

Language Access Plan

Background Senate Bill 318 (SB318), signed into law during the 2021 Nevada Legislative Session, requires all state agencies to create a Language Access Plan (LAP) to improve access to government services, programs, and information for Nevadans with Limited English Proficiency (LEP). The Governor's Office for New Americans (ONA), with the Northern Nevada International Center (NNIC) and the University of Arizona's National Center for Interpretation (NCI), are assisting state agencies (and state Boards and Commissions) to develop their Language Access Plans.

According to ONA, approximately 300,000 Nevadan's are considered LEP.

Discussion SEC is inviting comment on the attached LAP for the Commission.

- The proposed LAP follows the template developed by the Nevada Initiative for Language Access. It contains the following elements:
 - Purpose and authority for the document
 - General policy
 - Profile of the SEC's LEP clients
 - LAP services and procedures
 - LAP implementation
 - LAP evaluation
- The Language Access Coordinator would be the Executive Secretary.
- Staff will track the languages preferred for communication among the individuals with business before the Commission.
- Staff will use one of the active statewide contracts for translation and interpreter services offered by the state.
- The LAP will be reviewed every six months for changes or updates.

Next Steps The LAP is due to the Governor's Office at the end of FY 2025 (June 30, 2025).

- Staff will post the LAP for 60 days for public comment.
- Staff will present the LAP at the June 2025 SEC meeting for adoption.
- Staff will transmit the LAP to the Governor's Office on the Commission's behalf.

Documents attached

1. Language Access Plan (LAP)
2. Senate Bill 318 (81st Session)

Joe Lombardo
Governor



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LANGUAGE ACCESS PLAN

NRS 232.0081

Purpose and Authority for the Language Access Plan

The Nevada State Environmental Commission (SEC) is required to comply with Nevada Revised Statutes (NRS) 232.0081 and Title VI of the Civil Rights Act of 1964. The purpose of this Language Access Plan (LAP) is to establish protocol that the SEC will follow when providing services for individuals with limited English proficiency (LEP).

General Policy

The SEC recognizes that the population eligible to receive its services may include LEP individuals. It is the policy of the SEC to ensure meaningful access to LEP individuals. The SEC will adopt the following policies and procedures to ensure that LEP individuals have equal access to the services the SEC provides and regulates.

It is Nevada's policy to grant access to services or programs to every person regardless of their ability to speak, understand, read, or write English. The SEC intends to take all reasonable steps to provide LEP individuals with meaningful access to its services and programs. The SEC seeks to reduce barriers by increasing its capacity to deliver services and benefits to people in their preferred languages.

The SEC endorses the following policies:

- The SEC is committed to equity and will take all reasonable steps to provide LEP individuals with meaningful access to all its services, programs, and activities.
- The SEC, rather than the LEP individual, bears the responsibility for providing appropriate language services, regardless of the LEP individual's preferred language, at no cost to the LEP individual.
- SEC staff at the initial points of contact have the specific duty to identify and record language needs.
- The use of informal interpreters such as family, friends of the person seeking service, or other customers is not allowed. Minor children are prohibited from acting as interpreters.
- SEC staff may not suggest or require that an LEP individual provide an interpreter in order to receive SEC services.

The Language Access Coordinator shall be the SEC Executive Secretary: Sheryl Fontaine sfontaine@ndep.nv.gov 775-687-9374

STAFF
Sheryl Fontaine
Executive
Secretary

Destiney Fitch
Recording
Secretary

Profile of Clients of the SEC

Our preliminary assessment is that the SEC has an unknown LEP constituency. Our primary “service” is:

- The SEC is responsible for facilitating the efforts of the Nevada Division of Environmental Protection to implement specific regulatory programs by adopting regulations, conducting appeal hearings, establishing air penalties, approving variances and, on extremely rare occasions, establishing a declaratory order or an advisory opinion. (NRS 445B.200).

The SEC is committed to tracking the languages preferred for communication among the individuals with LEP whom the SEC serves, so that the SEC can better provide meaningful, timely access to the SEC’s services without regard to any language impediments.

The most common methods for the public to access services are through the SEC website and email communication.

Language Access Services and Procedures

The SEC does not have staff who can provide language assistance services.

The SEC does not serve any known LEP populations. Currently, it is unknown whether any meeting or hearing participants identify as indigenous or refugee. The SEC has never received a request for translation or American Sign Language Services from LEP participants or the public.

Language access needs will be addressed in the following manner:

- The SEC will use one of the active statewide contracts for translation and interpreter services offered by the state, which can be found here:

https://purchasing.nv.gov/Contracts/Documents/Translation_ Interpretation/

All SEC staff will be made aware of appropriate Language Assistance Services. Those seeking services may also request language assistance by contacting the SEC staff by email, which is posted on the SEC’s website, or to sfontaine@ndep.nv.gov.

Implementation of the Language Access Services

The Language Access Coordinator will provide SEC staff with the necessary training to ensure that staff are familiar with the Language Access Plan and its related policies.

This training will include:

- How to respond to LEP individuals via phone, writing, or in person.
- How to seek assistance with internal or state sanctioned language access resources.
- How to document the mode of communication and preferred language of an LEP individual to better understand the needs of those accessing services and ensure that equitable access is available throughout the duration of their interactions with the SEC.
- How to report these interactions to the Language Access Coordinator.
- In addition to staff training, the SEC will use the internal and state authorized resources to provide information in languages other than English.

Evaluation of and Recommendations for the Language Access Plan

The SEC is committed to providing our limited English proficient individuals

full access to our services and is committed to monitoring the policies and procedures stated above to ensure that LEP Nevadans are receiving equitable access to SEC services. The Language Access Coordinator will continue to develop and monitor this plan, and update it biennially based on applicant data and language accommodation requests documented by staff and demographic data obtained through surveys. We will also track any costs we may incur by using state sanctioned resources. All expenses are paid from fees received from grant applicants or bond proceeds. A summary of expenses will be included in SEC updates provided by staff.

DRAFT

NRS 232.0081 Language access plan: Development and biennial revision; requirements; public comment; legislative recommendations; inclusion of necessary funding in proposed budget of agency. [Effective May 20, 2024.]

1. The head of each agency of the Executive Department shall designate one or more employees of the agency to be responsible for developing and biennially revising a language access plan for the agency that meets the requirements of subsection 2.

2. A language access plan must assess existing needs of persons served by the agency for language services and the degree to which the agency has met those needs. The plan must include recommendations to expand language services if needed to improve access to the services provided by the agency. The plan must:

(a) Outline the compliance of the agency and any contractors, grantees, assignees, transferees or successors of the agency with existing federal and state laws and regulations and any requirements associated with funding received by the agency concerning the availability of language services and accessibility of the services provided by the agency or any contractors, grantees, assignees, transferees or successors to persons with limited English proficiency;

(b) List the relevant demographics of persons served by or eligible to receive services from the agency, including, without limitation:

- (1) The types of services received by such persons or for which such persons are eligible;
- (2) The preferred language and literacy level of such persons;
- (3) The ability of such persons to access the services of the agency electronically;
- (4) The number and percentage of such persons who are indigenous; and
- (5) The number and percentage of such persons who are refugees;

(c) Provide an inventory of language services currently provided, including, without limitation:

(1) Procedures for designating certain information and documents as vital and providing such information and documents to persons served by the agency in the preferred language of such persons, in aggregate and disaggregated by language and type of service to which the information and documents relate;

(2) Oral language services offered by language and type;

(3) A comparison of the number of employees of the agency who regularly have contact with the public to the number of such employees who are fluent in more than one language, in aggregate and disaggregated by language;

(4) A description of any position at the agency designated for a dual-role interpreter;

(5) Procedures and resources used by the agency for outreach to persons with limited English proficiency who are served by the agency or eligible to receive services from the agency, including, without limitation, procedures for building relationships with community-based organizations that serve such persons; and

(6) Any resources made available to employees of the agency related to cultural competency;

(d) Provide an inventory of the training and resources provided to employees of the agency who serve persons with limited English proficiency, including, without limitation, training and resources regarding:

(1) Obtaining language services internally or from a contractor;

(2) Responding to persons with limited English proficiency over the telephone, in writing or in person;

(3) Ensuring the competency of interpreters and translation services;

(4) Recording in the electronic records of the agency that a person served by the agency is a person with limited English proficiency, the preferred language of the person and his or her literacy level in English and in his or her preferred language;

(5) Communicating with the persons in charge of the agency concerning the needs of the persons served by and eligible to receive the services from the agency for language services; and

(6) Notifying persons with limited English proficiency who are eligible for or currently receiving services from the agency of the services available from the agency in the preferred language of those persons at a literacy level and in a format that is likely to be understood by such persons; and

(e) Identify areas in which the services described in paragraph (c) and the training and resources described in paragraph (d) do not meet the needs of persons with limited English proficiency served by the agency, including, without limitation:

(1) Estimates of additional funding required to meet those needs;

(2) Targets for employing persons who are fluent in more than one language;

(3) Additional requirements necessary to ensure:

(I) Adequate credentialing and oversight of translators and interpreters employed by or serving as independent contractors for the agency; and

(II) That translators and interpreters used by the agency adequately represent the preferred languages spoken by persons served by the agency or eligible to receive services from the agency; and

(4) Additional requirements, trainings, incentives and recruiting initiatives to employ or contract with interpreters who speak the preferred languages of persons with limited English proficiency who are eligible for or currently receiving services from the agency and ways to partner with entities involved in workforce development in imposing those requirements, offering those trainings and incentives and carrying out those recruiting initiatives.

3. If there is insufficient information available to develop or update the language access plan in accordance with the requirements of this section, the employee or employees designated pursuant to subsection 1 shall develop procedures to obtain that information and include the information in any revision to the language access plan.

4. Each agency of the Executive Department shall:

(a) Solicit public comment concerning the language access plan developed pursuant to this section and each revision thereof;

(b) Make recommendations to the Legislature concerning any statutory changes necessary to implement or improve a language access plan; and

(c) Include any funding necessary to carry out a language access plan, including, without limitation, any additional funding necessary to meet the needs of persons with limited English proficiency served by the agency as identified pursuant to paragraph (e) of subsection 2, in the proposed budget for the agency submitted pursuant to NRS 353.210.

5. As used in this section:

(a) “Agency of the Executive Department” means an agency, board, commission, bureau, council, department, division, authority or other unit of the Executive Department of the State Government. The term does not include the Nevada System of Higher Education.

(b) “Dual-role interpreter” means a multilingual employee who:

(1) Has been tested for language skills and trained as an interpreter; and

(2) Engages in interpreting as part of his or her job duties.

(c) “Language services” means oral language services and translation services.

(d) “Oral language services” means services to convey verbal information to persons with limited English proficiency. The term:

(1) Includes, without limitation, staff interpreters, dual-role interpreters, other multilingual employees, telephone interpreter programs, audiovisual interpretation services and non-governmental interpreters.

(2) Does not include family members, friends and other acquaintances of persons with limited English proficiency who have no formal training in interpreting.

(e) “Person with limited English proficiency” means a person who reads, writes or speaks a language other than English and who cannot readily understand or communicate in the English language in written or spoken form, as applicable, based on the manner in which information is being communicated.

(f) “Translation services” means services used to provide written information to persons with limited English proficiency. The term does not include translation tools that are accessed using the Internet.

(Added to NRS by 2021, 3234; A 2021, 3237, effective May 20, 2024)