

Title VI

Limited English Proficiency Policy and Plan

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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

A. Annually Assess the Proportion of LEP Persons Eligible to be Served

Using U.S. Census/American Community Survey data, statistics from the Lee County School System, Lee County Community Development and Lee County GIS resources, the Lee County Civil Rights Act Title VI Nondiscrimination 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 coordinator will ensure distribution of the information among all County departments, including Transportation, Human and Veteran Services and Public Transportation (LeeTran) and will update the LEP Plan or translator services contracts if needed.

B. Record the Frequency of LEP Service Requests

Lee County acknowledges its responsibility to 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.

C. 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.

D. 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. Lee County maintains a purchase order agreement for Language Line Solutions through the states of Florida and Texas. The Lee County Visitor & Convention Bureau also maintains a list of volunteer translators for general LEP translation services available to departments countywide. Departments with particular needs, such as Human and Veteran Services for compliance of HUD requirements, have staff certified as translators and also 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 Lee County's Title VI Nondiscrimination 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.

VI. Appendix

Lee County Annual Proportion Assessment and Countywide Monitoring Report 2018 Annual Assessment

According to Lee County’s Limited English Proficiency Policy and Plan, Lee County will annually assess the proportion of persons with limited English proficiency residing in Lee County. The 2018 assessment verifies that Lee County has a significant number of Spanish speakers with limited English proficiency, and that the County should be prepared to provide services in Spanish.

For the newly ended 2017-2018 fiscal year, only one department under the operations jurisdiction of the Lee County Board of County Commissioners – the Department of Human and Veteran Services – identified persons with limited English proficiency representing at least 5 percent of their customer base.

Proportion of the Population

Approximately 16 percent of individuals 5 years and older and residing in Lee County speak Spanish as a primary language with 8 percent of the total population unable to speak English “very well,” according to the 2015 US Census American Community Survey, the most recent year with statistics available for Lee County. The 2015 ACS also classifies 9,060 households, or 36% of the 252,287 households in Lee County as a “limited-English- speaking” household.

The Lee County School District’s 2017-2018 school year assessment counted 8,423 students – 9.67 percent of the of its 81,500 enrollment as primarily Spanish speaking. The next significant group of students with limited English proficiency speak Haitian Creole, but this group of 698 students represents less than 1 percent of the enrollment. The American Community Survey does not estimate the number of persons in Lee County that currently speak Haitian Creole.

	Total Estimate	%	Limited English Proficiency	% LEP
2011-2015 American Community Survey 5-Year Population Estimates				
Population 5 Years and Older	630,859			
Spanish Speakers	99,378	15.8	47,750	7.5
2011-2015 American Community 2015 Household Estimate				
Total Households	252,287			
Spanish Speaking Households	32,040	12.7	9,060	3.6
Lee County School District 2017-2018 Enrollment	81,500			
Spanish Speaking			8,423	10.3
Haitian Creole Speaking			698	.9

Frequency of Contact with LEP Customers

Lee County departments determine the frequency by which staff comes into 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 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. Departments will determine the necessity for translating documents into alternate languages.

Lee County's departments of Utilities and Human and Veteran Services meet a significant demand for services in Spanish and have certified translators on staff to meet regular, daily demand. Other departments handle translations as needed. Requests for verbal language translation service in FY17 include:

Program	Requests	Notes
County Website	28,060	Users accessed the Google translator option to convert website content to a language other than English.
Utilities	7,111	All Spanish; five customer service specialists and one supervisor are certified translators; bills, key documents, emergency notices and telephone hotlines include options for Spanish translation.
Library System	960	All Spanish; also, the Library System's "English Café," an educational program to help customers learn conversational English, served 1,875 people at 283 sessions. Languages represented include Spanish, German, Portuguese, Polish, Czech, Hindi, Bengali, Indonesian, Standard Chinese, Slovak, Armenian, Haitian Creole, Korean, Ukrainian, and Russian.
Human Services	715	All Spanish; 10.4% of the department's customers; 11 key documents translated; six staff members are certified translators.
Parks & Recreation	50	All Spanish.
Lee County Administration	21	All Spanish.
LeeTran	20	All Spanish; nine documents translated to Spanish.
Animal Services	6	All Spanish

Evaluation of Contractors and Grant Subrecipients

For FY18, Lee County has a purchase order agreement with Language Line Solutions in a "piggy back" agreement between the states of Texas and Florida. Lee County also has access to volunteer translators associated with the Lee County Visitor and Convention Bureau. There were no reports from staff of any problems with those two sources of assistance.

Lee County is monitoring the status of the agreement with Language Line Solutions, which is due to be renegotiated in March 2018.

Subcontractors are also monitored for Title VI compliance.

Evaluation of Staff Trained in Current LEP Policies

During 2017, Lee County reassigned duties to monitor 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 from the Human Resources Department to the Lee County ADA Coordinator.

Within the Department of Utilities, demand by LEP customers reflects the broad countywide demographic that approximately 13% percent of households speak Spanish. Staff includes five customer service specialists and one supervisor who are certified translators.

Within the Department of Human and Veteran Services, where demand by LEP customers represents 10 percent of the customer base, six staff members are certified as Spanish translators.

In other departments, staff who can speak Spanish routinely handle translation requests.

Assessment of Resources and Arrangements

No Lee County Departments reported an inability to provide timely language assistance when needed or are in the process of requesting additional resources for unmet demands or language assistance. No grievances from the public were made.

Conclusion

Lee County complies with 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. No additional resources are needed.