**FOUR FACTOR ANALYSIS**

**ASSESSING**

**LIMITED ENGLISH PROFICIENCY**

**AND**

**LANGUAGE ASSISTANCE PLAN**

**PREPARED BY**

**CITY OF LEXINGTON**

**FOR**

**THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

**APPROVED ON:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

1. **POLICY STATEMENT**

It is the policy of the City of Lexington to take reasonable steps to provide meaningful access to its programs and activities for persons with Limited English Proficiency (LEP). The City of Lexington’s policy is to ensure that staff will communicate effectively with LEP individuals, and LEP individuals will have access to important programs and information. City of Lexington is committed to complying with federal requirements in providing free meaningful access to its programs and activities for LEP persons.

1. **HISTORY**

Title VI of the Civil Rights Act of 1964 is the federal law which protects individuals from discrimination on the basis of their race, color, or national origin in programs that receive federal financial assistance. In certain situations, failure to ensure that persons who have Limited English Proficiency can effectively participate in, or benefit from, federally assisted programs may violate Title VI’s prohibition against national origin discrimination.

Persons who, as a result of national origin, do not speak English as their primary language and who have limited ability to speak, read, write, or understand English may be entitled to language assistance under Title VI in order to receive a particular service, benefit, or encounter.

On August 11, 2000, Executive Order 13166, titled, “Improving Access to Services by Persons with Limited English Proficiency,” was issued. Executive Order 13166 requires federal agencies to assess and address the needs of otherwise eligible persons seeking access to federally conducted programs and activities who, due to LEP cannot fully and equally participate in or benefit from those programs and activities. Section 2 of the Executive Order 13166 directs each federal department or agency "to prepare a plan to improve access to…federally conducted programs and activities by eligible LEP persons…."

1. **DEFINITIONS**

Beneficiary**:** The ultimate consumer of HUD programs and receives benefits from a HUD Recipient or Sub-recipient.

Limited English Proficient Person (LEP): Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English because of national origin.

Language Assistance Plan (LAP): A written implementation plan that addresses identified needs of the LEP persons served.

Recipient: Any political subdivision of the State of Nebraska, or an eligible nonprofit organization, to whom Federal financial assistance is extended for any program or activity, or who otherwise participates in carrying out such program or activity, including any successor, assign or transferee thereof, but such term does not include any Beneficiary under any such program.

Sub-recipient: Any public or private agency, institution, organization, or other entity to whom Federal financial assistance is extended, through another Recipient, for any program or activity, or who otherwise participates in carrying out such program or activity but such term does not include any Beneficiary under any such program.

Vital Document: Any document that is critical for ensuring meaningful access to the Recipient’s major activities and programs by Beneficiaries generally and LEP persons specifically.

1. **FRAMEWORK & METHODOLOGY**

This Four Factor Analysis is the first step in providing meaningful access to federally funded programs for LEP persons. The Four Factor Analysis completed by City of Lexington addresses the following:

1. The number or proportion of LEP persons eligible to be serviced or likely to be encountered by City of Lexington;
2. The frequency with which LEP persons using a particular language come in contact with City of Lexington;
3. The nature and importance of the City of Lexington program or activity provided to the individual’s life; and
4. The resources available to City of Lexington, and costs associated with providing LEP services.
5. **FOUR FACTOR ANALYSIS**
6. **The number or proportion of LEP persons eligible to be served or likely to be encountered by City of Lexington.**

Demographic data from the 2019 American Community Survey indicates that the number of residents in Lexington that speak a language other than English at home is nearly 56.6%. More than 48% of the local population is reported as Speaking Spanish, and 9% report speaking some other language. 6% or 1,979 of those Speaking Spanish reported speaking English “less than very well”. Of those individuals who speak a language other than Spanish, 6% or 553 report speaking English “less than very well”, Spanish is the most common language spoken in the home, followed by “other” at 9%. Demographic information provided by large employers in the community as well as anecdotal information leads to a reasonable assumption that the second most common foreign language in Lexington is Somali – affirmed by the 9% of residents noted in the ACS with of Sub-Saharan ancestry.

1. **The frequency with which LEP persons using a particular language come in contact with City of Lexington.**

Staff working for the City of Lexington frequently report language as an obstacle to providing services, as well as informal requests for language assistance from residents. Anecdotal evidence from municipal employees with high rates of customer contact indicates that a language barrier does exist with a significant portion of the population – although many residents have found solutions that are workable for them – such as bringing a family member of friend with them who is capable of translation. However, not all residents provide for their own translation and in those instances the burden to ensure that accurate communication is possible between the City and residents rests with the City. The majority of the services provided to individuals are either:

1. Printed communication regarding particular project tor proposal; or
2. Face-to-face communication at customer service positions regarding ongoing services provided by the City (utilities billing, police services, etc.).
3. **The nature and importance of the City of Lexington** **program or activity provided to the individual’s life.**

The first type of communication has less urgency. Generally such communication is prepared far in advance of the project, allowing for translation to be obtained in advance or providing adequate time between receipt of the communication by the resident and the subject of the communication (i.e. street closing, listening session) to allow for the resident to request translation services if the communication was not already translated.

The second type of communication is more immediate, and may have serious implications (e.g. police services). Immediate translation services should be offered for these situations via Language Line, employees certified for translation, or other contracted certified translation services.

1. **The resources available to** City of Lexington**, and costs associated providing LEP services.**

The cost of an extensive LEP Assistance program is not within the budgetary means of the City. In addition, a significant percentage of the population that may benefit from assistance, i.e. some Somali residents, have self-reported through their community leaders as having low or no literacy; this makes providing printed communication, which is often the most cost-effective means for translation for a language that is less common in Central Nebraska, more challenging. However, ongoing assessment of the program and assistance requested received will be necessary to ensure that the budget allocated for this program remains appropriate and that the means of providing communication is effective. Should the demonstrated need for translation services show substantial increase, budgetary allocation will have to be re-examined.

As a result of the Four Factor Analysis, City of Lexington has determined a Language Assistance Plan is needed: ✓ YES 🞏NO