

Date: July 26, 2022

Resolution No. 22-624

Title: Adoption of the Lucas County Language Access Plan for Commissioners Departments

Department/Agency: Diversity, Equity and Inclusion

Contact: Crystal Harris-Darnell, Director of Diversity, Equity and Inclusion

Summary/Background: Title VI of the Civil Rights Act of 1964 requires recipients of Federal financial assistance to take reasonable steps to make their programs, services, and activities accessible by eligible persons with limited English proficiency (LEP). LEP individuals are defined as those who report that they speaking English “less than very well.” In 2000, Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency," was signed. The order requires federal agencies and entities in receipt of federal funds to examine the services they provide, identify any need for services LEP individuals, and develop and implement a system to provide those services to ensure meaningful access of federal resources to these populations.

According to the U.S. Census Bureau, Lucas County is home to an estimated 24,000 residents who speak a language other than English at home as of 2019. Of those, 5,725 meet the criteria to be classified as LEP. In order to offer exemplary service to every constituent, including those with language barriers, the Department of Diversity, Equity, and Inclusion has proposed a policy that addresses reasonable accommodations to remove language barriers in Lucas County agencies, programs, and activities. This policy defines staff roles and training, procedures to assist residents in need of translation and/or interpretation, web access, how to post a public notice, and the expectations of monitoring, evaluating, and reporting in order to execute an effective language access plan. Additionally, there are supportive tools offered to ensure that each county agency under the Board of County Commissioners can successfully implement this policy.

Budget Impact: None

Statutory Authority/ORC: N/A

Commissioner Gerken offered the following resolution:

WHEREAS, in consideration of the above, NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners, Lucas County, Ohio, that:

Section 1. The Board remains committed to compliance with non-discrimination provisions embedded in Title VI of the Civil Rights Act of 1964 related to the provision of appropriate access to services, programs, and activities provided by county agencies under the direction of the Board of County Commissioners.

Section 2. The Board accepts responsibility to adopt a language access plan to remain in compliance with Executive Order 13166, “Improving Access to Service for Persons with Limited English Proficiency.”

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Section 3. The Board adopts the Lucas County Language Access Plan for all Commissioners departments.

Section 4. The Board supports the Office of Diversity, Equity and Inclusion to build capacity to implement the language access plan in all departments under authority of the Board of County Commissioners by establishing any reasonable procedures, standards, best practices, tools, and resources.

Section 5. The Board affirms Limited English Proficiency (LEP) individuals are community members who often are multilingual and may be English language learners. An LEP individual may be able to communicate in English to a certain degree or in certain circumstances depending on the topic/vocabulary, but have the civil right, in accordance with Title VI, Civil Rights Act 1964 and Executive Order 13166, to request access to information, services, and programs in their preferred language, from the County, free of cost.

Section 6. This Board finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in those formal actions were in meeting open to the public in compliance with the law.

Section 7. This resolution shall be in full force and effect from and immediately upon its adoption.

Action Taken:

Commissioner Gerken voted yes
Commissioner Skeldon Wozniak voted yes
Commissioner Byers voted yes


Jody L. Balogh, Clerk



LIMITED ENGLISH PROFICIENCY POLICY AND PLAN

Lucas County Board of Commissioners

June 13, 2022
Language Access Coordinator
Leigh Utley

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I. Purpose/Background

The Board of Lucas County Commissioners is among the founders of Welcome Toledo-Lucas County (TLC), a local cross-sector initiative focused on building a welcoming and inclusive community for immigrants, refugees, and people of diverse cultures. Through these efforts, Lucas County became a Certified Welcoming community for immigrant inclusion following an independent audit by national organization Welcoming America in 2019. Language access, defined as the attainment of effective communication for individuals with Limited English Proficiency (LEP), is required for federally funded programs by Title VI of the Civil Rights Act of 1964. More importantly, language access is integral to building a welcoming community where opportunity, inclusion, and success are attainable to all residents.

The Board of Lucas County Commissioners is committed to ensuring that individuals with limited English proficiency (LEP) have meaningful access to publicly funded programs and services. The term LEP refers specifically to individuals who have a limited ability to read, write, or understand English well or at all. The purpose of this plan is to ensure that the agencies under the supervision of the Lucas County Commissioners provide LEP individuals with meaningful access to the county directed programs and services. This plan employs the four-factor analysis provided in the U.S. Department of Housing and Urban Development (HUD)'s Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting LEP Persons.

According to 2019 American Community Survey, Lucas County is home to approximately 24,133 residents that speak a language other than English at home¹. Of those, 5,725 are Limited English Proficient (LEP), meaning they report speaking English "less than very well."² The largest LEP populations in Lucas County are comprised of residents who speak Spanish, but Mandarin Chinese and Arabic are also spoken in significant numbers. LEP residents in Lucas County also commonly speak German, Gujarati, Japanese, Korean, Polish, Vietnamese, and African languages. There are also seasonal shifts in numbers of LEP residents that may not be captured by Census data, such as during the summer months, when northwest Ohio becomes the temporary home to many Spanish-speaking migrant farmworkers. Full participation in civic, cultural, and economic life relies on the ability to effectively communicate. To foster an environment where all residents are afforded the opportunity to maximize their contribution to the community and the economy, the Lucas County Board of Commissioners is committed to the implementation of a language access policy that advances the objective of supporting a welcoming, inclusive community.

A four-factor analysis was completed to look at 1. Number of LEP persons eligible to be served or likely to be encountered; 2. Frequency with which LEP individuals come in contact with Commissioners' agencies, programs, and services; 3. Importance of program/services; 4. Resources available and cost to the agency. The Lucas County Board of Commissioners Limited

¹ U.S. Census Bureau. (2019). American Community Survey. *Characteristics of People by Language Spoken at Home – Table S1603*.

² U.S. Census Bureau. (2019). American Community Survey. *Language Spoken at Home – Table S1601*.

English Proficiency Policy and Plan was drafted using the U.S. Department of Justice Language Assessment and Planning Tool.³

II. Limited English Proficiency Policy

It is the policy of the Lucas County Board of Commissioners to provide timely and meaningful access for LEP individuals across all Commissioners' agencies, programs and activities. All offices shall provide language assistance services to LEP individuals whom they encounter or whenever an LEP individual requests language assistance services at no cost. All public-facing personnel will be prepared to inform members of the public that language assistance services are available free of charge to LEP persons and that agency will provide these services to them.

III. Language Access Implementation Plan

A. Staff Roles

Lucas County Language Access Coordinator

The Lucas County Department of Diversity, Equity, and Inclusion (DE&I) will identify a county-wide Language Access Coordinator whose duties will be as follows:

1. Provide supportive information, materials, and technical assistance to departments on Language Access procedure development, implementation, and compliance
2. Maintain a list of points of contact in each department for ongoing coordination of training opportunities, support, communications, and purposes of billing.
3. Maintain and update, as needed, the Lucas County Language Access Toolkit, especially for departments that receive federal funding. The Language Access Toolkit is intended to provide Lucas County departments with the means to design adaptable language access procedures for their offices that comply with federal law and the countywide Language Access Policy. The toolkit is available in the appendix to this policy.
4. Maintain a contract with at least one external interpretation and translation with access to at least 80 or more languages
5. Collaborate with the Administration's Senior Policy Analyst to regularly update data regarding LEP individuals in the County, utilizing current Census (including American Community Survey) data

³ U.S. Department of Justice. (2011). *Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs*.

6. Ensure that a Language Access webpage tied to the Lucas County website is developed and maintained; the webpage shall provide an overview of policy and services, department contacts for language access, and a platform for complaints.
7. Ensure that departments under the supervision of the Lucas County Commissioners comply with at minimum one training per year on their department language access plan. The training will demonstrate how to utilize their language access system and will be delivered in coordination with the County Administration and the Language Access Coordinator to ensure compliance with the policy and all state and federal laws.
8. Annually provide a Language Access usage report to Lucas County Administration. The report will collect and convey complete usage information by department; including the number of unique contacts with the services, whether the service was in the form of translation or interpretation, and the language translated or interpreted. Translation and interpretation are defined under heading II B of this plan.

Commissioners' Departments

Departments may have their own language access plan as long as it complies with the covenants set forth in this policy. Every Commissioners department is required to have a procedure detailing how staff will ensure effective communication with LEP individuals. In addition, each Lucas County Commissioners department is required to identify at least one staff person to coordinate language access for the department and designate them responsible for the following:

1. Coordination with an interpretation and translation provider (each department is responsible for setting up their own accounts payable).
2. Ensure all management, customer-facing, and front-line staff are trained in using this system, including through at minimum one departmental training per year, which will be scheduled and provided by the Language Access Coordinator.
3. Ensure that updated signage is placed in spaces that are constituent-facing informing the public of the policy.
4. Communicate directly with the DE&I Language Access Coordinator regarding any concerns related to application of this policy so that the Language Access Coordinator can discuss them with the appropriate Department Director.
5. Tracking for billing for LEP interpretation and translation services.
6. With subject matter assistance from the Language Access Coordinator, consider language access in all mediums of public interaction and access to Lucas County services including in-person, over-the-phone, documents, and website.
7. Working with the DE&I Language Access Coordinator, determine which documents are vital (vital documents are defined in section IIIB below) to the department's ability to effectively

serve LEP individuals with which the department interfaces. The DE&I Language Access Coordinator will evaluate and approve which documents are included based on industry best practices.

8. Maintain records evidencing compliance with this policy including training sign-in sheets and tracking of language access service provision.
9. Will draft a departmental language access procedure for language access services. This procedure will be approved by the County Language Access Coordinator in cooperation with Administration and Human Resources
10. Submit an end of the calendar year report to the County Language Access Coordinator a summary of the year's language access efforts, trainings, and compliance and will include the latest version of the department language access procedures

Human Resources

To ensure successful implementation of the plan, Lucas County Human Resources Department will:

1. Collaborate with the Lucas County Language Access Coordinator to coordinate at minimum one annual training on language access per year per department, to be facilitated by the Language Access Coordinator. Training must cover overview of the county language access policy, how to serve LEP residents, and how to utilize Lucas County's interpretation and translation systems
2. Include the policy in the employee packet for each new Commissioners' hire and collect a verification of receipt and comprehension for the employee file
3. Supporting the Lucas County Language Access Coordinator with coordinating one meeting per year with department coordinators, directors, or managers regarding the language access policy and compliance

B. Interpretation and Translation

Interpretation

An interpretation is an oral language assistance service. An interpreter renders a message spoken in one language into one or more languages. An interpreter is expected to be fluent in the languages interpreted, with knowledge in both languages of the relevant terms or concepts particular to the program, service, or activity, and the dialect and terminology used by the LEP individual. Commissioners departments should make every effort to avoid using family members, children, friends, and untrained volunteers as interpreters. For such individuals, it is difficult to ensure the accuracy of the interpretation and such individuals are not legally bound by ethical constraints related to the interpretation.

The following means of communication are key to providing effective providing interpretation services:

- ✓ Phone Communication
- ✓ In person communication (Ex. front desk, building security, home visitors, public meetings)
- ✓ Communication with third-party vendors/ subcontracts (Ex. Payment processors)
- ✓ Emergency Communications

Translation

Translation is a written language assistance services. Translation is the replacement of written text from one language to another. Translation of vital documents will be provided by Commissioners’ departments for each LEP language group that constitutes 5% or 1,000 (whichever is less) of the population eligible to be served. In Lucas County, these language groups include Arabic, Chinese, and Spanish.⁴ Departments will ensure that vital written documents are proactively translated into the frequently encountered languages of LEP groups eligible to be served or likely to be affect by the benefit, program, or service.

Common vital documents for public entities include:

- ✓ Application forms
- ✓ Consent forms
- ✓ Complaint forms
- ✓ Eligibility forms
- ✓ Financial payment policies
- ✓ Documents that talk about rights Intake/information forms and responsibilities, including the availability of language access services

Website Translation

The Lucas County Website can be translated through Google Translate. Visitors can use the feature by clicking on the icon located at the top right corner of the website. The drop-down menu will reveal over 100 translated languages from which users can choose.

C. Staff and Training

Staff will receive yearly training on how to provide meaningful access to LEP individuals. This training will be mandatory for staff who have the potential to interact or communicate with LEP individuals. New staff will be given language access training within their first **30 days** of employment. This will be done in conjunction with their department’s designated language access coordinator.

Training will provide the following:

- ✓ Why it is important to provide language assistance services
- ✓ How staff can identify an LEP individual
- ✓ How to effectively and respectfully communicate and interact with individuals with LEP

⁴ U.S. Census Bureau. (2017). American Community Survey. *Detailed Household Language by Limited English Speaking Status – Table B16002.*

- ✓ Procedures interpreters and request interpretation services
- ✓ How to request document translations
- ✓ How to track the use of language assistance services

Bilingual staff members who can communicate “in-language” to LEP individuals, or who would be willing to serve as interpreters or translators, should be assessed and receive regular training on proper interpretation and translation techniques, ethics, specialized terminology, and any other topics as needed.

D. Notice of Language Assistance Services

Notices of language assistance services should be posted in an effective way to ensure individuals with LEP can meaningfully access services. Departments should consider all points of contact (*See Section B*) when determining the best method of providing notice of language assistance services. Departments should not only translate its outreach materials, but also explain how LEP individuals may access available language assistance services.

This may be accomplished through the use of effective, program specific notices such as forms, brochures, language access posters in multiple languages the availability of language assistance services, the use of “I Speak” language identification cards, and by including instructions in non-English languages on telephone menus.

E. Monitoring, Evaluating, and Updating Language Access Plans and Procedures

For the LEP plan to continue to be effective there will be ongoing monitoring, evaluation, and update to the plan, policies, and procedures. The Language Access Coordinator is responsible for this. A designated coordinator from each department will be responsible for gathering data and ensuring it is received by the Language Access Coordinator by the reporting deadline.

Monitoring the effectiveness of the program will include:

- ✓ Conducting customer satisfaction survey of LEP individuals
- ✓ Soliciting feedback from stakeholders about agency’s effectiveness and performance in enduring meaningful access for LEP individuals
- ✓ Keeping current on community demographics and needs
- ✓ Tracking frequency of the use of services
- ✓ Tracking complaints or suggestions by LEP individuals, community members, and employees

IV. Definitions

- **Limited English Proficiency (LEP)** – Limited ability in speaking, reading, writing, or understanding the English language at a level that allows them to meaningfully communicate with an agency or provider.⁵
- **Meaningful Access**- Reasonable steps are taken to ensure effective communication and access of individuals to programs, services, and resources that are accurate and timely.
- **Vital Documents**- Paper or electronic written material that contains information that is critical for accessing services, benefits, information, activities, or is required by law.
- **Primary Language**- The language that an individual communicates most effectively in.
- **Translation**- is converting written text from one language into written text in another language. ‘Translation’ is often misused to mean interpretation, but it is a written medium.
- **A qualified interpreter or translator**- a trained professional who is a neutral third party with the requisite language skills, experienced in interpretation or translation techniques, and knowledgeable in specialized content areas and technical terminology in order to effectively facilitate communication between two or more parties who do not share a common language.
- **Simultaneous interpretation**- the process of orally rendering one language into another language virtually at the same time that the speaker is speaking with only a very short lag time.
- **Consecutive interpretation**- the process of orally rendering one language into another language after the speaker has completed a statement or question and pauses. The interpreter then renders that statement into the other language.
- **Sight Translation**- the rendering of material written in one language, completely and accurately into spoken speech in another language.

⁵ (Law Insider, n.d.)

