

LEP Policy for MDA-FDT, Executive Summary

The Montana Department of Agriculture-Ag Finance, Trade and Development Bureau (MDA-FTD) is committed to providing equal and meaningful access to individuals with limited English proficiency (LEP) in all programs, services, and activities offered by MDA-FTD, in accordance with the following:

1. Title VI of the Civil Rights Act of 1964;
2. Executive Order 13166 implementing Title VI and requiring meaningful access to all federally financially assisted programs and activities by persons with limited English proficiency (LEP); and
3. Guidelines established by the U.S. Department of Agriculture (USDA).

LEP individuals are defined as, "Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English.

Title VI of the Civil Rights Act of 1964 and its implementing regulations state no person in the United States shall be denied the benefits of or otherwise be discriminated against based on race, color, or national origin under any program or activity receiving federal financial assistance.

The U.S. Supreme Court interpreted the Title VI regulations to prohibit conduct that disproportionately affects LEP persons, because such conduct constitutes national origin discrimination.

Executive Order 13166, [Improving Access to Services for Persons with Limited English Proficiency](#) directs Federal agencies to examine the services they provide 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.

The executive order instructed federal agencies to publish guidance for their respective recipients to assist them in meeting their obligations to LEP persons under Title VI. The executive order recommended uniform guidance to recipients on the preparation of LEP plans to improve access to its federally assisted programs and activities by eligible LEP persons.

Each plan must follow the standards set forth in the U.S. Department of Justice's (DOJ) policy guidance document, [Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficiency Persons](#). DOJ published the guidance to serve as a model for other federal agencies.

In accordance with DOJ's LEP guidance, the USDA issued LEP guidance for federally assisted programs on November 28, 2014.

Background

With recent USDA federal awards for pass through agriculture grant funds, it was determined that MDA-FTD has an obligation to ensure LEP services are provided to customers (beneficiaries) whose first language is not English. Those services need to be “at least equal to” the services that FSIS provides to its LEP customers.

The MDA-FTD’s LEP plan addresses these requirements and identifies resources based on needs across the state of Montana.

Policy

The MDA-FTD will provide individuals whose first language is not English with meaningful access and equal opportunity to participate in services, activities and programs. MDA-FTD will promptly contact the Montana Department of Administration for guidance should they receive a request from a current recipient or prospective applicant of department services. The MDA-FTD will update the LEP plan biennially.

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.

Analysis

The department will conduct an annual analysis of four factors, as outlined by the FSIS, to ensure LEP customers receive meaningful access to services across Montana. The four factors include:

1. The number or proportion of LEP persons serviced or encountered in the eligible service population.

According to ACS 2015, individuals five years of age and over who speak a language other than English at home or speak English less than very well [LVW] make up less than one percent of Montana's population.

The most prominent languages other than English, by order of frequency, include: Spanish, German, Chinese, French, Other Native American, and all other languages combined.

The Montana counties with the greatest populations of LEP or LVW individuals, by order of frequency, include:

- Yellowstone (Spanish, Chinese, Vietnamese, German, Other Native American, and all other languages)
- Missoula (Spanish, German, Japanese, Chinese, French, and all other languages)
- Gallatin (Spanish, German, Japanese, French, Arabic, and all other languages)
- Flathead (Russian, Spanish, other Slavic, Chinese, Korean, and all other languages)
- Lewis and Clark (Spanish, German, African, Japanese, Scandinavian, and all other languages)

Refer to Appendix B for detailed information on LEP populations in Montana.

2. The frequency with which LEP individuals come in contact with the program.

MDA-FTD has not had contact with any individuals seeking assistance with access to program materials or interpretation. However, in anticipation of the request, MDA-FTD has prepared this LEP plan, accessed multilanguage flash cards, and confirmed a contractual agreement with a language interpretation consultant for these services as needed to meet the needs of LEP individuals.

3. The nature and importance of the program, activity or service provided by the program.

The MDA-FTD has worked with the Montana Department of Administration to determine an effective and meaningful approach to providing access to MDA-FTD programs, services, and activities to the LEP population in Montana, and will post information relevant for LEP individuals on the MDA-FTD website, once the website is approved by USDA.

4. The resources available to the recipient and cost.

The department will train an appropriate staff person (FTD Grants Manager) on the importance of providing meaningful access to LEP individuals and to increase awareness of the following resources to provide meaningful access with no cost to the LEP individual:

- **Multi-language card** to assist in identifying the appropriate language and interpreter as needed. Cost to the department: None.
- Continue contracting with a **telephone-based interpreting agency** to ensure the TTY and Montana Relay remain available for LEP individuals. Cost to the department: Moderate, based on length of call.
- Contracting with **CTS Language Link**, as maintained by the Montana Department of Administration, State Diversity Program Coordinator, to provide information and documents in an alternative language upon request. Cost to the department: Moderate, based on the volume of materials interpreted and provided.

Implementation

Our current implementation goals include similar actions and timelines as listed in Appendix A of the February 2024 guidelines for federally assisted programs for LEP implementation strategy. This table is included as part of this LEP Plan for the MDA-FTD.

APPENDIX A		
RESPONSIBLE PERSON/STAFF	ACTION TO BE TAKEN	TIMELINE
MDA Grants Manager	1. Ensure key employees (Grants staff under her purview) who interact with LEP individuals receive LEP training.	Spring 2024 February 7, 2024
	2. Develop an LEP plan.	February 6, 2024
	3. Gather data for languages spoken in geographic areas being serviced.	
	4. Identify vital documents to be translated.	Spring 2024
	5. Compile and analyze data gathered to determine what LEP services are needed.	February 7, 2024
	6. Ensure that there is adequate funding, and that other resources are available to provide effective and efficient LEP services.	Ongoing
	7. Notify beneficiaries of LEP services via MDA-FTD webpage.	March 8, 2024
	8. Track LEP interactions.	Ongoing
	9. Report LEP interactions to the Agency's HR Staff and MoA Coordinator.	Ongoing

Communication/Outreach (Current LEP practices)

The MDA-FTD has displayed the USDA poster, “And Justice for All,” in both English and Spanish, in locations where recipients of MDA-FTD services may visit (government third floor conference room at 302 N Roberts St. Helena, Montana and the MDA-FTD’s website). The non-discriminatory policy statement is also published on the Department’s website.

LEP Training

MDA-FTD employees who encounter or may encounter LEP persons shall receive training

biennially (every other year). Training shall be conducted when a suitable opportunity is determined in Spring 2024 and will include information specific to Montana, such as where to obtain translation services. Records will show the LEP training was completed by MDA-FTD employees in 2024.

APPENDIX B

Montana LEP Population, based on latest data available (2015)

https://www.lep.gov/sites/lep/files/resources/US_state_LEP_pct.ACS_5yr.2015.pdf