



FOUR FACTOR ANALYSIS
ASSESSING
LIMITED ENGLISH PROFICIENCY
AND
LANGUAGE ASSISTANCE PLAN

PREPARED BY
City of Bayard, Nebraska

FOR
THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

A. POLICY STATEMENT

It is the policy of the **City of Bayard, Nebraska** to take reasonable steps to provide meaningful access to its programs and activities for persons with Limited English Proficiency (LEP). The **City of Bayard, Nebraska**'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 Bayard, Nebraska** 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 Bayard, Nebraska** addresses the following:

1. The number or proportion of LEP persons eligible to be serviced or likely to be encountered by **City of Bayard, Nebraska**;
2. The frequency with which LEP persons using a particular language come in contact with **City of Bayard, Nebraska**;
3. The nature and importance of the **City of Bayard, Nebraska** program or activity provided to the individual's life; and
4. The resources available to **City of Bayard, Nebraska**, 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 Bayard, Nebraska.**

According to an the ACS report conducted in 2015 the number of LEP persons in the City of Bayard is 7%, approximately 74 individuals out of 1064 estimated population for adult 18 years or older spoken at home.

- 2. The frequency with which LEP persons using a particular language come in contact with City of Bayard, Nebraska.**

The City will continue to assess the frequency with which its employees have, or could have come in contact with LEP persons. This includes documenting face-to-face contacts, telephone inquiries, job applicants for employment, utility services, library services, building permits, and fire and police services. The City employees have indicated that there is infrequent contact with LEP in regards to Non-English speaking peoples as their primary language.

- 3. The nature and importance of the City of Bayard, Nebraska program or activity provided to the individual's life.**

The City has taken efforts to reach out to LEP individuals in order to be an inclusive community even though a small percentage of the community does not speak English. Through the ACS report conducted in 2015, the City has identified that Spanish is the mostly likely language spoken by LEP individuals. In the event where an individual may not be able to speak English, attempts are made to accommodate them in order to properly communicate with such individuals.

4. The resources available to City of Bayard, Nebraska, and costs associated providing LEP services.

The resources available and utilized by the City to communicate with LEP individuals include features available on our website, options available on our mass communication system (Blackboard Connect), through the availability translators, and upon the request of the individuals for public meetings or other situations. The costs of such services are minimal due to the fact that these products have multiple features that allow for interchangeable languages, or volunteers from various organizations have assisted in translating when necessary. These efforts demonstrate the City's commitment to inform and communicate with LEP individuals.

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 Bayard. 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 Bayard 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 "I Speak" cards to assist in identifying the language interpretation needed if the occasion arises.
- Provide necessary documents in the needed language.

When the City of Bayard 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 Bayard 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 Bayard staff will take reasonable steps to provide the opportunity for meaningful access to LEP clients who have difficulty communicating English.

2. The following resources will be available to accommodate LEP persons:
 - a. Volunteer interpreters for the Spanish language are available and will be provided within a reasonable time period.
 - b. Language interpretation will be accessed for all other languages through a telephone interpretation service.

B. Periodic Reviews

City of Bayard staff will be informally surveyed periodically on their experience concerning any contacts with LEP persons since the last periodic review.

C. Oral Interpretation Services

The following describes the process the City of Bayard staff will use when receiving LEP individuals through telephone communication or in-person visits.

1. Telephone Communication

A staff member who receives a call from a LEP individual will assess the primary language needed by the individual. If that staff member is bilingual and speaks a language relevant to the LEP caller, then that staff member will assist the individual. If communication becomes difficult for any reason, the staff member will transfer the call to another City employee having language skills relevant to the LEP caller.

If a City staff member receives a call from a LEP individual and does not speak the language of the caller, the staff member will transfer the call to another member who has the relevant language skills. If there is not a City staff member that speaks a language relevant to the LEP caller, then the staff member can use the Language Line to communicate with the caller or contact an Interpreter who is identified by the City.

2. In-Person Individual Visit

For in-person visits, staff will assess the language needs of in-person LEP visitors. Staff will be equipped with HUD's "I Speak" language card to facilitate language identification, if necessary. (Education for all City employees in customer service related positions on the appropriate use of the cards will be provided via a staff meeting.)

If no City staff members can effectively assist an LEP individual, then the staff member may utilize the Language Line or contact an Interpreter who will be identified for language assistance.

Employees shall document any request made for LEP assistance as well as the action taken and notify Human Resources.

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.
- Use of the "I Speak" cards.

- Documentation of language assistance requests.
- How to handle a potential Title VI/LEP complaint

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

V. TRANSLATION OF DOCUMENTS

The City of Bayard 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 Bayard does not have a formal outreach procedure in place. Translation resources have been identified and are limited in this area. However, when and if the need arises for LEP outreach, City of Bayard 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.

We have identified local individuals who are willing to assist in translation as necessary.

VI. MONITORING

The City of Bayard 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 Bayard 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 City of Bayard's financial resources are sufficient to fund language assistance resources needed.
- Determine whether the City of Bayard 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.

VII. DISSEMINATION OF CITY OF BAYARD LEP PLAN

- Post signs at City offices notifying LEP persons of the LEP Plan and how to access language services.
- The City of Bayard's LEP Plan and Title VI complaint procedure is located on the City's website at www.cityofBayard.org. 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.

VIII. COMPLIANCE / GRIEVANCE PROCEDURES

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

Title VI Coordinator
Human Resources Director
PO Box 160
Bayard, NE 69162
(308) 586-1121

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):

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

AVAILABLE LEP RESOURCES

HUD Frequently Asked Questions on the Final LEP Guidance:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/promotingfh/lep-faq

HUD's LEP Website:

<http://www.hud.gov/offices/fheo/lep.xml>

Federal LEP Website:

<http://www.lep.gov/>

LEP and Title VI Videos:

<http://www.lep.gov/video/video.html>

"I Speak" Card:

<http://www.lep.gov/ISpeakCards2004.pdf>

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