

Harlan County Community Action Agency, Inc.
Limited English Proficiency Plan

Harlan County Community Action Agency, Inc. maintains and updates its Limited English Proficiency Plan as an agency receiving federal funding in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq., and its implementing regulations provide that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity that receives Federal financial assistance. The Supreme Court, in *Lau v. Nichols*, 414 U.S. 563 (1974), interpreted Title VI regulations promulgated by the former Department of Health, Education, and Welfare to hold that Title VI prohibits conduct that has a disproportionate effect on LEP persons because such conduct constitutes national origin discrimination.

Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency," reprinted at 65 FR 50121 (August 16, 2000), directs each Federal agency to examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services. Federal agencies were instructed to publish guidance for their respective recipients in order to assist them with their obligations to LEP persons under Title VI. The Executive Order states that recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.

Harlan County CAA's Limited English Proficiency Plan (LEP) follows the revised guidelines published by United States Health and Human Services. Harlan County CAA followed the four-factor analysis provided in the Revised HHS LEP Guidance in designing and implementing its LEP plan. The four factors noted in the Revised HHS LEP Guidance outline that may be used by an agency to determine how to provide meaningful access to programs, services and activities for LEP persons are:

1. the number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee/recipient;
2. the frequency with which LEP individuals come into contact with the program;
3. the nature and importance of the activity or service provided by the program to the lives of LEP individuals; and
4. the resources available to the grantee/recipient and costs associated with providing LEP services.

Harlan County CAA's goal is to provide meaningful access to services for LEP individuals using agency resources in a cost-effective, reasonable manner.

To determine the reasonable amount of LEP services the agency should offer, Harlan County CAA researched **the number and proportion of LEP persons served or encountered in the eligible service population**. Harlan County CAA examined their prior experiences with LEP individuals and determined the breadth and scope of language services needed. In conducting this analysis, Harlan County CAA utilized data from the

U.S. census, community organizations, state and local governments, community agencies, school systems, religious organizations, and legal aid entities. Harlan County CAA also consulted directly with agencies who occasionally encounter LEP individuals.

Harlan County CAA acknowledges that the LEP Plan requires agency commitment, staff training, reasonable targeted resources and yearly updating to ensure that the plan reflects the agency's LEP population.

The agency does have a LEP plan based on the five elements of an effective Language Assistance Plan (HSS LEP Guidance document): (1) identify LEP individuals who need assistance; (2) language assistance measures (such as how staff can obtain services or respond to LEP callers); (3) training staff; (4) providing notice to LEP persons (such as posting signs); and (5) monitoring and updating the agency's LEP plan.

Harlan County CAA Service Area Data

The Harlan County Community Action Agency, Inc. has a primary service area of Harlan County in Southeastern Kentucky. The primary service area has a combined population of 33,202 with approximately 1.6 percent of non-English speaking population, according to U.S. Census Data. The area's most easily identifiable ethnic group is Hispanic.

The Harlan County CAA service area consultation for data on LEP individuals includes but is not limited to: Harlan County School District, Harlan Independent School District, Southeast Community and Technical College, Department of Community Based Services Cumberland Service Region, , and the Kentucky State Police Post 10.

Harlan County CAA's data analysis was consistent with the census findings in that there are only a few LEP individuals in the service area. Consulting with other agencies brought the same findings.

Harlan County CAA Crucial Services Analysis

Harlan County CAA analyzed the agency's most crucial services, including transportation, and made plans to ensure that LEP individuals would be able to access them.

In determining what services the agency should provide, Harlan County CAA examined its resources and the impact of costs and conferred with community organizations to ensure the plan is adequate and cost effective.

Harlan County CAA's website can be translated to Spanish and is available at each office. Other translations are available if needed to accommodate LEP persons who may be seeking services.

LEP persons are made aware through the initial use of an interpreter that he or she has the option of providing or using his or her own interpreter for services without charge to the

agency. The agency must also consider special circumstances that may affect whether a family member or friend should serve as an interpreter, such as whether the situation is an emergency and whether there are concerns over competency, confidentiality, privacy, or conflict of interest. However, the agency is aware that it may not require LEP persons to use family members or friends as interpreters.

For services for Spanish speaking LEP persons, Harlan County CAA has an agreement with the Southeast Community and Technical College Spanish professor, stating that he or an appointed student will provide translation in person or via telephone. To maintain client privacy, each person translating must sign an agency confidentiality agreement.

Harlan County CAA also utilizes the Pacific Interpreters Service, a third party interpretive service providing translation for over 180 languages accessible via telephone.

The agency transportation vehicles have pictographs for customer instructions and the bus drivers are equipped with additional pictographs for communication with potential LEP individuals.

Harlan County CAA Notification of LEP Services

Harlan County CAA will utilize outreach and marketing to notify LEP individuals and community organizations and agencies of the availability of LEP services. Harlan County CAA will also post notices in English and Spanish in Outreach offices to notify LEP individuals that accommodations and services are available.

Harlan County CAA LEP Training for Management and Staff

Harlan County CAA provides all new management and staff with training on LEP policies. During the orientation, copies of the Harlan County CAA LEP Plan are provided and reviewed. Additional resources Harlan County CAA utilizes are also shared at this time. Employees are asked to report any encounter with an LEP individual to their supervisor for data collection.

Staff will be taught on these basic elements of LEP services:

- *Types of language services available.*
- *How recipient staff can obtain those services.*
- *How to respond to LEP callers.*
- *How to respond to written communications from LEP persons.*
- *How to respond to LEP individuals who have in-person contact with recipient staff.*
- *(For management) How to ensure competency of interpreters and translation services.”(HHS LEP Guidance).*

Harlan County CAA Monitoring Plan Update

Yearly, Harlan County CAA updates its LEP plan by conducting extensive outreach with community agencies and any LEP individuals, if available, and examining U.S. census data, regional, state and local data to determine if change has occurred. If the data collected reflects a significant change, Harlan County CAA will reexamine and reallocate resources and costs to provide reasonable LEP services.