

2016

Title VI
Limited English
Proficiency Policy and
Plan

Lee County, Florida

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Section I

I. Purpose

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000(d) et seq.; Executive Order 13166; and the U.S. Department of Labor Revised Guidance Regarding the Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient (LEP) Persons are guidelines that apply to all departments and offices reporting to the Lee County Board of County Commissioners, their contractors and subcontractors, and other agents who receive federal or state financial assistance for their programs and services.

II. Policy

All departments and offices reporting to the Lee County Board of County Commissioners will comply with these guidelines to take reasonable steps to ensure that persons with Limited English Proficiency (LEP) have timely, meaningful access and an equal opportunity to participate in services and benefits provided by the County. Through its Language Access Plan, Lee County will accomplish these goals:

- Annually assess target audiences for LEP services;
- Ensure meaningful verbal communication with LEP persons and their authorized representatives;
- Communicate information contained in vital documents;
- Provide ADA compliant interpretation services at no cost to the person being served;
- Inform LEP persons of these services and their right to access them free of charge;
- Accommodate public input from the LEP community;
- Manage this plan routinely to ensure continuing compliance.

Definition: A Limited English Proficiency (LEP) person is one who does not speak English as their primary language and who has a limited ability to read, speak, write, or understand English.

III. Plan Development

This plan was developed through analysis of four factors:

1. The number or proportion of eligible LEP persons in the Lee County service area;
2. The frequency with which LEP individuals come in contact with County service providers;
3. The nature and importance of the program, activity or service provided to the LEP population; and
4. Available resources and overall costs to provide LEP assistance.

IV. Plan Procedure

Annually Assess the Proportion of LEP Persons Eligible to be Served

Using U.S. Census Data, including the American Community Survey; statistics from the Lee County School System; Lee County Community Development and Lee County GIS resources; and other sources, the Lee County ADA Coordinator will annually assess the languages spoken by LEP persons within Lee County and the number of LEP persons who are eligible for the services. The Lee County ADA coordinator will ensure distribution of the information among all County departments, including Transportation, Human Services and Public Transportation (LeeTran) and will update the LEP Plan or translator services contracts if needed.

Record the Frequency of LEP Service Requests

Lee County acknowledges its responsibility to continually record the frequency by which LEP individuals come in contact with Lee County programs, services, or activities. Operations departments and offices will record contacts with LEP persons in order to determine the frequency of contact with customers who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English. The more frequent the contact and/or the number of associated requests for alternate format(s) for languages other than English, as self-identified by applicants and participants in its programs, the more likely that language services for a specific language group will be needed. Measures necessary for a program that serves a person with LEP one time or occasionally will necessarily be different from those that serve persons with LEP every day. While less frequent contact suggests a different, less intense solution, some services may still be necessary for times when a LEP person occasionally seeks services.

Provide Notice

Lee County will inform LEP persons that the County will provide them with language assistance at no charge to them. Written notice will be provided on the Lee County website, which has compliant language translation options for its content; by posting notices at appropriate points of service and points of entry; and by including references to LEP rights and services in public notices.

LEP persons are encouraged through these public notices to request translator services and to provide input at public meetings.

Provide Language Assistance

Lee County will take reasonable steps to assure that LEP persons receive the language assistance necessary for meaningful access to our programs and services, both verbal and in the communication of written information contained in written documents to accomplish these goals:

- A. Identify the initial point of contact and subsequent points of contact with LEP persons where language assistance is likely to be needed.
- B. Provide a method or methods at the initial point of contact to notify LEP persons that:
 - a. Upon request, they are offered language assistance;
 - b. They will not be personally charged for the cost of language assistance;
 - c. They will not be personally charged for the cost translating vital documents.
- C. Based on its assessments and these guidelines, Lee County will make arrangements to access appropriate interpreters and translation services. The Lee County Visitor & Convention Bureau will be the contracting agent for general LEP translation services available to departments countywide. However, departments with particular needs, such as Human Services for compliance of HUD requirements, may engage their own translation services.
- D. The language needs, the resources to provide effective language, and the arrangements to access these resources in a timely fashion shall be promptly determined and prominently displayed for future reference. These arrangements may include the use of:
 - a. A list of interpreters who have agreements with multiple Lee County departments,
 - b. A list of bilingual staff,
 - c. Online resources, such as Google translate, <http://translate.google.com>,
 - d. Translators personally selected by LEP persons, but only under these conditions:
 - i. This option is specifically requested by the LEP person;
 - ii. The LEP person understands that Lee County will provide an interpreter at no charge;
 - iii. The LEP person understands that Lee County is not responsible for any fees or charges owed to the interpreter, and the LEP person must pay those fees or charges at their own expense;

- iv. Lee County does not object to the use of the personally selected translator due to concerns about competency of interpretation, confidentiality, privacy, and/or conflict of interest.
 - v. The LEP person's election of this choice would be documented.
- E. When written translation of vital documents is needed, each program area will submit documents to either Lee County's ADA Coordinator or the appointed departmental staff person who retains translated versions of important documents
- F. Safe Harbor Provisions – In consideration of HUD and other federal assistance programs, Lee County acknowledges these guidelines for “safe harbor,” meaning that written translations provided under these circumstances will be considered strong evidence of compliance. There are two safe harbor provisions:
 - a. The recipient provides written translations of vital documents for each eligible LEP language group that constitutes five percent or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally; or
 - b. If there are fewer than 50 persons in a language group that reaches the five percent trigger in (a), the recipient does not translate vital written materials but instead provides written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials at no charge to the requestor.

V. Monitoring

Lee County will monitor and periodically evaluate the Language Access Plan and the County's compliance. At a minimum, the overall monitoring program will determine whether:

- A. Contractors hired to provide County services or Lee County grant subrecipients comply with Title VI;
- B. Existing language assistance is meeting LEP persons' needs;
- C. Staff is trained in current LEP policies; and
- D. Resources and arrangements for assisting LEP persons are still current and viable.