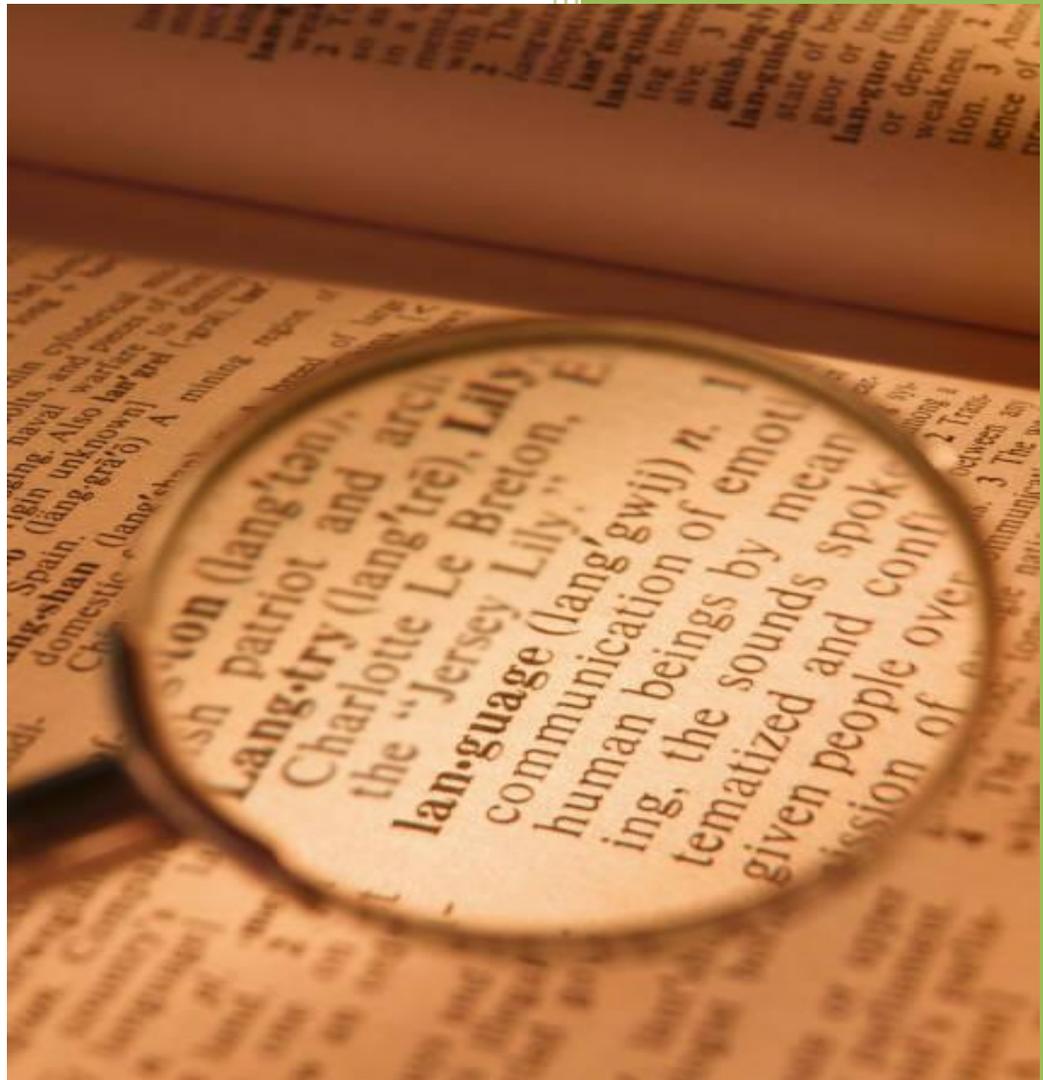




Limited English Proficiency Plan



Approved 2/1/2010

REVISED 9-12-12

City of Caldwell's Title VI Policy Statement

The City of Caldwell, hereinafter referred to as the "Recipient" assures that no person shall on the grounds of race, color, national origin, sex, age, disability, or retaliation as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 (Public Law 100.259), and subsequent related acts, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. The Recipient further assures every effort will be made to ensure non-discrimination in all of its programs and activities, whether those programs and activities are federally funded or not.



Limited English Proficiency Plan

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Limited English Proficiency Plan

Executive Order 13166--Improving Access to Services for Persons With
Limited English Proficiency

Department of Justice

Enforcement of Title VI of the Civil Rights Act of 1964--National
Origin Discrimination Against Persons With Limited English Proficiency;
Notice

Presidential Documents

The President

Executive Order 13166 of August 11, 2000

Improving Access to Services for Persons With
Limited English Proficiency

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to improve access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency (LEP), it is hereby ordered as follows:

Section 1. Goals.

The Federal Government provides and funds an array of services that can be made accessible to otherwise eligible persons who are not proficient in the English language. The Federal Government is committed to improving the accessibility of these services to eligible LEP persons, a goal that reinforces its equally important commitment to promoting programs and activities designed to help individuals learn English. To this end, each Federal agency shall examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services consistent with, and without unduly burdening, the fundamental mission of the agency. Each Federal agency shall also work to ensure that recipients of Federal financial assistance (recipients) provide meaningful access to their LEP applicants and beneficiaries. To assist the agencies with this endeavor, the Department of Justice has today issued a general guidance document (LEP Guidance), which sets forth the compliance standards that recipients must follow to ensure that the programs and activities they normally provide in English are accessible to LEP persons and thus do not discriminate on the basis of national origin in violation of title VI of the Civil Rights Act of 1964, as amended, and its implementing regulations. As described in the LEP Guidance, recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.

Sec. 2. Federally Conducted Programs and Activities.

Each Federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency's programs and activities.

Limited English Proficiency Plan

Agencies shall develop and begin to implement these plans within 120 days of the date of this order, and shall send copies of their plans to the Department of Justice, which shall serve as the central repository of the agencies' plans.

Sec. 3. Federally Assisted Programs and Activities.

Each agency providing Federal financial assistance shall draft title VI guidance specifically tailored to its recipients that is consistent with the LEP Guidance issued by the Department of Justice. This agency-specific guidance shall detail how the general standards established in the LEP Guidance will be applied to the agency's recipients. The agency-specific guidance shall take into account the types of services provided by the recipients, the individuals served by the recipients, and other factors set out in the LEP Guidance. Agencies that already have developed title VI guidance that the Department of Justice determines is consistent with the LEP Guidance shall examine their existing guidance, as well as their programs and activities, to determine if additional guidance is necessary to comply with this order. The Department of Justice shall consult with the agencies in creating their guidance and, within 120 days of the date of this order, each agency shall submit its specific guidance to the Department of Justice for review and approval. Following approval by the Department of Justice, each agency shall publish its guidance document in the Federal Register for public comment.

Sec. 4. Consultations.

In carrying out this order, agencies shall ensure that stakeholders, such as LEP persons and their representative organizations, recipients, and other appropriate individuals or entities, have an adequate opportunity to provide input. Agencies will evaluate the particular needs of the LEP persons they and their recipients serve and the burdens of compliance on the agency and its recipients. This input from stakeholders will assist the agencies in developing an approach to ensuring meaningful access by LEP persons that is practical and effective, fiscally responsible, responsive to the particular circumstances of each agency, and can be readily implemented.

Sec. 5. Judicial Review.

This order is intended only to improve the internal management of the executive branch and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers or employees, or any person.

(Presidential Sig.)
THE WHITE HOUSE,
August 11, 2000.

Limited English Proficiency

Limited English Proficiency (LEP) is a term used to describe people who do not speak English as their primary language and who also may have limited ability to read, write, or understand English.

The City of Caldwell supports efforts to be innovative and proactive in engaging people from different cultures, backgrounds, and businesses in the public involvement aspect of planning and project development and other programs.

Authority and Guidance

Presidential Executive Order (EO) 13166 – *Improving Access to Services for Persons with Limited English Proficiency* is directed at implementing the protections afforded by Title VI of the Civil Rights Act of 1964 and related regulations. Discrimination in providing services to LEP persons is covered in Title VI under national origin discrimination.

The 1987 Civil Rights Restoration Act broadened the coverage of Title VI to include all of a federal fund recipients' programs and activities, whether they are federally funded or not.

EO 13166 states that recipients must provide LEP persons an equal opportunity to benefit from and ensure **meaningful access** to its programs and services that are normally provided in English.

The following federal publications provide implementing guidance:

- US Department of Transportation Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons, Federal Register/Vol. 70, No. 239/December 2005
- US Department of Justice Policy Guidance, Enforcement of Title VI of the Civil Rights Act of 1964-National Origin Discrimination Against Persons With Limited English Proficiency, Federal Register/Vol. 65, No. 159, August 2000, www.usdoj.gov/crt/cor/

Meaningful Access: Four-Factor Analysis

- 1. The number of proportion of LEP persons in the service area who may be served or are likely to require City of Caldwell services.**

The Caldwell School Student Demographics report from the Caldwell School District for May 2012 indicates that the student population within its ten schools is 5,777. Of that population, 56% are categorized as Hispanic origin.

The City of Caldwell has also reviewed the 2010 US Census Report and determined that the total population of Caldwell is 46,237 persons. Approximately 16,347 or 35.4% of the population is of Hispanic or Latino origin.

Of those 46,237 persons, 27.2% speak another language other than English. Of Caldwell's population, 26% speak Spanish or Spanish Creole and approximately 1.5% have limited English proficiency.

- 2. The frequency with which LEP persons come in contact with the City of Caldwell services.**

The City of Caldwell staff has reviewed the frequency with which elected or appointed officials, office staff, and maintenance staff has, or could have, contact with LEP persons.

Frequent contact is made on a daily basis with Spanish speaking citizens in particular within the Water/Irrigation Department with the customer service representatives, meter readers, and the code enforcement staff. It has been determined that an average of approximately 10% of the Spanish-speaking clientele visiting our customer-oriented departments request interpretive assistance.

- 3. The nature and importance of services provided by the City of Caldwell to the LEP population.**

Since there is a rather large geographic concentration of LEP individuals located within the service area for the City of Caldwell, steps have been taken to assist in accommodating their LEP needs.

Tools of Assistance for LEP persons:

- The Water, Irrigation, and Code Enforcement Departments provide bi-lingual documents (English/Spanish) such as door hangers informing the citizens of pertinent information.

- City of Caldwell bi-lingual personnel are available for translation throughout the City of Caldwell departments to assist with LEP individuals coming for office visits and those who need phone assistance.
- All public hearing notices include a Spanish statement concerning translation assistance available during public hearings through prior arrangements made through the City Clerk's office.

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

The City of Caldwell has reviewed its available resources that could be used for providing LEP assistance and has determined which documents would be most valuable to be translated.

A contract has been established with a language service translation service (Language Line: 1-877-261-6608) for telephone interpreter services if needed. Also, the Canyon County court interpreter division has made available their listing of translators located within the Treasure Valley for attending public hearings on a "as need" basis. Both of these provisions would be fee-based services.

Language Assistance

A person who does not speak English as their primary language and who has 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 Caldwell 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 or another language.

How the City of Caldwell staff may identify an LEP person who needs language assistance:

- Post notice of the City's LEP Plan and the availability of interpretation or translation services free of charge in languages in which the LEP persons would understand.
- All City of Caldwell staff has been provided with "I Speak" cards to assist in identifying the language interpretation needed if the occasion arises.
- All City of Caldwell staff will be informally surveyed periodically on their experience concerning any contacts with LEP persons during the previous year.

A. Language Assistance Measures: The City of Caldwell will strive to provide the following measures to the LEP individuals:

1. The City of Caldwell 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. Bi-lingual City of Caldwell employees who are able to serve as interpreters for the Spanish language in a reasonable time period.
 - b. Language interpretation will be accessed for all other languages through either a telephone interpretation service or through local interpreters from the listing of professionals provided by the Canyon County court division.

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 when the telephone interpretation service or professional interpreters are utilized.
- How to handle a potential Title VI/LEP complaint.

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

Translation of Documents

To date the following documents used by city departments have been translated into Spanish:

- Immediate action door hanger provided by the Water/Irrigation Department
- Immediate action door hanger provided by the Code Enforcement Department
- Application for dog license provided by the Animal Control Department
- City of Caldwell Water Department Information Sheet for new customers
- City of Caldwell Street Department street maintenance notices for sweeping, flushing, patching, and seal coating services.
- The recorded message for City Hall has an option for Spanish translation.

When staff prepares a document, or schedules a meeting, for which the target audience is expected to include LEP individuals, then documents such as meeting notices, sign-up sheets, agendas, etc., will be reviewed for printing in an alternative language based on the known LEP population.

Monitoring the LEP Plan

Updates will include the following reviews on a yearly basis:

- Update of the LEP Plan as required through ITD audits.
- How the needs of LEP persons have been addressed.
- Determination if the need for translation services has changed.
- Determination whether local language assistance programs has been effective and sufficient to meet the needs.
- Determination if the goals of the LEP Plan are being met.
- Determination whether complaints have been received concerning the agency's failure to meet the needs of LEP individuals.

Dissemination of the City of Caldwell Plan:

- Post signs at City Hall notifying LEP persons of the LEP Plan and how to access language services.
- State on agendas and public notices in Spanish that interpretation of documents are available request at City Hall.

How is a Discrimination Complaint Filed?

Complaints may be filed by any person who believes that he or she has been excluded from participation in, been denied the benefits of, or otherwise subjected to discrimination under any City of Caldwell service, program or activity, and believes the discrimination is based upon race, color, national origin, gender, age, disability, economic status or limited English proficiency. Complaints may be filed with the Caldwell City Clerk.

A signed written complaint must be submitted within 180 days of the alleged discriminatory act (or latest occurrence). Complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative. Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint of discrimination to an officer or employee of the City of Caldwell, the person shall be interviewed by the Title VI Coordinator. If necessary, the Title VI Coordinator will assist the person in reducing the complaint to writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled according to the City's investigative procedures.

The complaint should contain:

- Name, address, telephone number, and signature of complainant.
- Facts and circumstances surrounding the claimed discrimination, including date of allegations, and basis of complaint (i.e., race, color, national origin, gender, age, disability).
- Any names of persons, if known, that the investigator could contact for additional information to support or clarify the allegations.
- Correct action being sought by the complainant.

How will a Complaint be Resolved?

Within ten days of receiving a written complaint, the Caldwell City Clerk will acknowledge receipt of the allegation, and inform the complainant of action taken or proposed action to process the allegation. If it is determined that the City of Caldwell has jurisdiction of the complaint, it will investigate and make recommendations for resolving it.

What if a Recipient Retaliates against the Complainant for Filing a Complaint?

Federal laws prohibit a recipient of federal funds from retaliating against any person who has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing. Any complaints of retaliation should be directed to the Caldwell City Clerk immediately at (208) 455-4656.