

LYON COUNTY, KANSAS  
LIMITED ENGLISH PROFICIENCY PLAN



Civil Rights Officer

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## TABLE OF CONTENTS

|      |   |        |
|------|---|--------|
| I.   | Introduction.....                             | Page 3 |
| II.  | Meaningful Access: Four Factor Analysis ..... | Page 3 |
| III. | Language Assistance.....                      | Page 4 |
| IV.  | Staff Training.....                           | Page 5 |
| V.   | Translation of Documents.....                 | Page 6 |
| VI.  | Monitoring.....                               | Page 6 |
| VII. | Dissemination of the LEP Plan.....            | Page 6 |

## I. INTRODUCTION

This Limited English Proficiency Plan has been prepared to address Lyon County, Kansas's responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited English language skills. The plan has been prepared in accordance with *Title VI of the Civil Rights Act of 1964*, 42 U.S.C. 2000d, *et seq.*, and its implementing regulations, which state that no person shall be subjected to discrimination on the basis of race, color or national origin.

Executive Order 13166, titled Improving Access to Services for Persons with Limited English Proficiency, indicates that differing treatment based upon a person's inability to speak, read, write or understand English is a type of national-origin discrimination. It directs each agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies which receive federal funds, including Lyon County, Kansas.

### *Plan Summary*

Lyon County has developed this Limited English Proficiency Plan to help identify reasonable steps for providing language assistance to persons with limited English proficiency [LEP] who wish to access services provided. As defined Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write or understand English. This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and how to notify LEP persons that assistance is available.

In order to prepare this plan, Lyon County used the four-factor LEP analysis which considers the following factors:

1. The number or proportion of LEP persons in the service area who may be served by Lyon County.
2. The frequency with which LEP persons come in contact with Lyon County services.
3. The nature and importance of services provided by the Lyon County to the LEP population.
4. The interpretation services available to Lyon County and overall cost to provide LEP assistance. A summary of the results of the four-factor analysis is in the following section.

## II. MEANINGFUL ACCESS: FOUR-FACTOR ANALYSIS

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

Lyon County staff reviewed the 2010 U.S. Census Report and determined that 2,427 persons in Lyon County [18% of the population] with an in-group population greater than 50 persons, speak a language other than English, to-wit, Spanish. Although other linguistic groups are present in the community (e.g. Chinese, Korean, and Japanese), their population does not reach 5% of the population *and* exceed 50 persons.

2. *The frequency with which LEP persons come in contact with Lyon County services.*

Lyon County staff reviewed the frequency with which Lyon County employees, do, or could have, contact with LEP persons through a department-wide survey. This, combined with empirical evidence indicates the Lyon County does have contact with LEP persons.

3. *The nature and importance of services provided by Lyon County to the LEP population.*

Lyon County provides local government infrastructure to the people within its geographical confines. In addition, Lyon County operates a county-wide transportation system of busses on both fixed-route and demand-transportation.

4. *The resources available to Lyon County, and overall costs to provide LEP assistance.*

Lyon County is one of the poorest counties in Kansas. US Department of Transportation Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons published in the *Federal Register*: December 14, 2005 (Volume 70, Number 239) states:

A recipient's level of resources and the costs imposed may have an impact on the nature of the steps it should take in providing meaningful access for LEP persons. Smaller recipients with more limited budgets are not expected to provide the same level of language services as larger recipients with larger budgets. In addition, "reasonable steps" may cease to be reasonable where the costs imposed substantially exceed the benefits. Recipients should carefully explore the most cost-effective means of delivering competent and accurate language services before limiting services due to resource concerns.

Based on this guidance, we have reviewed our resources and deemed that relative to the concentration of LEP individuals in our city, less than 20% of the population, Lyon County will take the following action related to LEP persons:

- a. We will translate our "vital documents" into the Spanish language on an as-needed basis.
- b. We will, and currently do, use appropriate English/Spanish signage in all publicly accessible areas.

### 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 Lyon County 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 into another language.

How Lyon County staff may identify an LEP person who needs language assistance:

- Post notice of LEP Plan and employ bilingual (Spanish/English) staff members who can assist with on-the-spot translation.
- Department will use online translators to identify how language assistance may be provided to LEP persons.
- All County staff will be informally surveyed periodically on their experience concerning any contacts with LEP persons.
- Strive to engage all community members to better assess what corrective action may be taken in future to provide the opportunity for meaningful access to LEP clients who have difficulty communicating English.

The following resources will be available to accommodate LEP persons:

- i. Volunteer interpreters for the Spanish language are available and will be provided within a reasonable time period.
- ii. Language interpretation will be accessed for all other languages using a telephone interpretation service if needed.

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

All contractors or subcontractors performing work for Lyon County will be required to follow the Title VI/LEP guidelines.

## V. TRANSLATION OF DOCUMENTS

- Lyon County 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.
- When staff prepares a document, or schedules a meeting, for which the target audience is expected to include LEP individuals, then documents, meeting notices, flyers, and agendas will be printed in an alternative language based on the known LEP population.

## VI. MONITORING

Lyon County will update the LEP Plan as required. At a minimum, the plan will be reviewed and updated when data from the next U.S. Census is available, or when it is clear that higher concentrations of LEP individuals are present in the 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.
- Determination of the current LEP population in the service area.
- Determination as to 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 Lyon County's financial resources are sufficient to fund language assistance resources needed.
- Determine whether the County fully complies with the goals of this LEP Plan.
- Determine whether complaints have been received concerning the agency's failure to meet the needs of LEP individuals.

## VII. DISSEMINATION OF LYON COUNTY LEP PLAN

- Post signs in Lyon County Courthouse notifying LEP persons of the LEP Plan and how to access language services.