



# Flagler County

## Limited English Proficiency Access Plan

### I. Introduction

Title VI of the Civil Rights Act of 1964 prohibits recipients of federal financial assistance from discriminating against or otherwise excluding individuals on the basis of race, color, or national origin, sex, age, disability, religion and family status in any of their activities. It has been recognized that one form of discrimination occurs through an inability to communicate due to a limited proficiency in the English language. This limitation is often the result of an individual's national origin. Title VI of the Civil Rights Act of 1964, Executive Order 13166 and various directives from the U.S. Department of Justice (DOJ) and U.S. Department of Transportation (DOT) require federal aid recipients to take reasonable steps to ensure meaningful access to programs, services and activities by those who do not speak English well.

To determine the extent to which LEP services are required and in which languages, the law requires the analysis of four factors:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the County's programs, services or activities;
2. The frequency with which LEP individuals come in contact with these programs, services or activities;
3. The nature and importance of the program, service, or activity to people's lives; and
4. The resources available and the overall cost to Flagler County.

The goal of the *Flagler County (County) Limited English Proficiency (LEP) Access Plan* is to ensure that the County recognizes the needs of limited English proficient (LEP) members of the community, implements a plan to communicate effectively and ensures reasonable access to our processes, information and decision-making.

### **Background**

On August 11, 2000, the President issued Executive Order 13166, entitled "Improving Access to Services by Persons with Limited English Proficiency," 65 FR 50121 (August 16, 2000). On the same day, the Assistant Attorney General for Civil Rights at the U.S. Department of Justice (DOJ) issued a Policy Guidance Document, entitled "Enforcement of Title VI of the Civil Rights Act of 1964 – National Origin Discrimination Against Persons With Limited English Proficiency" (*hereinafter referred to as "DOJ LEP Guidance"*), reprinted at 65 FR 50123 (August 16, 2000). In addition, the U.S. Department of Transportation (USDOT) issued a policy guidance document, titled "Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons," reprinted at 70 FR 74087, dated December 14, 2005.

Executive Order 13166 requires federal agencies to: (1) examine services provided, (2) identify specific needs necessary to provide meaningful access for Limited English Proficiency (LEP) persons, and (3) implement a system to provide meaningful access to such services. The DOJ LEP Guidance advises each Limited English Proficiency (LEP) Access Plan

federal department or agency to "take reasonable steps to ensure 'meaningful' access [to LEP individuals] to the information and services they provide." [DOJ LEP Guidance, 65 FR at 50124]. The DOJ LEP Guidance goes on to provide that:

*What constitutes reasonable steps to ensure meaningful access will be contingent on a number of factors. Among the factors to be considered is the number or proportion of LEP persons in the eligible service population, the frequency with which LEP individuals come in contact with the program, the importance of the service provided by the program, and the resources available to the agency.*

The DOJ LEP Guidance explains that the identification of "reasonable steps" to provide oral and written services in languages other than English is to be determined on a case-by-case basis through a balancing of all four factors. The DOJ LEP and USDOT Guidance focus principally on the obligation of federal departments and agencies extending federal financial assistance to clarify the long-standing legal obligation on the part of recipients of such assistance to address the language needs of their otherwise-eligible LEP beneficiaries. Executive Order 13166 applies this same obligation to programs and activities undertaken directly by a federal department or agency. Section 2 of the Executive Order directs each federal department or agency "to prepare a plan to improve access to . . . federally conducted programs and activities by eligible LEP persons . . . consistent with the standards set forth in the LEP Guidance . . ."

## **II. Flagler County Four-Factor Analysis**

To determine the extent to which LEP services are required and in which languages, the law requires the analysis of four factors. The following sections address each of these factors with respect to the services provided by Flagler County.

### **Factor 1: Review of LEP Populations**

Understanding the needs of the community begins with identifying the number of Limited English Proficiency (LEP) persons eligible to be served, likely to be served or likely to be encountered by the County through its programs, services or activities. In an effort to determine potential LEP needs for services provided by the County, staff reviewed the data available through the U.S. Census Bureau American Fact Finder for the period of 2016 through 2019. Flagler County does not have a substantial population of people who rely solely on a language other than English; however, as Table 1 (above) shows, an estimated 9% of the population 5 years and over speak English "less than very well." While a sizeable portion of that group is comprised of Spanish speakers (5.8%), 7.1% are those who speak Indo-European languages. This family of languages (other than Spanish) includes Russian, along with other major language groups such as Irish, Polish, French, German, Portuguese and Italian. Anecdotally, this has been attributed to a significant Russian-speaking population in Flagler County (See Table 1).

**Table 1: The Top Languages Spoken at Home in Flagler County**

Table 1: The Top Five Languages Spoken at Home in Flagler County (US Census Bureau's 2012-2016 American Community Survey)						
Population 5 years and older	Number of LEP Persons	Percent of Population over 5 years old that are LEP	LEP Persons who speak Spanish	LEP Persons who speak Indo-European Languages	LEP Persons who speak Asian and Pacific Islander Languages	LEP Persons who speak Other Languages
107,725	17,409	16.1%	5.8%	7.1%	3.2%	0%

**Factor 2: Assessing Frequency of Contact with LEP Persons**

The results of the Census data indicate that Spanish and Indo European Languages are the most prevalent language spoken by the LEP population in Flagler County. To date, the County has not received any requests for translation or interpretation of its programs, services or activities into Spanish or any other language. As of the date of publication of this LEP, the Human Resources Department is working to gather information from all County Departments regarding contact with persons that do not speak English well to assess whether additional procedures are necessary to ensure all persons have meaningful access to County services.

**Factor 3: Assessing the Importance of County Programs**

All of the County programs are important; however, those related to safety, health, emergency services, public transit, right-of-way, the environment, nondiscrimination and public involvement are among the most important. The County must ensure that all segments of the population, including LEP persons, have meaningful access to County services and the opportunity to do business with the County to be consistent with the goal of the Federal Environmental Justice Program and Policy.

**Factor 4: Determining Available Resources**

When planning any activity, it is imperative that an organization assess the resources available to conduct the activity in a way that is meaningful and balances those efforts with the overall cost to the organization. Given the size of the Spanish and Indo European LEP population in the County and current financial constraints, full language translations of plan documents are not considered warranted or cost feasible at this time. However, the County maintains a list of all County employees that speak any languages other than English and their contact information. The County will continually evaluate its programs, services and activities to ensure that persons who may be LEP are always provided with meaningful access.

The analyses of these four factors suggest that, the need is limited and extensive LEP services are not required at this time. Nevertheless, the County believes that Spanish language assistance is necessary activities in order to provide broad access by members of the public.

**III. Language Access Implementation Plan and Procedures**

Limited English Proficiency (LEP) Access Plan

A Limited English Proficiency Plan helps management and staff members understand their roles and responsibilities with respect to overcoming language barriers for LEP individuals. It is a management roadmap that outlines how the agency defines tasks, assigns responsibilities and allocates the resources necessary to come into, or maintain compliance with, language access requirements. It describes how the agency will meet the service delivery standards delineated in the policy directives, provide notice of language assistance services, provide staff training and conduct ongoing monitoring and evaluation. The following sections outline the activities to be taken by the County to comply with LEP needs.

**Administer LEP services by:**

1. Assigning a staff member to oversee the LEP program; this includes the development and implementation of this plan and annually examining the LEP plan to ensure that it remains reflective of the community's needs.
2. Documenting the number and type of contacts by LEP persons and activities and events requiring LEP assistance.
3. Ensuring that the County staff is familiar with the requirements and resources for LEP persons.

**Provide verbal translation as follows:**

1. The Census Bureau's "I Speak" language cards are available at the County Government Center main reception desk and at all departmental reception desks so that County staff is able to identify language needs in order to match them with available services.
2. Maintain a list of County Employees who competently speak languages other than English and who are willing to provide translation and/or interpretation services. The resource list has been distributed to County staff.
3. Events and activities that may require a translator to ensure meaningful access by LEP persons have been identified and will be periodically updated.

**Provide written translation as follows:**

1. Provide meeting notifications in English and Spanish, where appropriate.
2. State in outreach documents include a notice that language services are available free of charge in a language LEP persons can understand.
3. Spanish language outreach materials from other organizations including federal, state and local transportation agencies are provided whenever possible.
4. Identify documents that will be provided in Spanish language format.

**LEP Services Required**

Flagler County will evaluate documents, notices; etc given the four factor analysis to identify documents for translation into Spanish language format.

Flagler County will also identify events and activities that will require a Spanish language translator.

For questions or concerns regarding the Flagler County's commitment to nondiscrimination or to request LEP services, contact Pamela Wu, Human Resources Director, at (386) 313-4033 or by email at [pwu@flaglercounty.gov](mailto:pwu@flaglercounty.gov)