BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF AMENDING THE)
LIMITED ENGLISH PROFICIENCY PLAN)
FOR LANCASTER COUNTY, NEBRASKA)

RESOLUTION NO. R-15-0065

WHEREAS, on May 31, 2011, the Lancaster County Board of Commissioners approved County Resolution No. 11-0036, adopting the Limited English Proficiency Plan to clarify its responsibilities pursuant to Title VI of the Civil Rights Act of 1964 and its implementing regulations, and to show Lancaster County's commitment to ensure meaningful access to all Lancaster County programs by persons with Limited English Proficiency (LEP); and

WHEREAS, it is necessary to amend the Limited English Proficiency Plan for Lancaster County, Nebraska, to update the U.S. Census data in Section III, to provide for private interpreter services through Lancaster County contracts in Section V, and to update the list of documents and information available by County agencies in Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Lancaster County, Nebraska that the Limited English Proficiency Plan for Lancaster County, Nebraska, is amended and adopted as provided in Attachment "A".

DATED this 1st day of December, 2015, at the County-City Building, Lincoln, Lancaster County Nebraska.

BY THE BOARD OF COUNTY COMMISSIONERS OF
LANCASTER COUNTY, NEBRASKA

Wiltgen was absent from voting

APPROVED AS TO FORM
this 1 day of December, 2015

Deputy County Attorney
for JOE KELLY
Lancaster County Attorney

Limited English Proficiency Plan for Lancaster County, Nebraska

Prepared November 13, 2015

I. Purpose and Authority

The purpose of this limited English proficiency policy is to clarify the responsibilities of Lancaster County departments receiving federal financial assistance from the Department of Justice and to assist them in fulfilling their responsibilities to limited English proficient (LEP) persons, pursuant to Title VI of the Civil Rights Act of 1964 and implementing regulations. This policy was prepared in accordance with Title VI of the Civil Rights Act of 1964; 42 U.S.C. §2000d et seq., and its implementing regulations which provide that no person shall "on the ground of race, color, or national origin, be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." This plan also serves to show Lancaster County's commitment to ensure meaningful access to all Lancaster County programs by persons with limited English proficiency (LEP.

On August 11, 2000, Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency" 65 FR 50121 was issued. Under the order every Federal agency that provides financial assistance to non-Federal entities must publish guidance on how their recipients can provide meaningful access to LEP persons and thus comply with Title VI regulations. This policy was developed using the Department of Justice "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons" 67 FR 2671; 67 FR 41455.

II. Plan Summary

Definition of Limited English Proficiency (LEP) persons: LEP persons are individuals who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English.

Lancaster County has developed this Limited English Proficiency Plan to help identify reasonable steps to ensure LEP persons meaningful access to Lancaster County programs. This plan details procedures on how to identify a person who may need language assistance, the ways in which assistance may be provided, training staff, how to notify LEP persons that assistance is available, and information for future plan updates.

To decide what reasonable steps Lancaster County departments should take to ensure meaningful access for LEP persons, Lancaster County undertook a four factor LEP analysis which considers the following :

1. The number or proportion of LEP persons eligible to be served or likely encountered by the Lancaster County program, activity or service;
2. The frequency with which LEP individuals come in contact with the Lancaster County program, activity or service;
3. The nature and importance of the program, activity or service provided by Lancaster County and;
4. The resources available to Lancaster County and overall costs.

A brief description of the above considerations is provided in the following section.

III. Four Factor Analysis

1. The number or proportion of LEP persons eligible to be served or likely encountered by the Lancaster County program, activity or service.

Lancaster County and Lancaster County departments will use various methods to identify LEP persons with whom they have contact. These may include:

Current and past experiences with LEP persons encountered by the department's staff. The number and type of such encounters will be periodically analyzed to determine the breadth and scope of the language services required.

Most recent U.S. Census Bureau data. Lancaster County and Lancaster County departments shall analyze data from the most recent U.S. Census Bureau data regarding languages spoken in Lancaster County as well as those who self-identified that they spoke English less than "very well".

Lancaster County has examined the U.S. Census Bureau's 2009 - 2013 American Community Survey data for Lancaster County, Nebraska, and was able to determine that approximately 10.9%, or 29,494 people of the Lancaster County population age 5 and older spoke a language other than English at home and approximately 4.4%, or 11,764 people of the Lancaster County population reported that they speak English "less than very well". People speaking Spanish at home comprised the largest language group speaking a language other than English at home. There were 11,100 people over the age of 5 years, who spoke Spanish at home and of that number 4,200 said that they do speak English "less than very well". Of those speaking Asian and Pacific Islander languages, 4,451 report they speak English "less than very well", and of those speaking other Indo-European languages 1,903 report they speak English "less than very well". (see table below)

Language Spoken at Home Population 5 years and over	Lancaster County, Nebraska		
	Estimate	Percent	Margin of Error
Population 5 years and over	269,671	269,671	+/-26
Language other than English	29,494	10.9%	+/-1,575
Speak English less than "very well"	11,764	4.4%	+/-805
Spanish	11,100	4.1%	+/-723
Speak English less than "very well"	4,200	1.6%	+/-488
Other Indo-European languages	6,817	2.5%	+/-841
Speak English less than "very well"	1,903	0.7%	+/-385
Asian and Pacific Islander languages	8,373	3.1%	+/-501
Speak English less than "very well"	4,451	1.7%	+/-384
Other languages	3,204	1.2%	+/-795
Speak English less than "very well"	1,210	0.4%	+/-386

Source: U.S. Census Bureau, 2009-2013 5-Year American Community Survey

2. **The frequency with which LEP individuals come in contact with the Lancaster County program, activity or service.**

In addition to research conducted to identify LEP persons in Lancaster County, Lancaster County departments shall also annually compile information regarding the frequency of contact with LEP persons. The more frequent the contact and or the number of requests for other languages other than English, the more likely that language services for a specific language will be needed. Actions taken for a department that serves a LEP person one time or occasionally will be different from those that serve LEP persons every day. Lancaster County departments will assesses the frequency at which staff has or could possibly have contact with LEP persons. This includes documenting phone inquires and in person inquires for LEP assistance or materials, requests for language interpreters or translated material, and may include surveying public meeting attendees.

3. **The nature and importance of the program, activity or service provided by Lancaster County.**

Lancaster County recognizes that within the range of programs and services it provides, the nature of some programs and services may be more important to LEP persons than others. It is Lancaster County's intent to provide meaningful access to all participants and eligible persons, however, the availability of resources may limit the provision of language services in some instances and in some departments.

4. **The resources available to Lancaster County and overall costs.**

Lancaster County departments shall assess their available resources that could be used for providing LEP assistance. This shall include identifying what staff and volunteer language interpreters are readily available; how much a professional interpreter and translation service would cost; which documents should be translated; which organizations the department could partner with for interpreter and translation services or outreach efforts; which financial and in-kind sources could be used to provide assistance; and what level of staff training is needed.

Lancaster County has contracts with interpreters and translators available for departments use. These contracts can be found on the Purchasing Department's website.

After analyzing the four factors, Lancaster County developed the LEP Plan outlined in the following section for assisting LEP persons.

IV. How To Identify An LEP Person Who Needs Language Assistance

Below are tools that may be used by Lancaster County departments to help identify persons who may need language assistance.

- When records are normally kept of past interactions with members of the public, the language of an LEP person may be included as part of the record.

- Have language identification cards or Census Bureau "I speak cards" at customer service counters in Lancaster County departments which invite LEP persons to identify their language needs to staff. While staff may not be able to provide translation assistance at the initial contact with an LEP person, the cards are an excellent tool to identify language needs for future contacts.

- Posting notices in commonly encountered languages notifying LEP persons of language assistance to encourage LEP to self-identify.

V. Language Assistance Measures

When an interpreter is needed, in person or on the telephone, staff should first determine what language is required. "I Speak" cards are available for assistance in identifying the language required if a LEP person is in the office. Lancaster County can obtain interpreter services for most languages. Staff can contact one of the private interpreter services Lancaster County contracts with on the Purchasing website.

Staff may be able to assist with written communications from LEP persons. If staff cannot, contracted providers are able to provide translation services. Those contracted providers can be found on the Purchasing website.

Use of informal interpreters, such as family or friends of the LEP person seeking service, or other customers, is discouraged, with minor children generally prohibited from acting as interpreters. The use of informal interpreters shall be allowed at the insistence of the LEP person or in emergencies, but shall be documented and subject to approval of a supervisor.

No staff may suggest or require that an LEP person provide an interpreter in order to receive services.

Many Lancaster County documents are currently available in Spanish and other languages. (See the attached list.).

VI. Staff Training

All staff will be provided with the LEP Plan and will be educated on procedures and services available. LEP Plan information will also be a part of the staff orientation process for new employees. Training topics may include the following:

- Lancaster County LEP policy and procedures;

- Understanding Title VI LEP responsibilities;

- What language assistance services Lancaster County offers;

- Use of LEP language identification cards or "I speak cards";

- How to use language interpretation and translation services and which services are available;

- Documentation of language assistance requests; and

- How to handle a complaint

VII. Providing Notice of Available Language Services to LEP Persons

- Posting signs that language assistance is available in public areas such as intake areas, customer service areas and other entry points to Lancaster County departments.

- Statements may be placed in outreach documents indicating that language services are available from Lancaster County. Such statements could be placed in announcements, brochures, booklets, fliers, notices, advertisements, agendas or recruitment information. Statements should be translated into the most common languages.

- When running a general public meeting notice, staff should insert the clause "Si usted necesita la ayuda de un traductor del idioma espanol, por favor comuniquese con la (insert staff name) al telephone (402) 441-7481 cuando menos 48 horas antes de la junta" which asks persons who need Spanish language assistance to make arrangements with Lancaster County within two days of the publication of notice.

- If a Lancaster County department is presenting a topic that could be of potential importance to an LEP person or if a Lancaster County department is hosting a meeting or a workshop in a geographic location with a known concentration of LEP person, the department may have notices, fliers, advertisements, and agendas printed in an alternative language or provide notices on non-English language radio stations or media outlets about the available language assistance services and how to get them.

VIII. Monitoring and Updating the LEP Plan

This plan is designed to be flexible and can be easily updated. Lancaster County and Lancaster County departments will reevaluate the LEP Plan on a regular basis. Consideration shall be given to changes in demographics, types of services, or other needs when determining the frequency of LEP Plan reevaluation.

Each reevaluation should examine all Plan components and assess the following:

- How many LEP persons were encountered and what languages?

- Were their needs met?

- What is the current LEP population in Lancaster County?

- Has there been a change in the types of languages where translation services are needed?

- Is there still a need for continued language assistance for previously identified Lancaster County programs? Are there other programs that should be included?

- Has Lancaster County's or a specific Lancaster County department's available resources, technology, staff, and financial costs changed?

- Has Lancaster County or a specific Lancaster County department fulfilled the goals of the LEP Plan?
- Were complaints received?
- Are identified sources of assistance still available and viable?

IX. Dissemination of the Lancaster County Limited English Proficiency Plan

Lancaster County will post the LEP Plan on its website at
http://lancaster.ne.gov/commiss/policies/index.htm

Any person, including social service, non-profit, and law enforcement agencies and other community partners with Internet access will be able to access the LEP Plan. For those without personal Internet service, area libraries offer free Internet access. Please contact your local library to determine if this service is available. Copies of the LEP Plan will be provided to any person or agency requesting a copy.

Any questions or comments regarding this LEP Plan should be directed to the Lancaster County Title VI Coordinator:

Gwen Thorpe
Deputy Chief Administrative Officer
555 South 10th Street
Lincoln, NE 68508
402-441-7447

X. Complaints

Title VI of the Civil Rights Act of 1964 as amended prohibits discrimination on the basis of race, color, or national origin under any program or activity that receives federal financial assistance. As a recipient of federal financial assistance, Lancaster County, Nebraska has in place a Title VI complaint procedure.

1. Any person who believes that he or she, individually, as a member of any specific class, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, the American with Disabilities Act of 1990, Section 504 of the Vocational Rehabilitation Act of 1973 and the Civil Rights Restoration Act of 1987, as amended, may file a complaint with Lancaster County. A complaint may also be filed by a representative on behalf of such a person. All Title VI complaints will be referred to Lancaster County's Title VI Coordinator for review and action.
2. In order to have a Title VI complaint considered under this procedure, the complainant must file the complaint no later than 180 days after:
    a) The date of alleged act of discrimination; or
    b) Where there has been a continuing course of conduct, the date on which that conduct was discontinued.

    In either case, the Lancaster County Title VI Coordinator or his/her designee may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.

3. Title VI complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative. Complaints shall set forth, as fully as possible, the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint of discrimination to an officer or employee of Lancaster County, the person shall be interviewed by the Title VI Coordinator. If necessary, the Title VI Coordinator will assist the person making a complaint in reducing the complaint to writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled according to Lancaster County's investigative procedures.
4. Within 10 days, the Title VI Coordinator will acknowledge receipt of the allegation, inform the complainant of procedures to be followed, and advise the complainant of other avenues of redress available.
5. Within 60 days, the Title VI Coordinator will conduct an investigation of the allegation and based on the information obtained, will render a recommendation for action in a report of findings to Lancaster County's governing body. The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report of findings.

EXHIBIT "A"

LEP – LIST OF DOCUMENTS AND INFORMATION AVAILABLE BY AGENCY:

NOTE: All County web pages have a "translate" button allowing information to be translated into many languages. Lancaster County has a contract for translation services all agencies can use as needed.

PUBLIC DEFENDER

- Information sheet handed to individuals by Lancaster County Court after they have been appointed a Public Defender. Information sheet available in English, Spanish, Arabic and Vietnamese
- Interpreters provided as necessary
- Translation availability on web pages

RISK MANAGEMENT

- Translation availability on web pages. Workers' Compensation Court has some publications available in several languages

VETERANS ASSISTANCE AND GENERAL ASSISTANCE

- Translation availability on web pages

MENTAL HEALTH CRISIS CENTER

- Utilizes interpreters
- Basic handouts explaining the evaluation process and client rights available in Spanish, Vietnamese and Arabic
- Video explaining evaluation process and client rights when in the Crisis Center available in Spanish, Vietnamese and Arabic
- One staff member who signs American Sign Language
- One staff member who speaks Spanish
- Translation availability on web pages

YOUTH SERVICES CENTER

- Utilizes interpreters
- Utilize Sudanese advocates to help with Arabic and other northern African languages
- Have Spanish speaking staff and one staff member fluent in Vietnamese
- Phone system allows for English and Spanish
- Have printed information available in English, Vietnamese, Arabic, Spanish and Russian
    - ✓ Juvenile Court Process Handbook: English, Vietnamese, Arabic, Spanish, Russian
    - ✓ Medication Authorization form: English, Vietnamese, Arabic, Spanish
    - ✓ Property Release: English, Vietnamese, Arabic, Spanish, Russian

- ✓ Parent Notification letter: English, Vietnamese, Arabic, Spanish, Russian
- ✓ Resident Handbook and Rule Book: English, Vietnamese, Arabic, Spanish
- ✓ Responsibility sheet: English, Vietnamese, Arabic, Spanish
- ✓ Visitation Handbook: English, Vietnamese, Arabic, Spanish
- ✓ Visitation Request form: English, Vietnamese, Arabic, Spanish
- ✓ Lincoln Public Schools Parent brochure: English, Vietnamese, Arabic, Spanish, Russian

- On-site school utilizes all Lincoln Public Schools translated materials available in a variety of languages. Lincoln Public Schools program description for parents is also available in Spanish. Can utilize all of Lincoln Public School District's translators for face to face communication as needed.
- Translation availability on web pages

LINCOLN/LANCASTER COUNTY HUMAN RESOURCES DEPARTMENT

- Translation availability on web pages
- Have posters dealing with local, state and federal employment policies available in English and Spanish posted in their offices
- Translation availability on web pages

COUNTY EXTENSION

- Many educational resources, including printed materials and videos, are available in multiple languages, covering a wide variety of topics. Some of these materials were developed by County Extension staff, some by University of Nebraska - Lincoln Extension staff, and some by national sources such as USDA.
- Most of the educational resources mentioned above are available on the County Extension website or linked. All web pages have translation availability.
- Extension staff present some workshops and group presentations with an interpreter (various languages).

HUMAN SERVICES/JUVENILE JUSTICE

- Utilizes Sudanese Advocates interpreter, Lincoln Public Schools interpreters, or interpreters through the Juvenile Court
- Various documents/forms available in many languages through the juvenile justice system
- Translation availability on web pages

LINCOLN/LANCASTER COUNTY HEALTH DEPARTMENT

- Each division has information available in various languages based upon their clientele. The most common languages requested are English, Spanish, Vietnamese and Arabic. Information is also available in the following languages: Bengali, Chinese, German, Hokano, Karen, Nepali, Romanian, Somali, Turkish, Amharic, Bosnian, Croatian, Haitian Creole, Indonesian, Korean, Polish, Russian, Urdu, Burmese, Farsi, Hinki, Italian, Laotian, Portuguese, Samoan, Tagalog,

Armenian, Cambodian, French, Hmong, Japanese, Marshallese, Punjabi, Serbian, Thai, and Yiddish

- Translation availability on web pages

COUNTY BOARD OF COMMISSIONERS

- Translation availability on web pages

COUNTY CLERK

- Translation availability on web pages
- Marriage license requirements are available on the web in Spanish and Vietnamese
- Marriage license worksheet is available in Spanish
- Marriage license instructions for officiants are printed in Spanish and Vietnamese

EMERGENCY MANAGEMENT

- Tornado Awareness brochure available on website in Vietnamese and Spanish
- Translation availability on web pages

COMMUNITY CORRECTIONS

- Utilize interpreter services through contracts, most requested languages are Spanish, Vietnamese and Karen