

Limited English Proficiency Plan

CITY OF WEST POINT, NEBRASKA

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I. Introduction

This *Limited English Proficiency Plan* (LEP) has been prepared to address the City of West Point's responsibilities as a recipient of Federal financial assistance as they relate to the needs of individuals with limited English language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964 which prohibits discrimination on the basis of race, color or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that "no person shall, on the grounds of race, color or national origin be excluded from participation in, be denied the benefits of, be subject to discrimination under any program or activity receiving Federal financial assistance."

Executive Order 13166, titled *Improving Access to Services for Persons with Limited English Proficiency*, indicates that differing treatment based upon a person's inability to speak, read, write or understand English is a type of national origin discrimination. It directs Federal agencies to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies which receive federal funds, including the City of West Point.

Plan Summary

The City of West Point has developed this *Limited English Proficiency Plan* to help identify reasonable steps for providing language assistance to persons with limited English proficiency who wish to access services provided. As defined Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write or understand English.

This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and how to notify LEP persons that assistance is available.

As part of preparing this Plan, the City of West Point used the four-factor LEP analysis which considers the following factors:

1. The number or proportion of LEP persons in the service area who may be served by the City of West Point.
2. The frequency with which LEP persons come in contact with City of West Point services.
3. The nature and importance of services provided by the City of West Point to the LEP population.
4. The resources available to the City staff and overall costs to provide LEP assistance.

II. Meaningful Access: Analysis of the Four Factors

1. The number or a proportion of LEP persons in the service area who may be served or are likely to require City of West Point services.

The 2011-2015 American Community Survey 5-year estimates indicate that out of the 3,161 residents 7% of Spanish-speaking persons report speaking English less than “very well.” No other language groups reported speaking English less than “very well.” The City will consider these LEP persons. The City encounters Spanish-speaking individuals up to once a month. These LEP persons generally provide their own translator when needed.

2. The frequency with which LEP persons come in contact with City of West Point services.

The City will continue to assess the frequency with which its employees have, or could have, contact with LEP persons. This includes documenting face-to-face contacts, telephone inquiries and applications for employment, water and sewer utility service, library services, housing services, building permits and police and fire services. City employees have indicated that there is very infrequent contact with persons with LEP in regard to Spanish.

3. The nature and importance of services provided by City of West Point to the LEP population.

The proposed project for the City of West Point is a water treatment rehabilitation project which includes the replacement of old, smaller diameter mains in targeted areas. All LEP persons would have the opportunity to participate in public meetings explaining the impact that the project will have on their property and/or life. During the implementation phase of the ED/Housing Repurposing project, delay of access to services is not likely to have serious or life-threatening implications for the LEP individual.

4. The resources available to the City of West Point and costs associated providing LEP services.

If needed the City of West Point will utilize the services of Jamileth Alvarado, who works at the local hospital, St. Francis Memorial Hospital, as a translator to assure that all LEP persons who are eligible for a program are provided with the information and assistance necessary to participate in the program and to assure that all LEP persons can obtain information concerning the existence and location of the City’s programs, services, activities and facilities. Ms. Alvarado also works with the local police department when translation services are needed. The City could partner with the medical clinic and hospital, church organizations, the public school, the Center of Rural Affairs, and the Northeast Nebraska Economic Development District. The City would also have access to a hotline translation service and Google Translate and, if necessary, the City would be able to pay for translation services. A tracking sheet has been created to monitor all LEP encounters. The following LEP training will be provided to all staff:

- Information on the Title VI Policy and LEP responsibilities.
- Description of language assistance services offered to the public.
- Documentation of language assistance requests.
- How to handle a potential Title VI/LEP complaint.

All contractors or subcontractors performing work for City of West Point will be required to follow the Title VI/LEP guidelines.

Local LEP Representative

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III. Language Assistance

A person who does not speak English as their primary language and who has a limited ability to read, write, speak or understand English may be a Limited English Proficient person and may be entitled to language assistance with respect to City of West Point services. Language assistance can include interpretation, which means oral or spoken transfer of a message from one language into another language and/or translation, which means the written transfer of a message from one language into another language.

After identification or anticipation of an LEP person who needs language assistance, the City of West Point may utilize any of the following:

- Post notice of LEP Plan and the availability of interpretation or translation services free of charge in languages LEP persons would understand.
- Provide necessary documents in the needed language.

When the City of West Point sponsors an informational meeting or event, a staff person may greet participants as they arrive. By informally engaging participants in conversation it is possible to gauge each attendee's ability to speak and understand English. Although translation may not be able to be provided at the event it will help identify the need for future events.

A. Language Assistance Measures-Although there is a very low percentage in the City of West Point of LEP individuals, that is, persons who speak English "not well" or "not at all," it will strive to offer the following measures:

1. The City of West Point will provide a translator for the LEP individuals
2. The following resources will be available to accommodate LEP persons:
 - i. Language interpretation will be accessed for all other languages through a telephone interpretation service.

B. Periodic Reviews - City of West Point staff will be informally surveyed periodically on their experience concerning any contacts with LEP persons since the last periodic review.

IV. Staff Training

The following training will be provided to all staff:

- Information on the Title VI Policy and LEP responsibilities.
- Description of language assistance services offered to the public.
- Documentation of language assistance requests.
- How to handle a potential Title VI/LEP complaint.

All contractors or subcontractors performing work for City of West Point will be required to follow the Title VI/LEP guidelines.

V. Translation of Documents

- City of West Point weighed the cost and benefits of translating documents for potential LEP groups. Considering the expense of translating the documents, the likelihood of frequent changes in documents and other relevant factors, at this time it is an unnecessary burden to have any documents translated.
- Due to the very small local LEP population, City of West Point does not have a formal outreach procedure in place, as of 2020. Translation resources have been identified and are available as needed. However, when and if the need arises for LEP outreach, City of West Point will prepare documents or schedule meetings for which the target audience is expected to include LEP individuals. As is needed documents, notices, flyers and agendas will be printed in an alternative language based on the known LEP population.

VI. Monitoring and Recordkeeping

Monitoring

The City of West Point will monitor and update the LEP Plan as required. At a minimum, the plan will be reviewed and updated when data from next U.S. Census is available, or when it is clear that higher concentrations of LEP individuals are present in the City of West Point service area. Updates will include the following:

- The number of documented LEP person contacts encountered annually.
- How the needs of LEP persons have been addressed.
- Determine the current LEP population in the service area.
- Determine whether the need for translation services has changed.
- Determine whether local language assistance programs have been effective and sufficient to meet the need.
- Determine whether the City of West Point fully complies with the goals of this LEP Plan.
- Determine whether complaints have been received concerning the City's failure to meet the needs of LEP individuals.

Recordkeeping

The City of West Point will maintain a monitoring file. The file will include:

- Any documentation regarding any LEP guidance or technical assistance provided by the City.
- Any documentation of Four-Factor Analyses and LAPs or comparable documents that were prepared by the City.

VII. Dissemination of City of West Point LEP Plan

- Post signs at City offices notifying LEP persons of the LEP Plan and how to access language services.
- The City of West Point's LEP Plan and Title VI complaint procedure is located on the City of West Point's website at <https://www.ci.west-point.ne.us/>. Any person or agency may request a copy of the Plan via telephone, fax, mail, or in person and will be provided a copy of the Plan at no cost. LEP individuals may request a copy of the Plan in alternative languages which will be provided if feasible.

Title VI, Civil Rights Act of 1964

§2000d Prohibition against exclusion from participation in, denial of benefits of, and discrimination under federally assisted programs on ground of race, color or national origin

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

§2000d-1. Federal authority and financial assistance to programs or activities by way of grant, loan, or contract other than contract of insurance or guaranty; rules and regulations; approval by President; compliance with requirements; reports to Congressional committees; effective date of administrative action

Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of section 601 with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with assistance in connection with which the action is taken. No such rule, regulation, or order shall become effective unless and until approved by the President . Compliance with any requirement adopted pursuant to this section may be effected (1) by the termination of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding on the record, after opportunity for hearing, of a failure to comply with such requirement, but such termination or refusal shall be limited to the particular political entity, or part thereof, or other recipient as to whom such a finding has been made and, shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found, or (2) by any means authorized by law: Provided, however, That no such action shall be taken until the department or agency concerned has advised the appropriate person or persons of the failure to comply with the requirement and had determined that compliance cannot be secured by voluntary means. In the case of any action terminating, or refusing to grant or continue, assistance because of failure to comply with a requirement imposed pursuant to this section, the head of the Federal department or agency shall file with the committees of the House and Senate having legislative jurisdiction over the program or activity involved a full written report of the circumstances and the grounds for such action. No such action shall become effective until thirty days have elapsed after the filing of such report.

§2000d-2. Judicial review; administrative procedure provisions

Any department or agency action taken pursuant to section 602, shall be subject to such judicial review as may otherwise be provided by law for similar action taken by such department or agency on other grounds. In the case of action, not otherwise subject to judicial review, terminating or

refusing to grant or to continue financial assistance upon a finding of failure to comply with any requirement imposed pursuant to section 602, any person aggrieved (including any State or political subdivision thereof and any agency of either) may obtain judicial review of such action in accordance with section 10 of the Administrative Procedures Act, and such action shall not be deemed committed to unreviewable agency discretion within the meaning of that section.

§2000d-3. Construction of provisions not to authorize administrative action with respect to employment practices except where primary objective of Federal financial assistance is to provide employment

Nothing contained in this subchapter shall be construed to authorize action under this title by any department or agency with respect to any employment practice of any employer, employment agency, or labor organization except where a primary objective of the Federal financial assistance is to provide employment.

§2000d-4. Federal authority and financial assistance to programs or activities by way of contract of insurance or guarantee

Nothing in this subchapter shall add to or detract from any existing authority with respect to any program or activity under which Federal financial assistance is extended by way of a contract of insurance or guaranty.

§2000d-4a. "Program or activity" and "program" defined

For the purposes of this subchapter, the term "program or activity" and the term "program" mean all of the operations of --

(1)(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

(2)(A) a college, university, or other postsecondary institution, or a public system of higher education; or

(B) a local educational agency (as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

(3)(A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship --

(i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

(ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

(B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship ; or

(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3);

any part of which is extended Federal financial assistance.

§2000d-5. Prohibited deferral of action on applications by local educational agencies seeking Federal funds for alleged noncompliance with Civil Rights Act

The Secretary of Education shall not defer action or order action deferred on any application by a local educational agency for funds authorized to be appropriated by this Act, by the Elementary and Secondary Education Act of 1965 [20 U.S.C. 2701 et. seq.], by the Act of September 20, 1950 (Public Law 815, Eighty-first Congress) [20 U.S.C. 236 et seq.], by the Act of September 23, 1950 (Public Law 815, Eighty-first Congress) [20 U.S.C. 631 et seq.], or by the Cooperative Research ACT [20 U.S.C. 331 et seq.], on the basis of alleged noncompliance with the provisions of this subchapter for more than sixty days after notice is given to such local agency of such deferral unless such local agency is given the opportunity for a hearing as provided in section 2000d-1 of this title, such hearing to be held within sixty days of such notice, unless the time for such hearing is extended by mutual consent of such local agency and the Secretary, and such deferral shall not continue for more than thirty days after the close of any such hearing unless there has been an express finding on the record of such hearing that such local educational agency has failed to comply with the provisions of this subchapter: *Provided*, That, for the purpose of determining whether a local educational agency is in compliance with this subchapter, compliance by such agency with a final order or judgment of a Federal court for the desegregation of the school or school system operated by such agency shall be deemed to be compliance with this subchapter, insofar as the matters covered in the order or judgment are concerned.

§ 2000d-6. Policy of United States as to application of nondiscrimination provisions in schools of local educational agencies

(a) Declaration of uniform policy

It is the policy of the United States that guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.] and section 182 of the Elementary and Secondary Education Amendments of 1966 [42 U.S.C. 2000d-5] dealing with conditions of segregation by race, whether de jure or de facto, in the schools of the local educational agencies of

any State shall be applied uniformly in all regions of the United States whatever the origin or cause of such segregation.

(b) Nature of uniformity

Such uniformity refers to one policy applied uniformly to de jure segregation wherever found and such other policy as may be provided pursuant to law applied uniformly to de facto segregation wherever found.

(c) Prohibition of construction for diminution of obligation for enforcement or compliance with nondiscrimination requirements

Nothing in this section shall be construed to diminish the obligation of responsible officials to enforce or comply with such guidelines and criteria in order to eliminate discrimination in federally assisted programs and activities as required by title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.]

(d) Additional funds

It is the sense of the Congress that the Department of Justice and the Secretary of Education should request such additional funds as may be necessary to apply the policy set forth in this section throughout the United States.

§2000d-7. Civil rights remedies equalization

(a) General provision

(1) A State shall not be immune under the Eleventh Amendment of the Constitution of the United States from suit in Federal court for a violation of section 504 of the Rehabilitation Act of 1973 [29 U.S.C. 794], title IX of the Education Amendments of 1972 [20 U.S.C. 1681 et seq.], the Age Discrimination Act of 1975 [42 U.S.C. 6101 et seq.], title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.], or the provisions of any other Federal statute prohibiting discrimination by recipients of Federal financial assistance.

(2) In a suit against a State for a violation of a statute referred to in paragraph (1), remedies (including remedies both at law and in equity) are available for such a violation to the same extent as such remedies are available for such a violation in the suit against any public or private entity other than a State.

(b) Effective date

The provisions of subsection (a) of this section shall take effect with respect to violations that occur in whole or in part after October 21, 1986.

