)

1. Vital Documents: Classification of a document as “vital” depends upon the importance of the program, information, encounter, service, or activity involved, and the consequence to the LEP individual if the information in question is not provided accurately or in a timely manner. The determination of what documents are considered “vital” is left to the discretion of NDSP. Documents that could be classified as “vital” generally fall into two broad categories: specific

written communication regarding a matter between an individual and NDSP; and documents primarily geared towards the general public or a broad audience.

The greater the consequences to the LEP individual the more likely language services are needed. NDSP will determine whether denial or delay of access to the program, service, or activity could have serious or even life-threatening implications for the LEP individual. Compulsory communications regarding a program, service, or activity may serve as strong evidence of that the communication is vital.

It may sometimes be difficult to draw a distinction between vital and non-vital documents, particularly when considering outreach or other documents designed to raise awareness of rights or services. Though meaningful access to a program, service, or activity requires an awareness of its existence, NDSP recognizes that it would be nearly impossible, from a practical and cost-based perspective, to translate every piece of outreach material into every language.

- a. With respect to specific written communications regarding a matter between an individual and NDSP, the purpose of translating such written communication is to provide the LEP individual with meaningful access to communication that is critical to understanding the matter at hand.
 - b. With respect to documents intended for public outreach or a broad audience, NDSP should ensure that the documents it considers “vital” are translated where a significant percentage of the population is eligible to be served, or likely to be directly affected, by NDSP’s services, programs, or activities are LEP. NDSP should consider prominent languages spoken by LEP individuals in the State as a guide for prioritizing languages for translation of vital documents.
2. For “vital” documents accepting public comment, NDSP will determine whether to include a statement in the prominent languages spoken by LEP individuals in the State based on demographics or subject matter targeted to specific audiences that language assistance services are available.
 3. NDSP will determine whether a complete translation is necessary, or whether translation of vital information contained within the document provides adequate notice of the document’s content. Under some circumstances, the documents may not need to be translated in their entirety. At a minimum, NDSP will need to provide an accurate oral interpretation by a qualified interpreter of the important information in the English version until a written translation can be provided.
 4. For those languages that are less prevalent, or for LEP individuals who are not proficient in their own language, NDSP will advise the LEP individuals, in a language they understand, and orally, as appropriate, how they can receive assistance accessing “vital” documents.
 5. NDSP staff should consider careful coordination and communication with their counterparts in other state agencies and local and county governments, as appropriate. This includes but is not limited to sharing translated documents, engaging subject matter experts, responding to the public, and/or identifying critical materials, circumstances, and events that may require LEP support.

NDSP’s Product Review Process

NDSP will determine on an ongoing basis whether new documents need to be translated and made accessible for LEP individuals and will also consider whether other pre-existing vital documents should be translated into prominent languages other than English. NDSP will work

with its public information officers and web editors when evaluating documents and outreach materials that need to be translated and made accessible for LEP individuals. Additionally, each document that is requested for translation and will be widely distributed or posted on NDSP's website is required to be reviewed and approved by a Deputy Administrator and Administrator.

F. Notification of Availability of Language Assistance Services

NDSP will include the notice below in each of the prominent languages with respect to the following:

1. NDSP's main web page
2. The English version of NDSP's vital documents intended for public outreach or a broad audience (e.g. brochures, factsheets)

Notice to Limited English Proficient Individuals

If you have difficulty understanding English, you may request language assistance services for NDSP information that is available to the public. These language assistance services are available free of charge. If you need more information about interpretation or translation services, please call NDSP at 775-684-2787 or email at jkeillor@parks.nv.gov.

Alternatively, you may write to:

Nevada Division of State Parks
901 South Stewart Street, Suite 5005
Carson City, Nevada 89701
Attn: Janice Keillor, Deputy Administrator

G. Staff Training

NDSP's Language Access Coordinator will take the lead on developing and providing training to NDSP's personnel. The training materials will address the main components of this Plan. The focus of the training will include ensuring NDSP employees have access to the Plan, vital Plan guidance, and procedures. Training may include but is not limited to:

1. Providing and explaining NDSP's requirements under Title VI of the Civil Rights Act and SB 318 (2021);
2. Identifying language need for an LEP individual;
3. Providing instruction on how to properly access language resources, including translation, in-person interpretation, and telephonic interpretation services;
4. How to track and maintain information about contact with an LEP individual;
5. Tips on providing effective meaningful access to LEP individuals;
6. Providing examples of best practices for interaction with LEP individuals;
7. How to proactively provide meaningful access to LEP public.

VII. Evaluation of and Recommendations for NDSP's Language Access Plan

A. Performance Measurement and LEP Order Evaluation

NDSP's Language Access Coordinator will coordinate implementation of NDSP's Plan. The Language Access Coordinator will biannually assess the operations and effectiveness of NDSP's language assistance services by:

1. Identifying the primary channels of contact with LEP community members (whether telephonic, in person, written correspondence, web-based, etc.);

2. Reviewing the information reported by staff about the non-English languages encountered;
3. Reviewing NDSP's programs, activities, and services for language accessibility;
4. Determining whether documents are translated as set forth in this Plan;
5. Reviewing use and annual cost of translation and interpretation services, including a review of 1) "vital" documents that NDSP translated and the language(s) into which language those documents were translated; and 2) "vital" documents that included a statement in the nationally prominent languages that language assistance services are available; and
6. Consulting with outside stakeholders, as appropriate, and feedback from the LEP communities.

NDSP's Language Access Coordinator will report to the NDSP Administrator on its biannual assessment, as noted above. The Language Access Coordinator will also provide recommendations, if any, of NDSP's efforts to provide meaningful access to its programs and services to its LEP customers.

B. Budget

NDSP does not have sufficient information to determine what our budgetary needs will be to implement this plan in the FY24/25 biennium. NDSP intends to cover the cost of language access services in the interim through our gift shop grant account.