

ACCEN

Limited English

Proficiency Plan



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1. Purpose

- 1.1. The purpose of this plan is to establish policy and guidance for Ada City-County Emergency Management to meet its Limited English Proficiency (LEP) obligations.

2. Authorities

2.1. ***Title VI of the 1964 Civil Rights Act***

Title VI of the Civil Rights Act of 1964 is the federal law that protects individuals from discrimination on the basis of their race, color, or national origin in programs that receive federal financial assistance. Title VI states, in part: No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

2.2. ***Presidential Executive Order 13166***

Executive Order (EO) 13166, signed on August 11, 2000, directs all federal agencies to work to ensure that programs receiving federal financial assistance provide meaningful access to LEP persons. Pursuant to EO 13166, the meaningful access requirement of the Title VI regulations and the four-factor analysis set forth in the Department of Justice (DOJ) LEP Guidance (see below) apply to the programs and activities of federal agencies. In addition, EO 13166 requires federal agencies to issue LEP Guidance to assist their federally assisted recipients in providing such meaningful access to their programs. This Guidance must be consistent with the DOJ Guidance. Each federal agency is required to specifically tailor the general standards established in DOJ's Guidance to its federally assisted recipients. As of February 2011, the US Department of Homeland Security has not provided this guidance. Nevertheless, federally assisted recipients are required to make reasonable efforts to provide language assistance to ensure meaningful access for LEP persons to the recipient's programs and activities.

3. Definitions

3.1. ***Limited English Proficiency***

Limited English Proficiency, as defined in the 2000 United States Census, refers to a person who speaks a language other than English at home and who speaks English “not well” or “not at all.”

3.2. ***Meaningful Access***

Meaningful Access is defined as the ability to participate in and benefit from any federally assisted agency's programs and services in a manner no different than that of others, whose national origin is not at issue (i.e. English speakers), who could participate and benefit from such programs.

4. Four Factor Analysis

The US Department of Justice has developed a four-factor analysis to assist agencies in determining their LEP responsibilities. ACCEM has employed the four-factor analysis.

4.1. *The number and proportion of LEP persons in Ada County*

According to the 2000 United States Census 92.51% of Ada County residents speak English. This leaves about 7.48% of residents that speak all languages (combined) other than English. People in this latter category may be subdivided into two groups: those who speak English “well” or “very well” and those who speak English “not well” or “not at all.” This LEP plan is designed for the people in this final group, about 0.014% of the population, or about 3900 individuals. For these people language can be a barrier to obtaining meaningful access to programs, activities, services and information provided by ACCEM.

The primary LEP languages spoken in Ada County, in decreasing order of frequency, are: Spanish, Serbo-Croatian, Vietnamese, Ukrainian, French, German, Albanian, and Korean. A smattering of other languages is also spoken in the county. By far, the predominant language spoken by LEP persons in Ada County is Spanish. See table below.

Language	# of LEP Persons
Spanish	2020
Serbo-Croatian	380
Vietnamese	280
Ukrainian	175
French	160
German	155
Albanian	125
Korean	115

4.2. *The frequency with which LEP persons encounter ACCEM*

The small, but growing size of the LEP population in this county will likely increase the probability of future contact with ACCEM. However, to date, no requests have been made by either individuals or groups directly to ACCEM for Spanish or any other language interpreters or publications.

4.3. *The importance of the service provided by ACCEM*

ACCEM obtains and administers grants, develops emergency plans, coordinates emergency responder training and exercises, and educates the public on disaster preparedness. Therefore ACCEM programs do not include any direct service or program that requires vital, immediate or critical assistance for basic life safety needs, such as emergency medical treatment, fire protection or law enforcement services. Further, ACCEM does not conduct required activities such as those involving applications, licenses, interviews or other activities prior to participation in its public programs or events. Involvement by any member of the public with ACCEM is entirely voluntary. However, ACCEM must ensure that all segments

of the population, including LEP persons, have the opportunity to benefit from the information and services provided by its public outreach program.

4.4. The resources available and overall cost to ACCEM

The resources available to a recipient of federal assistance may have an impact on the nature of the steps that recipients must take. For example, a small recipient with limited resources may not have to take the same steps as a larger recipient to provide LEP access. This may apply to programs that have a limited number of eligible LEP individuals, where contact is infrequent, where the total cost of providing language services is relatively high, and/or where the program is not crucial to an individual's day-to-day existence. Given the size of the LEP population in Ada County, the limited size of the ACCEM staff, and agency financial constraints, multi-language translations of all preparedness documents is not considered as warranted at this time. However ACCEM will endeavor to provide language translation and interpretation services when practical and in consideration of the funding available.

5. Language Assistance Measures

To meet its LEP obligations ACCEM intends to take the following actions regarding translation and interpretation. Strictly speaking, interpretation and translation have different meanings. Interpretation is the oral transmission of a message from one language into another language. Translation is the written transmission of a message from one language into another language. Both oral interpreters and translators of written documents should be competent to perform their tasks. Competency requires more than self-identification as bilingual; although it does not necessarily mean formal certification.

5.1. Translation

ACCEM has contracted with a language translation service to translate its most important public education documents into Spanish and several other languages. For other documents such as brochures or monthly pointers when there is a reasonable request to translate into Spanish or another language the ACCEM office will employ translation services available on the Internet. It is recognized that translation is not an exact science and no translation service is perfect. If a website-translated document is judged to be unsatisfactory, ACCEM will consider using a paid translation service.

Internet translation services, such as Google Translation (<http://translate.google.com/>), offer the considerable advantages of convenience and speed. Users may translate text on their home computer at any time of the day or night. Additionally, the text is usually translated in less than a second. The Google Translation service offers translation capability in more than 50 languages, including most of the languages spoken in Ada County, all at the click of a button. This capability has been added to all of the web pages on the ACCEM website. Additionally, ACCEM also has a Translation Resources web page which lists other website translation services that may include additional languages and options.

One of the primary methods ACCEM uses in its public outreach program to provide emergency preparedness and other information to LEP individuals is through its website:

<http://www.accem.org>. The ACCEM website has a Foreign Language Documents page. This page contains hundreds emergency preparedness documents written in more than 25 languages from around the world (see below).

Foreign Language Preparedness Documents on ACCEM website

Arabic	French	Laotian	Spanish
Armenian	Haitian-Creole	Portuguese	Tagalog
Bosnian	Hmong	Romanian	Thai
Cambodian	Japanese	Russian	Tigrigna
Chinese	Khmer	Serbian	Ukrainian
Croatian	Korean	Serbo-Croatian	Vietnamese
Farsi	Kurdish	Somali	

5.2. Interpretation

For interpretation services ACCEM intends to use the Language Line (1-800-752-6096, <http://www.language.com/>). The Language Line offers interpretation services in 170 languages and is available by telephone 24/7, 365 days a year. This service will be employed on an as-needed basis. Also in some circumstances county bi-lingual staff or other community bi-lingual volunteers may be used to assist with interpretation, when feasible and appropriate.

6. Safe Harbor Stipulation

Federal law provides a “safe harbor” stipulation so recipients of federal funding can ensure compliance with their obligation to provide written translations in languages other than English with greater certainty. A “safe harbor” means that as long as a recipient has created a plan for the provision of written translations under a specific set of circumstances, such action will be considered strong evidence of compliance with written translation obligations under Title VI.

However, failure to provide written translations under the circumstances does not mean there is noncompliance, but rather provides for recipients a guide for greater certainty of compliance in accordance with the four factor analysis.

Evidence of compliance with the recipient’s written translation obligations under “safe harbor” includes providing written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000 persons, whichever is less of eligible persons served or likely to be affected. Translation can also be provided orally.

Even if the “safe harbor” stipulation is not used, if written translation of a certain document(s) would be so burdensome as to defeat the legitimate objectives of its program, the translation of the written materials is not necessary. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances.

The “safe harbor” provision applies to the translation of written document only. It does not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and reasonable to provide.

7. Providing Notice to LEP Persons

ACCEM will provide notice to LEP persons of its free language assistance by the following methods.

- Provide notice at public preparedness events that language assistance may be provided free of cost.
- Provide “I speak” cards for LEP speakers encountered at public preparedness events. These documents enable LEP individuals to identify their native language.
- Provide foreign language brochures, particularly in Spanish, at ACCEM public functions such as preparedness fairs and presentations, etc.
- Provide notice on the ACCEM website that language assistance may be provided free of cost.
- Post the LEP Plan on the ACCEM website.

8. Staff Training

All ACCEM staff will be trained concerning its LEP policies and procedures. Employees having frequent contact with the public will be trained on how to work effectively with in-person and telephone interpreters. Supervisors will be made aware of the LEP plan’s provisions and its importance. This training will be included as part of new employee orientation.

9. Monitoring and Updating the LEP Plan

- 9.1. ACCEM will review the LEP Plan annually or as needed.
- 9.2. ACCEM staff will log requests for interpretation and/or translation, whether received by phone, in person, or through correspondence, including e-mail. This documentation will help clarify the need for foreign language services by ACCEM.
- 9.3. ACCEM will monitor changes in demographics, foreign language requests, and other factors to determine if changes to this LEP Plan are required.