



Administrative Policy Directive
Issued March 8, 2019

Limited English Proficiency Plan

The enclosed Limited English Proficiency Plan is hereby adopted for the City of Durango.

A handwritten signature in black ink, which appears to read "Ron LeBlanc", is written over a horizontal line.

Ron LeBlanc, City Manager



Limited English Proficiency Plan

The Limited English Proficiency (LEP) Plan, for the City of Durango's Transportation Department has been developed in response to federal requirements included under Section 601 of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), which provides that no person 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."

Executive Order 13166

Executive Order No. 13166, "Improving Access to Services for Persons with Limited English Proficiency," was created 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)..."

President Bush affirmed his commitment to Executive Order 13166 through a memorandum issued on October 25, 2001, by Assistant Attorney General for Civil Rights, Ralph F. Boyd, Jr. Federal agencies were directed to provide guidance and technical assistance to recipients of Federal funds as to how they can provide meaningful access to limited English proficient users of Federal programs. In addition, Federal agencies were told to look at how they served people who were limited in their English proficiency and to see what measures they could take in their direct contacts with LEP individuals that would increase meaningful access. In addition, a Federal Interagency Workgroup on Limited English Proficiency (Workgroup) was formed to coordinate guidance and technical assistance effort throughout the Federal Government in support of EO 13166. One of the Workgroup's first accomplishments was the creation of a Federal web site (www.LEP.gov). The site is designed to be a one-stop referral shop for recipients, Federal agencies and communities in the quest for LEP information and technical assistance. It is through the coordinated efforts of the Workgroup that this planning and self-assessment tool has been created.

Title VI

The basis for EO 13166 is Section 601 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, (hereinafter Title VI), which provides that no person 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." Section 602 authorizes and directs federal agencies that are empowered to extend federal financial assistance to any program or activity "to effectuate the provisions of [section 601]...by issuing rules, regulations, or orders of general applicability." 42 U.S.C. 2000d-1.

The Supreme Court, in *Lau v. Nichols*, 414 U.S. 563 (1974), affirmed then Department of Health, Education, and Welfare (HEW) policy (in line with HEW's Title VI regulation which is similar to that of DOJ, 45 CFR 80.3(b) (2)), stating that a recipient's failure to ensure meaningful opportunity to national origin minority, limited-English proficient persons to participate in the Federally funded program violates Title VI and Title VI regulations. In the *Lau* case, a San Francisco school district that had a significant number of non-English speaking students of Chinese origin was required to take reasonable affirmative steps to provide them with a meaningful opportunity to participate in the federally funded education program.

The requirement to provide meaningful access under Title VI applies beyond the education context to include all of the programs and activities of all recipients of federal financial assistance. As a recipient of federal funds, the City of Durango has developed a Limited English Proficiency (LEP) Plan to ensure compliance with Federal LEP regulations. It includes an assessment of the Limited English Proficiency needs of the area, an explanation of the steps currently taken to address these needs, and the steps the City plans to take in the future to ensure meaningful access to programs and services by persons with Limited English Proficiency.

I. INTRODUCTION

A. Purpose and Scope

Language barriers can sometimes inhibit or even prohibit individuals with Limited English Proficiency (LEP) from gaining access to, or understanding important rights, obligations and services. It is the policy of the City of Durango to take all reasonable steps to ensure timely and equal access to all individuals, regardless of national origin or primary language (Title VI of the Civil Rights Act of 1964, § 601, 42 U.S.C. 2000d).

B. Definitions

Definitions related to this policy include:

Limited English Proficiency (LEP): Designates individuals whose primary language is not English and who have a limited ability to read, write, speak or understand English. LEP individuals may be competent in certain types of communication (e.g. speaking or understanding), but still experience LEP for other purposes (e.g. reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations. This definition also includes individuals with sensory impairments who are deaf or hard of hearing and communicate using American Sign Language (ASL), have speech impairments, or who are blind or have visual impairments.

Primary language: the language in which a person is most effectively able to communicate.

Language Assistance Services: the provision of interpretation and/or translation services for customers who have Limited English Proficiency.

Interpretation: the act of listening to a communication in one language and converting it to another language, while retaining the same meaning.

Translation: the replacement of written text from one language into an equivalent written text in another language.

Bilingual: the ability to speak fluently and communicate directly and accurately in both English and another language.

C. Policy

The City of Durango (City) will take reasonable steps to ensure that people with Limited English Proficiency have access and opportunity to participate in City programs and services. LEP individuals may elect to accept language assistance services offered by the City of Durango at no cost or choose to provide their own interpreter services at their own expense. City personnel will make reasonable efforts to inform residents in their primary language that such assistance is available.

Copies of the LEP Plan will be posted on the City's intranet portal, and on the City's website. Hard copies will be provided upon request.

II. LIMITED ENGLISH PROFICIENCY NEEDS ASSESSMENT

To determine the appropriate measures to provide access to LEP individuals, the four-factor needs assessment outlined in the Department of Justice (DOJ) LEP Guidance to Federal Financial Assistance Recipients was used. The intent of this analysis is to create a balance that reasonably ensures meaningful access by LEP individuals to critical services, while not imposing undue burdens on the City or City personnel.

Factor 1: Number or Proportion of LEP Individuals Likely to be Encountered

The U.S. Census provides information to assist in estimating the number of limited English speakers in the permanent population. U.S. Census 2010-2014 American Community Survey 5-Year Estimates provided data for the City of Durango and La Plata County. Table 1 presents information for the City of Durango and for La Plata County on Language Spoken at Home by Ability to Speak English. Information on all of La Plata County is provided for comparison purposes only.

Table 1: Breakdown of Individuals Speaking English "Not Well" or "Not at All"

Data Category	La Plata County	Durango
Total Population, 2015	50,363	16,581
LANGUAGE SPOKEN AT HOME, 2015		
English only	45,160	14,774
Language other than English	5,203	1,807
Speak English less than "very well"	783	1,581
Spanish	3,466	1,051
Speak English less than "very well"	593	124
Other Indo-European languages	0	0
Speak English less than "very well"	0	0
Asian and Pacific Islander languages	261	161
Speak English less than "very well"	57	32
Other languages	15	0
Speak English less than "very well"	13	0

Source: U.S Census 2010-2014 American Community Survey 5-Year Estimates, 2011-2015

Table 1 shows that 1581 individuals or nearly 1% of residents have difficulty speaking English. Two-thirds of those who had difficulty speaking English (66%) were Spanish speakers. This data mirrors that of La Plata County, where 5203 individuals or approximately 1.03% of the population were limited English speakers and again, most non-English speakers spoke Spanish as their primary language.

Durango is also a year-round destination for tourists, some of which are from foreign countries and may have difficulty speaking English. Those departments that are most likely to encounter non-English speakers (both resident and non-resident) include Police, Transportation, Library, and Emergency Communications. Each of these departments has their own individual LEP policy with information specific to their operations. Other departments may develop their own LEP policy so long as it does not conflict with the City's policy.

Factor 2: Frequency of LEP Contact

Almost all City departments have the potential to encounter LEP individuals although the frequency of those contacts varies greatly across the organization. The Police Department and Emergency Communications (911 dispatch), along with the Durango Public Library and Durango Transit division are the most likely to encounter LEP individuals. Other City programs and services, such as the recreation center or Municipal Court may also encounter LEP individuals on a less frequent basis. Several departments primarily use bilingual employees to interpret for LEP individuals, while other departments utilize Language Assistance Services. The Durango Transit division uses a booklet developed by the Colorado Department of Transportation entitled "Basic Spanish for Transit Employees."

Factor 3: Nature and Importance of LEP Contact, Program, Information, or Service Provided

Requests for services range from business license inquiries at the City Clerk's office to payments of parking tickets at the Finance Window. The Municipal Court, which holds proceedings in City Hall four mornings a week, sees defendants and the relatives of defendants whose primary language is one other than English. Transit drivers field questions from both local and out-of-town riders who require assistance. The Police and the Emergency Communications departments respond to a wide variety of calls for service from LEP individuals.

Factor 4: Cost of Providing LEP Assistance and the Resources Available

Though some departments require translation or interpreter services more frequently, others go months and even years without contact with LEP individuals. Several departments include a budget line item for Language Line Interpretation Services. Other departments that require the service less often can also utilize the service for a reasonable cost on a per-use basis.

Periodically, the City issues a Request for Proposals for interpretation and/or language assistance services. The resulting proposals specify the services offered and associated

costs and are used to develop a list which is available to all employees.

III. TYPES OF LEP ASSISTANCE AVAILABLE

A. Identification of LEP Individual's Primary Language

City staff will utilize all reasonably available tools, such as language identification cards, when attempting to identify an LEP individual's primary language. These materials are available at www.lep.gov.

B. Bilingual Staff

Employees utilized for LEP services need not be certified as interpreters but must have demonstrated a level of competence to ascertain whether the employee's language skills are best suited to bilingual communication, interpretation, translation, or all or none of these functions. All employees used for communication with LEP individuals must demonstrate knowledge of the ethical issues involved when functioning as a language conduit. When bilingual employees within a department are not available, employees from other City departments may be used. The LEP individual may request a non-employee interpreter.

C. Written Forms and Guidelines

Based on the frequency of translation and language requests, the LEP Coordinator will determine what forms and guidelines to translate into the languages most requested. Translation services are readily available for free on the internet at sites such as <http://translate.google.com>. Translated documents will be made readily available to the public. In addition, the Durango Public Library maintains a public membership with Mango Languages which can be used by anyone with a valid library card at no charge. One of the features of this service is written translation which is also powered by the Google translator. Durango Transit administers annual ridership surveys that are translated in both English and Spanish.

D. Telephone Interpreter Services

A current list of interpreter companies and services is available to all employees on the City's intranet site and maintained by the City's LEP Coordinator.

E. Other Sources of Interpretation

In very informal and non-confrontational circumstances, the use of an LEP individual's bilingual friends or family member may be used on a case-by-case basis, although the use of children is discouraged. The LEP individual's need for confidentiality is a strong consideration.

IV. Review and Reporting

A. LEP Coordinator

The City Manager will appoint an LEP coordinator for the City who is responsible for coordinating and implementing the City's LEP services. In addition, each department may designate their own LEP coordinator who will coordinate with the City's LEP coordinator to ensure consistency and compliance

The LEP Coordinator shall assess demographic data; review the utilization data obtained from the contracted language assistance services on a regular basis to determine if there are additional interpretation and/or translation needs.

B. Reporting

Staff utilizing language assistance services or translation services should provide all documentation and information to the City's LEP Coordinator.

C. Training

Electronic copies of the plan and associated tools and documents will be available to all employees via the City's HUB (i.e. intranet site). The LEP Coordinator will be responsible for coordinating training on this plan with departments.