

**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: _____

A. 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.

B. 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...."

C. 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.

D. 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.

E. FOUR FACTOR ANALYSIS

1. 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.

2. 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 or 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 or 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.

4. 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

LANGUAGE ASSISTANCE PLAN

As a result of the preceding Four Factor Analysis, the City of Lexington has developed a Language Assistance Plan. The Language Assistance Plan addresses the identified needs of the LEP persons the City serves, the process by which the City will monitor and update the LAP.

the City of Lexington understands that the actions the City is expected to take to meet its LEP obligations depend upon the results of the Four Factor Analysis including the services the City offers, the City's service area, the resources the City possesses, and the costs of various language service options. However, the City of Lexington is to take reasonable steps to ensure meaningful access to LEP persons. The meaningful access is based upon a reasonableness standard that is both flexible and fact-dependent.

1. The procedures the City of Lexington will use to identify LEP persons with whom the City of Lexington has contact, the size of LEP populations, and the languages of LEP populations.

The LEP population shall be assessed by the appointed Coordinator with data from the following sources:

- I. U.S. Census Bureau for Lexington, Nebraska municipality including the American Community Survey;
- II. Review of prior municipal experiences with LEP individuals, including frequency of contact requesting assistance;
- III. Enrollment of English-Second-Language students in public school district.
- IV. Workforce language needs reported by employers in the community.

2. Points and types of contact the City of Lexington may have with LEP persons.

The City of Lexington may have contact with LEP individuals through service provisions, such as utility accounts and billing, park and recreational programs, and public safety. Communication with LEP individuals is also likely to take place in a larger forum, such as in listening sessions, public meetings, or through open houses or printed communications directed to inform and engage residents regarding specific projects.

3. Ways in which language assistance will be provided by the City of Lexington, and the plan for outreach to LEP populations.

Newspaper notifications will be printed in the *Lexington Clipper-Herald* (English newspaper) and the *Que Pasa* (Spanish newspaper). An advertisement will be published (in English) in the *Lexington Clipper-Herald* in three issues. One advertisement (in Spanish) will be published in the monthly newspaper *Que Pasa*. The City of Lexington will issue a news release, although there is no guarantee a news outlet will run the news item.

The *Lexington Clipper-Herald* is published twice a week, on Wednesday and Saturday. *Que Pasa* is a monthly newspaper published on the first of the month by the *Lexington Clipper-Herald*.

For route-specific project notification, such as road projects, direct mailings will be sent to all persons/businesses/organizations in proximity to the project area, the list to be created by the City of Lexington. Direct mailings will be printed in English and Spanish.

Project fliers printed in English and Spanish will be posted at the following locations:

- Lexington City Hall
- Lexington City Library
- Somali Community Center
- Lexington Area Chamber of Commerce
- The Welcome Center (Immigration Assistance Organization)
- Optional: One or two churches in the project area, known to have substantial Hispanic outreach

Project information will be posted on the City of Lexington website (Posted in English and Spanish). The City's website has been designed with a Spanish translation feature that the user can invoke.

A City of Lexington project representative will meet with Somali community leader(s) in Lexington, present the project information, and arrange for the information to be either translated or interpreted, as necessary, for the Somali LEP population. The information presented to the Somali leaders will be identical to the information published in English and Spanish. Since a majority of Somali immigrants are not literate in a Somali language, information will be provided at a minimum in English. Somali leader(s) will be briefed on the project. They in turn can convey the notification to interested parties, and at any Somali gathering where information is disseminated.

4. the City of Lexington's plan for training staff members on LEP guidance and the LAP, including specific provisions for training staff that are responsible for monitoring Recipients of HUD funding.

All City staff shall be trained annually on the LAP and contracted translation services. New staff shall receive training upon hire. In addition, staff responsible for monitoring recipients of HUD funding shall review the LAP and any documented requests for LEP assistance on file prior to each CDBG application.

5. A list of Vital Documents to be translated, the languages into which they will be translated and the timetable for translations.

At this time, Vital Documents for immediate translation shall consist of notices of the City's ability to provide language assistance and instructions for requesting such. The City is in

development of a list of Vital Documents to be translated and considering various methods for obtaining or contracting for those services. Translation needs will be assessed on an ongoing basis and additional Vital Documents may be added to translation as necessary.

Vital Documents shall be translated into Spanish. Notice of language assistance has already been translated.

6. the City of Lexington’s plan for translating informational materials that detail services and activities provided to Beneficiaries and the City of Lexington’s plan for providing appropriately translated notices to LEP persons.

Informational materials shall be translated as deemed by the program or project beneficiaries. For the 2015 OOR program, promotional materials shall be translated to Spanish and marketed in conjunction with English promotions. As potential applicants express interest, additional translated materials will be provided upon request. Communication with Somali residents will take place as described in Section 3.

7. The City of Lexington’s plan for providing interpreters for large, medium, small and one-on-one meetings.

As stated in the public notice, translated into Spanish, individuals must contact the City four business days prior to the scheduled meeting so that translation services may be arranged. The City will attempt first to provide an in-person certified translator, but may utilize a conference call translation service, such as Language Line, during the meeting.

Example: Individuals requiring physical or sensory accommodations including interpreter service, Braille, large print or recorded materials should contact the LEP Coordinator at P.O. Box 70, Lexington, NE 68850 or by calling 308-324-2341 no later than July 1, 2015.

Si tiene poca Inglés de aptitud, por favor pregunte por cualquier alojamiento, incluyendo la traducción de los servicios o documentos, que usted necesita ponerse en contacto con LEP Coordinator al PO Box 70, Lexington, NE 68850 o llamando al 308-324-2341 a más tardar el 08 de julio 2015.

This same option will be made available to Somali residents, as described in Section 3.

8. The City of Lexington’s plan for developing community resources, partnerships, and other relationships to help with the provision of language services.

The City of Lexington shall encourage employees to become certified translators and shall seek out certified translators currently engaged in the community in organizations including, but not limited to, the public school system and Central Community College. The City shall

continue to support and expand a working relationship with leaders within the Somali community to provide language assistance.

9. The City of Lexington’s plan for monitoring and updating the LAP.

The appointed coordinator shall review the LEP plan every three (3) years or after five (5) requests for language assistance, whichever occurs first. The appointed coordinator shall review and update census data and revise the Plan and associated documents to reflect any changes in languages in the area. Requests for assistance will be reviewed and modifications to the process made if necessary.

COMPLAINTS

If you believe that you have been denied the benefits of this Language Assistance Plan, you may file a written complaint by mail to:

City of Lexington
Attn: LEP Coordinator
406 E 7th Street
PO Box 70
Lexington, NE 68850

Any person that feels that the Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000(d) and Executive Order 13166 regulations were not complied with may file a complaint directly to the Assistant Secretary for Fair Housing and Equal Opportunity at the following address (or as otherwise directed by HUD):

Betty J. Bottiger
Director, Region VII Office of Fair Housing and Equal Opportunity
U. S. Department of Housing and Urban Development
400 State Avenue
Kansas City, Kansas 66101-2406
Betty.Bottiger@hud.gov