



Limited English Proficiency Plan City of Kirkwood, Missouri

INTRODUCTION

The Limited English Proficiency (LEP) Plan has been prepared to address the City of Kirkwood's responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited English proficiency language skills and because the City is committed to diversity and being a welcoming place regardless of age, race, color, national origin, ancestry, religion, disability, sex, gender identity or sexual orientation. The purpose of the LEP Plan is to ensure accessibility to programs and services to persons who are not proficient in the English language.

The City of Kirkwood is responsible for providing municipal services to residents, businesses, their employees, and visitors/customers. Those services include public safety, water, electricity, sanitation, public works, parks and recreation, and administration. Kirkwood utilizes federal and state funding in providing these services and as such is responsible for complying with federal and state requirements.

Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance. Title VI covers a recipient's entire program or activity. This means all parts of a recipient's operations are covered, even if only one part of a recipient's organization receives the federal assistance. The U.S. Department of Transportation published *Policy Guidance Concerning Recipients' responsibilities to Limited English Proficient Persons* in the December 14, 2005 Federal Register.

The LEP Plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, which states that no person shall be subjected to discrimination on the basis of race, color or national origin. On August 11, 2000, President Clinton signed Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency", which further clarifies Title VI of the Civil Rights Act. The executive order states that individuals with a limited ability to read, write, speak or understand English are entitled to language assistance under Title VI of the Civil Rights Act.

The Limited English Proficiency Plan requirement applies to all state and local agencies which receive federal funds. The LEP identifies the compliance standards that recipients of federal funding must follow to ensure that their programs and activities normally provided in English are accessible to LEP persons and thus do not discriminate on the basis of national origin in violation of Title VI.

PLAN SUMMARY

The City of Kirkwood has developed this Limited English Proficiency Plan to help identify reasonable steps for providing language assistance to persons with limited English proficiency to ensure access to the municipal services it provides. As defined in 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 at which language assistance may be provided, staff training that may be required, and how to notify LEP persons that assistance is available.

In order to prepare this plan, the City of Kirkwood 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 Kirkwood.
2. The frequency with which LEP individuals come in contact with Kirkwood.
3. The nature and importance of services provided by the City of Kirkwood to the LEP community.
4. The resources available to the City of Kirkwood and overall cost to provide LEP assistance

MEANINGFUL ACCESS: FOUR-FACTOR ANALYSIS

1. The number or proportion of LEP persons in the service area who may be served by the City of Kirkwood.

As defined by the 2010 United States Census, a LEP individual is someone who speaks a language at home other than English as their primary language and who speaks or understands English “not well” or “not at all”. The City of Kirkwood obtained information from the 2007-2011 American Community Survey 5-Year Estimates and determined that 281 persons in Kirkwood speak English less than “very well” as reported to the U.S. Census Bureau. That is 1.07% of the City’s population. Of the 281 persons with limited English proficiency, Spanish is the number one language spoken (69 individuals) followed by French (48 individuals).

2. The frequency with which LEP individuals come in contact with Kirkwood.

There is not a concentration in any one neighborhood of the 1% of the City’s population that has limited English proficiency. The overwhelming majority of the people the City serves speak only English. At this time the City has no statistics on how often a member of the public with limited English proficiency comes in contact with City employees. An informal survey of the departments with frequent public contact led Administration staff to conclude that even though there are few Kirkwood residents with limited English proficiency, there are people who do business with the City (engage in City recreation programs, obtain various permits, etc.) to the extent that the City may have weekly contacts of this nature with LEP individuals.

3. The nature and importance of services provided by the City of Kirkwood to the LEP community.

The City provides a wide range of services. Most of these services relate to public health and safety, including, but not limited to, law enforcement, fire and EMS, utility services, code enforcement, municipal court, permitting, and land use. Through these services a person’s health, safety, quality of life, and rights are affected. Being able to communicate effectively with

the LEP community is therefore of importance regardless of how infrequently such a need may occur.

4. The resources available to the City of Kirkwood and the overall cost to provide LEP assistance.

The City has made available a Language Identification Guide to the employees that provide services over the counter. Similar resources have been made available to public safety employees. Once a language has been identified, the employee can call a service 24/7 for assistance in interpreting with respect to City services. The City has also placed on its website and on council meeting agendas information on how to request the translation of vital city documents. Vital documents are defined as those that are critical to obtaining services and/or benefits, or are required by law.

Language Assistance Measures

In the Fire Department there is an English to foreign language translation book on trucks entitled *CommuniMed Multilingual Patient Assessment Manual, third edition*. It is a field sized spiral bound book with 20 different languages and questions in English and the corresponding language that can be pointed to by the non-English speaker. It is geared toward medical emergencies, but has some basic universal questions.

A Language Identification Guide has been made available to departments for employees who come in contact with the public. The guide helps determine which of more than 60 languages someone is using. The city contracts with an interpretation service which makes interpreters available by telephone.

Safe Harbor Stipulation

Federal law provides a "Safe Harbor" stipulation so that recipients can ensure with greater certainty that they can comply with their obligation to provide written translations in languages other than English. A "safe harbor" means that if a recipient provides written translation in certain circumstances, such action will be considered strong evidence of compliance with the recipient's written-translation obligations under Title VI.

A failure to provide written translations does not mean there is noncompliance, but rather a "safe harbor" provides a guide for recipients that would like greater certainty of compliance than can be provide by a fact-intensive four factor analysis. For example, if written translation of a certain document would be so burdensome as to defeat the legitimate objectives of its program, it is not necessary. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances.

Strong evidence of compliance with the recipient's written-translation obligations under "safe harbor" includes providing written translations of vital documents for each LEP language group eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally.

The “safe harbor” provision applies to the translation of written documents only. It does not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonably available. Given the small number of LEP language group members, the City of Kirkwood budget and number of staff, it is deemed that written translations of vital documents would be so burdensome as to defeat the legitimate objectives of our programs and services. It is more appropriate for the City of Kirkwood to proceed with oral interpretation options for compliance with LEP regulations.

Providing Notice to LEP Persons

USDOT LEP guidance says:

Once an agency has decided, based on the four factors, that it will provide language service, it is important that the recipient notify LEP persons of services available free of charge. Recipients should provide this notice in languages LEP persons would understand.

The guidance provides several examples of notification including:

1. Signage that free language assistance is available with advance notice.
2. Stating in outreach documents that language services are available from the agency.
3. Working with community-based organizations and other stakeholders to inform LEP individuals of the recipient’s services, including the availability of language assistance services.

The City of Kirkwood will provide statements in public information and public notices that persons requiring language assistance or special accommodations will be provided, with reasonable advance notice to the City of Kirkwood.

Options and Proposed Actions

Options:

Federal fund recipients have two (2) main ways to provide language services: oral interpretation either in person or via telephone interpretation service and written translation. The correct mix should be based on what is both necessary and reasonable in light of the four-factor analysis. The City of Kirkwood is defining an interpreter as a person who translates spoken language orally, as opposed to a translator, who transfers the meaning of written text from one language into another. The person who translates orally is not a translator, but an interpreter.

Considering the amount of Federal assistance received by the City of Kirkwood, the small number of LEP individuals in the service area, and the financial resources of the City, it is necessary to make provision of language aid in the most cost effective way possible.

Actions:

With advance notice of seven calendar days, the City of Kirkwood will provide interpreter services at public meetings for languages other than English and for the hearing impaired.

Statements will be placed in notices and publications that interpreter services are available for those with limited English proficiency for public meetings upon seven days advance notice.

Copies of the LEP Plan, Title IV Nondiscrimination Plan, and federal complaint form will be made available to the public and placed on the city's website.

The telephone number for the interpretation service contracted by the City will be made available to all city employees.

City of Kirkwood Staff Training

City of Kirkwood staff will be provided training on the requirements for providing meaningful access to services for LEP persons and the resources the City has made available to meet those requirements.

LEP Plan Access

The City of Kirkwood has placed the plan on the city's website at www.kirkwoodmo.org. Paper copies of the LEP Plan may be obtained by contacting:

City Clerk
City of Kirkwood
139 S. Kirkwood Road
Kirkwood, MO 63122
314-822-5802