

ACEM

Language Access

Plan



ADA COUNTY EMERGENCY MANAGEMENT
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1. Purpose

The purpose of this Language Access Plan (LAP) is to establish policy and guidance for Ada County Emergency Management to meet its Limited English Proficiency (LEP) obligations. In addition to describing ACEM's current language access activities, this plan includes steps to improve and increase language services for LEP individuals across ACEM's services, activities, and programs.

2. Authorities

2.1. Title VI of the 1964 Civil Rights Act

Title VI of the Civil Rights Act of 1964 is the Federal law that protects individuals from discrimination on the basis of their race, color, or national origin. Section 601 of Title VI states, in part: "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." Furthermore, Section 602 of Title VI authorizes and directs federal agencies that provide financial assistance to programs or activities to issue rules and regulations that accomplish the provisions of Section 601.

2.2. Presidential Executive Order 13166

Executive Order (EO) 13166, signed on August 11, 2000, directs all federal agencies to work to ensure that programs receiving federal financial assistance provide meaningful access to Limited English Proficiency (LEP) persons. In addition, EO 13166 requires federal agencies to issue LEP guidance to help their federally assisted state and local recipients in providing such meaningful access to their programs. This guidance must be consistent with the LEP guidance developed by the U. S. Department of Justice (see below). Each federal agency is required to specifically tailor the general standards established in DOJ's Guidance to its federally assisted recipients.

2.3. U. S. Department of Justice LEP Guidelines

In June 2002, the United States Department of Justice (DOJ) adopted its final "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons" (67 Fed. Reg. 41455). In it, DOJ identifies four factors that agencies must use to assess the need for interpretation and/or translation assistance for a particular language group or groups.

2.4. U. S. DHS Federal Financial Recipient Guidance

The United States Department of Homeland Security (DHS) issued the required recipient guidance on April 18, 2011, "DHS Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons" (76 Fed. Reg. 21755). The DHS guidelines establish that recipients of DHS Federal funds must provide meaningful access to programs, services, and activities to those with limited English proficiency, consistent with and without unduly

burdening the agency's fundamental mission. In keeping with the Executive Order, the DHS guidelines require recipients of DHS Federal funds to develop and implement a Language Access Plan.

2.5. U. S. Attorney General Memorandum

The United States Attorney General, in a 2011 Memorandum, reiterated the Federal Government's commitment to language access and explained that language access requirements serve two functions: nondiscrimination and effective government. This Memorandum also states "an agency should ensure that LEP individuals have meaningful access to disaster-preparedness and emergency information."

3. Definitions

3.1. Federal Financial Assistance

Federal financial assistance includes grants, training, and use of equipment, donations of surplus property, and other assistance. Sub-recipients are also obligated when federal funds are passed from one recipient to a sub-recipient. Title VI covers a recipient's entire program or activity. This means all parts of a recipient's operations are covered. This is true even if only one part of the recipient receives federal financial assistance.

3.2. Interpretation

Interpretation is the oral transmission of a message from one language into another language.

3.3. Limited English Proficiency

Limited English Proficiency (LEP) may be defined as people who do not speak English as their primary language and who have limited ability to read, speak, write, or understand English. The 2000 United States Census defined Limited English Proficiency as persons who speak a language other than English at home and who speak English "not well" or "not at all."

3.4. Meaningful Access

Meaningful Access is defined as the ability to participate in and benefit from any federally assisted agency's programs and services in a manner no different than that of others, whose national origin is not at issue (i.e. English speakers), who could participate and benefit from such programs.

3.5. Translation

Translation is the written transmission of a message from one language into another language.

3.6. Vital Document

A vital document is a document that contains information that is critical for obtaining federal services and/or benefits, or is required by law. Vital documents must be translated when a

significant number or percentage of the population eligible to be served, or likely to be directly affected by the program/activity, needs services or information in a language other than English to communicate effectively.

4. Four Factor Analysis

The U. S. Department of Justice has developed a Four-Factor Analysis to assist agencies in determining their LEP responsibilities. ACEM has employed the Four-Factor Analysis.

4.1. *The number and proportion of LEP persons in Ada County*

The United States Census Bureau, 2009-2011 American Community Survey reports that 91.4% of the population of Ada County, Idaho (over 5 years of age), speak only English. That leaves 8.6% of the population that speak all languages (combined) other than English. People in this latter category may be subdivided into two groups: those who “speak English very well,” and those who “speak English less than very well.” This LAP plan is designed to assist people in this final group, about 2.9% of the population.

The primary LEP languages spoken in Ada County, in decreasing order of frequency, are: Spanish / Spanish Creole, Serbo-Croatian, Chinese, Russian, and Vietnamese. About two dozen other languages are also spoken in the county. By far, the predominant language spoken by LEP persons in Ada County is Spanish. See the table below.

US Census Bureau 2009-2011 American Community Survey Ada County, Idaho	
Language	No. of LEP Persons
Spanish / Spanish Creole	4696
Serbo-Croatian	830
Chinese	571
Russian	499
Vietnamese	436
TOTAL	7032

4.2. *The frequency with which LEP persons encounter ACEM*

The small, but growing size of the LEP population in this county will likely increase the probability of future contact with ACEM. To date, very few requests have been made by either individuals or groups directly to ACEM for Spanish or any other language interpreters or publications.

4.3. *The importance of the service provided by ACEM*

ACEM obtains and administers grants, develops emergency plans, coordinates emergency responder training and exercises, and educates the public on disaster preparedness. Therefore ACEM programs do not include any direct service or program that requires vital, immediate or critical assistance for basic life safety needs, such as emergency medical treatment, fire

protection or law enforcement services. Further, ACEM does not conduct required activities such as those involving applications, licenses, interviews or other activities prior to participation in its public programs or events. Involvement by any member of the public with ACEM is entirely voluntary. However, ACEM must ensure that all segments of the population, including LEP persons, have the opportunity to benefit from the information and services provided by its public outreach program.

4.4. The resources available and overall cost to ACEM

The resources available to a recipient of federal assistance may have an impact on the nature of the steps that recipients must take. For example, a small recipient with limited resources may not have to take the same steps as a larger recipient to provide LEP access. This may apply to programs that have a limited number of eligible LEP individuals, where contact is infrequent, where the total cost of providing language services is relatively high, and/or where the program is not crucial to an individual's day-to-day existence. Given the size of the LEP population in Ada County, the limited size of the ACEM staff, and agency financial constraints, multi-language translations of all preparedness documents is not considered as warranted at this time. However ACEM will endeavor to provide language translation and interpretation services when practical and in consideration of the funding available.

5. Language Access Measures

In keeping with the U. S. Department of Justice Four-Factor Analysis and the U. S. Department of Homeland Security's published guidelines, ACEM intends to meet its LEP obligations through the following translation and interpretation measures. Strictly speaking, interpretation and translation have different meanings. Interpretation is the oral transmission of a message from one language into another language. Translation is the written transmission of a message from one language into another language. Both oral interpreters and translators of written documents should be competent to perform their tasks. Competency requires more than self-identification as bilingual; although it does not necessarily mean formal certification.

5.1. Translation

ACEM has contracted with a language translation service to translate its most important public education document, the Ada County Emergency Preparedness Guide, into Spanish. This Guide has also been translated into html format and posted to the website. The html format allows the webpage Google Translation option to quickly translate this Guide into more than 50 foreign languages. For other documents such as brochures or monthly pointers when there is a reasonable request to translate into Spanish or another language the ACEM office will employ translation services available on the Internet. It is recognized that translation is not an exact science and no translation service is perfect. If a website-translated document is judged to be unsatisfactory, ACEM will consider using a paid translation service.

Internet translation services, such as Google Translation (<http://translate.google.com/>), offer the considerable advantages of convenience and speed. Users may translate text on their home computer at any time of the day or night. Additionally, the text is usually translated in

less than a second. The Google Translation service offers translation capability in more than 50 languages, including most of the languages spoken in Ada County, all at the click of a button. This capability has been added to all of the web pages on the ACEM website. Additionally, ACEM also has a Translation Resources web page which lists other website translation services that may include additional languages and options.

One of the primary methods ACEM uses in its public outreach program to provide emergency preparedness and other information to LEP individuals is through its website: <http://www.aceem.org>. The ACEM website has a Foreign Language Documents page. This page contains hundreds of emergency preparedness documents written in more than 25 languages from around the world (see below). The ACEM website also has links to the Federal Emergency Management Agency Spanish website (<http://www.fema.gov/es>) and the American Red Cross Spanish website (<http://www.cruzrojaamericana.org/>).

Foreign Language Preparedness Documents on ACEM website

Arabic	French	Kurdish	Spanish
Armenian	Haitian-Creole	Laotian	Tagalog
Bosnian	Hindi	Portuguese	Thai
Cambodian	Hmong	Romanian	Tigrigna
Chinese	Japanese	Russian	Ukrainian
Croatian	Khmer	Serbo-Croatian	Urdu
Farsi	Korean	Somali	Vietnamese

5.2. Interpretation

For interpretation services ACEM has two options that will be used on an as needed basis. The first option is the Language Line (1-800-523-1786, <http://www.language.com/>). The Language Line offers interpretation services in 170 languages and is available by telephone 24/7, 365 days a year. The second option is the Network Interpreting Service (1-800-284-1043, <http://networkinterpreting.com/>). This video service provides both American Sign Language and non-English speaking interpretation through webcam video. Also, in some circumstances county bi-lingual staff or other community bi-lingual volunteers may be used to assist with interpretation, when feasible and appropriate.

5.3. Use of Family Members or Provided Interpreters

ACEM staff members should be alert to situations in which use of a family member or friend to interpret might invade an LEP person’s privacy or impede communication of information and should be avoided. Family members and friends are not always acceptable as qualified interpreters. The use of minors as interpreters should be avoided, except where specifically requested by the LEP person or in circumstances where a delay to acquire translation would create an undue hardship for the LEP person.

6. Safe Harbor Stipulation

Federal law provides a “safe harbor” stipulation so recipients of federal funding can ensure compliance with their obligation to provide written translations in languages other than

English with greater certainty. A “safe harbor” means that as long as a recipient has created a plan for the provision of written translations under a specific set of circumstances, such action will be considered strong evidence of compliance with written translation obligations under Title VI.

However, failure to provide written translations under the circumstances does not mean there is noncompliance, but rather provides for recipients a guide for greater certainty of compliance in accordance with the four factor analysis.

Evidence of compliance with the recipient’s written translation obligations under “safe harbor” includes providing written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000 persons, whichever is less of eligible persons served or likely to be affected. Translation can also be provided orally.

Even if the “safe harbor” stipulation is not used, if written translation of a certain document(s) would be so burdensome as to defeat the legitimate objectives of its program, the translation of the written materials is not necessary. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances.

The “safe harbor” provision applies to the translation of written document 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 reasonable to provide.

7. Providing Notice to LEP Persons

ACEM will provide notice to LEP persons of its free language assistance by the following methods.

- Provide notice at public preparedness events that language assistance may be provided free of cost.
- Provide Language Identification cards (“I Speak” cards) for LEP speakers encountered at public preparedness events. These documents enable LEP individuals to identify their native language.
- Provide foreign language brochures, particularly in Spanish, at ACEM public functions such as preparedness fairs and presentations, etc.
- Provide notice on the ACEM website that language assistance may be provided free of cost.
- Post the LEP Plan on the ACEM website.

8. Staff Training

All ACEM staff will be trained concerning its LAP policies and procedures. Employees having frequent contact with the public will be trained on how to work effectively with in-person and telephone interpreters. Supervisors will be made aware of the LAP plan’s

provisions and its importance. This training will be included as part of new employee orientation.

9. Monitoring and Updating the LAP

- 9.1. ACEM will review the Language Access Plan annually or as needed.
- 9.2. ACEM staff will log requests for interpretation and/or translation, whether received by phone, in person, or through correspondence, including e-mail. This documentation will help clarify the need for foreign language services by ACEM.
- 9.3. ACEM will monitor changes in demographics, foreign language requests, and other factors to determine if changes to this LAP plan are required.

10. Designation of LAP Supervisor and Coordinator

ACEM LAP Supervisor	Ada County LAP Coordinator
Doug Hardman 7200 Barrister Dr. Boise Idaho 83704 Telephone: (208) 577-4750 Fax: (208) 577-4759 dhardman@adaweb.net	Kelly Paananen 200 West Front Street, Room 2210 Boise, Idaho 83702 Telephone: (208) 287-7133 Fax: (208) 287-7129 kpaananen@adaweb.net

14. Appendix D: Limited English Proficiency Contact Log (example)

This log will be used to document LEP requests and actions taken by ACEM staff.

Date	Language	LEP Issue	Action Taken	Report Taker