

## 8 – Limited English Proficiency Plan

### Plan Summary

The APO has developed its LEP plan to identify reasonable steps for providing language assistance to persons with limited English proficiency who wish to access services provided. As defined in Executive Order 13166, persons with limited English language proficiency 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 persons with limited English language proficiency of available assistance.

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

1. The number or proportion of persons with limited English language proficiency in the Saint Cloud MPA who may be served by the APO.
2. The frequency with which persons with limited English language proficiency come in contact with APO programs or services.
3. The nature and importance of programs or services provided by the APO to the LEP population.
4. The interpretation services available to the APO and overall cost to provide LEP assistance.

A summary of the results of the four-factor analysis is in the following section.

### Meaningful Access: Four-Factor Analysis

#### Factor 1: Demography

***The number or proportion of persons with limited English language proficiency in the service area who may be served or are likely to require APO services.***

The U.S. Census Bureau 2016-2020 ACS Five Year Estimates have determined 15,020 individuals within the Saint Cloud APO planning area over age 5 speak a language other than English at home. That is equivalent to 11.6% of the population age 5 and older. Of this, the ACS data has estimated 5,783 of those individuals – or 4.5% of the population over 5 years of age – speak English less than “very well”. This is on par with the state’s 4.5% and below the nation’s (8.2%) threshold for people who speak English less than “very well.”

Geographic Area	2016-2020 ACS Population	2016-2020 Population (5+) Who Speak English Less Than “Very Well”	Percent of Total Population
United States	306,919,116	25,312,024	8.2%
Minnesota	5,249,062	234,697	4.5%
Saint Cloud MPA	129,665	5,783	4.5%

**Figure 49:** A geographic breakdown of the 2020 population over age 5 who speak English less than “very well.” Data courtesy of the 2016-2020 American Community Survey Five Year Estimates.

Among persons speaking English “less than very well” within the MPA, the most common languages according to the ACS data, are other and unspecified languages (3,473 people or 2.7%); Spanish (632 people or 0.5%); and Vietnamese (457 people or 0.4%). Primary home language data from the Minnesota Department of Education school year 2019-2020 Saint Cloud public School District 742 school year 2019-2020 was used to understand the other and unspecified languages better. The most common languages excluding English are Somali (26.5%), Spanish (3.9%), and Vietnamese (0.9%).

U.S. DOT has adopted the Safe Harbor Provision which outlines circumstances that can provide a “safe harbor” for recipients regarding translation of vital written materials for LEP populations. A vital document includes paper or electronic written material that contains information that is critical for accessing a component’s programs, services, benefits, or activities; directly and substantially related to public safety; or required by law. The Safe Harbor Provision applies to eligible LEP language groups that constitute 5% or 1,000 persons, whichever is less of the total population of persons eligible to be served or likely to be affected or encountered.

Based on the analysis within the frequency factor and in consultation with the Saint Cloud area’s urban transit provider, Saint Cloud Metro Bus, the Saint Cloud APO concluded that the local Somali population is likely a significant LEP population in its service area requiring more emphasis for translation services.

## Factor 2: Frequency

***The frequency with which persons with limited English language proficiency come into contact with APO services or programs.***

The APO staff reviewed the frequency with which its Board, committee members, staff, and contractors have or could have contact with persons with limited English language proficiency. This includes documenting phone inquiries or office visits. To date, the APO has had no requests for interpreters and no requests for translated documents. The APO Board, committee members, staff, and contractors, or sub-recipients have had very little contact with persons with limited English language proficiency.

However, the APO does have the following paragraph translated into Somali and Spanish to assist in informing LEP populations in accordance with the Safe Harbor Provision.

*The Saint Cloud Area Planning Organization (APO) fully complies with the Title VI of the Civil Rights Act of 1964, Title II of the Americans with Disabilities Act of 1990, Executive Order 12898, Executive Order 13116 and related statutes and regulations. The APO is accessible to all persons of all abilities. A person who requires a modification or accommodation, auxiliary aids, translation services, interpreter services, etc., in order to participate in a public meeting, including receiving this agenda and/or attachments in an alternative format, or language please contact the APO at 320-252-7568 or at [admin@stcloudapo.org](mailto:admin@stcloudapo.org) at least seven (7) days in advance of the meeting.*

Somali Translation:

*Ururka Qorsheynta Deegaanka ee Cloud Cloud (APO) wuxuu si buuxda u waafaqsanahay Cinwaanka VI ee Xuquuqda Xuquuqda Rayidka ee 1964, Cinwaanka II ee Sharciga Naafada Mareykanka ee 1990, Amarka Fulinta 12898, Amarka Fulinta 13116 iyo qawaaniinta iyo qawaaniinta la xiriiira. APO waa u furan tahay dhammaan dadka awooda oo dhan. Qofka u baahan dib-u-habeyn ama dejin, caawimaad gargaar ah, adeegyo turjumaad, adeegyo turjubaan, iwm, si uu uga qeyb galo kulan dadweyne, oo ay ku jiraan helitaanka ajendahaan iyo / ama ku lifaaqan qaab kale, ama luqadda fadlan la*

xiriir APO. 320-252- 7568 ama at [admin@stcloudapo.org](mailto:admin@stcloudapo.org) ugu yaraan toddobo (7) maalmood kahor kulanka.

Spanish Translation:

*La Organización de Planificación del Área de Saint Cloud (APO en inglés) cumple plenamente con el Título VI de la Ley de Derechos Civiles de 1964, con el Título II de la Ley sobre los Estadounidenses con Discapacidad de 1990), de la Orden Ejecutiva 12898, de la Orden Ejecutiva 13116 y los estatutos y reglamentos relacionados. La APO es accesible para todas las personas de todas las capacidades. Una persona que requiere una modificación o acomodación, ayudas auxiliares, servicios de traducción, servicios de interpretación, etc., para poder participar en una reunión pública, incluyendo recibir esta agenda y/o archivos adjuntos en un formato o idioma alternativo, por favor, contacta a la APO al número de teléfono 320-252-7568 o al [admin@stcloudapo.org](mailto:admin@stcloudapo.org) al menos siete (7) días antes de la reunión.*

This paragraph is found:

- On the bottom of every agenda distributed to the public by the APO.
- On the APO's website under the [Get Involved](https://stcloudapo.org/get-involved/) (<https://stcloudapo.org/get-involved/>) dropdown.
- Displayed at the APO Office near the desk of the administrative assistant and within the APO's conference room.
- Displayed near the sign-in form at all in-person meetings and in-person engagement events.

### **Factor 3: Importance**

#### ***The nature and importance of services and programs provided by the APO to the LEP population.***

The APO is responsible for metropolitan multimodal transportation planning and programming in the region. The organization uses a continuous, comprehensive, and cooperative planning process that identifies the region's transportation needs and sets priorities for the future.

Based off the 2016-2020 ACS Five-Year Estimates, approximately 88.4% of the Saint Cloud MPA population over the age of 5 speaks only English. Of the remaining 11.6% of the population that speaks a language other than English, 4.5% speak English less than very well.

The APO Policy Board, staff, and contractors are most likely to contact persons with limited English language proficiency through public meetings and other general public involvement opportunities.

While involvement in APO planning activities by citizens is voluntary and not considered a vital, immediate, or emergency direct service, the APO is committed to ensuring all persons interested in APO activities have equal and equitable access to do so.

As stated in Chapter 3, the APO's goals for public involvement include:

1. Opportunities for Involvement: Provide early, accessible, and continuous opportunities for public involvement from a diversity of stakeholders and interested public.
2. Access to Information: Provide reasonable public access to technical and policy information used in the development of plans and projects.

3. Review of Materials: Provide a reasonable amount of time to review materials and comment prior to adoption of any plan or amendment.

In pursuit of these goals, the APO is committed to ensuring materials are accessible to those whose who speak English “less than very well.” Outlined in Chapter 7, the APO provides notice to the public of how translation and/or interpretive services can be provided to review APO documents (including agendas) and participate in APO planning activities.

The APO also evaluates the impacts of proposed transportation investments on historically underrepresented populations as part of the planning and programming process consistent with Title VI, Executive Order 12898, and other Federal guidance. The impacts of Federally-funded transportation investments in the Saint Cloud MPA are monitored and assessed annually in the APO’s TIP. Chapter 6 provides this specific analysis on the APO’s most recent, Federally-approved TIP.

## **Factor 4: Resources**

### ***The resources available to the APO and overall costs to provide LEP assistance***

Given the small size of the LEP population within the APO planning area and the financial constraints, full multi-language translations of large planning documents or agenda packets are not warranted. The APO will consider any such requests on a case-by-case basis as they arise. In addition, should the need arise, the APO has reviewed its available resources that could be used for providing LEP assistance and that information is on file at the APO office. Please see Appendix G for a sample listing of available resources.

## **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 identified as a person with limited English language proficiency and may be entitled to language assistance with respect to the APO’s programs and 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.

APO staff may notify and identify a person with limited English language proficiency who needs language assistance by:

- Posting notice in a conspicuous and accessible place in the APO office of the LEP plan and the availability of interpretation or translation services free of charge in languages persons with limited English language proficiency would understand.
- Posting the APO’s LEP plan on the APO website.
- Greeting visitors and participants as they arrive at the APO office or APO-sponsored meetings or events. By informally engaging participants in conversation or by using language identification cards, it is possible to gauge each attendee’s ability to speak and understand English. Although translation may not be available at the time, it will help identify future needs.
- Providing “I Speak” cards to assist in identifying the language interpretation needed if the occasion arises. Examples of “I Speak” cards can be found in Appendix F of this document.
- APO staff will be surveyed annually as part of the annual monitoring process.



- Publishing advanced public notice of the event including information on procuring a translator or interpreter.

## Language Assistance Measures

Although there are a low percentage of individuals in the Saint Cloud MPA with limited English proficiency, that is, persons who speak English “less than very well,” the APO will strive to:

1. Take reasonable steps to provide the opportunity for meaningful access to clients who have difficulty communicating in English.
2. Provide the following resources to clients who have difficulty communicating in English:
  - Interpretive services for public meetings, if advance notice is provided to the APO and such services are available.
  - Translated versions (or provide for interpretation of relevant sections) of all documents/publications upon request, within a reasonable time frame and if resources permit.

Additionally, the APO includes the following paragraph – which is translated into both Somali and Spanish in accordance with the Safe Harbor Provision – at the bottom of every agenda distributed to the public by the APO; on the APO’s website under the [Get Involved](https://stcloudapo.org/get-involved/) (<https://stcloudapo.org/get-involved/>) dropdown; displayed at the APO office near the desk of the administrative assistant and within the APO’s conference room; and displayed near the sign-in form at all in-person meetings and in-person engagement events:

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### **Translation of Documents**

The APO weighed the cost and benefits of translating documents for potential groups of persons with limited English language proficiency. Considering the expense of translating the documents, the likelihood of frequent changes in documents, and other relevant factors, the APO will consider the translation of documents (or portions thereof) on a case-by-case basis, as requested.

Translation resources have been identified and are kept on file at the APO. Please see Appendix G for a sample listing of available resources. [Google's Translate program](http://translate.google.com) (<http://translate.google.com>), can also provide users with HTML content in other languages. This resource is an imperfect system, but has a potential to provide enough information for an individual or group of persons with limited English language proficiency to gain an initial understanding of APO documents. However, when and if the need arises for LEP outreach related to APO programs and services, the APO will coordinate with counties, cities, townships, and other planning partners in the APO planning area to determine an appropriate course of action in regards to existing interpretive and outreach resources available.

### **Staff Training**

The APO will take steps to ensure staff has appropriate training and resources available to assist LEP individuals. The following training will be provided to all staff on an annual basis and upon new hire employee orientation:

- Information on the Title VI Policy and LEP responsibilities.
- Description of language assistance services available and offered to the public.
- Use of the "I Speak" cards.
- Documentation of language assistance requests.
- How to handle a potential Title VI/LEP complaint.

Appendix H identifies the LEP training and certificate of completion along with the LEP training log. This training log is incorporated into the SEP annual report. By developing the certification and log, the APO will easily identify that it is compliant with training on an annual basis.

### **Contractors/Consultants**

In accordance with 49 CFR 21.9(b), and to ensure that subrecipients are complying with the DOT Title VI regulations, the APO must monitor their subrecipients for compliance with the regulations. Monitoring requires the APO to do following:

- Determine the scope of subrecipient's activities and the related Title VI responsibilities.
- Ensure subrecipient is aware of the identified Title VI responsibilities within the scope of its activities.
- Ensure Appendix A and Assurance Attachment 5 of the Title VI/Non-Discrimination Assurances are inserted into all contracts with subrecipients.
- Ensure subrecipient's operations under its contract with the APO are carried out in accordance with the APO's Title VI Non-Discrimination Plan.

## Monitoring

The APO will review the LEP Plan annually with its self-certification procedure per [23 CFR 450.336](https://www.federalregister.gov/documents/2018/01/16/2018-00111) (<https://bit.ly/2uQ1xIE>). The plan will be updated as needed. An annual review and update will include the following:

- The number of documented persons with limited English language proficiency contacts encountered annually.
- How the needs of persons with limited English language proficiency have been addressed.
- Determination of the current LEP population in the service area.
- Determination 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 the APO's financial resources are sufficient to fund language assistance resources needed.
- Determine whether the APO 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 individuals with limited English language proficiency.
- Maintain a Title VI complaint log, including LEP to determine issues and basis of complaints.

## Dissemination of the Saint Cloud APO LEP Plan

The APO will make good faith efforts to notify the public that a LEP plan and language assistance is available through the following means:

- Post signs at conspicuous and accessible locations notifying persons with limited English language proficiency of the LEP Plan and how to access language services in languages LEP persons would understand.
- Include as part of public notices and related materials that persons needing interpretative service need to contact the APO.
- Include as part of the APO website.
- Post in the front desk area of the APO offices, employee bulletin board, and bulletin boards in the common area and conference room.
- Display notices at Board, TAC, and ATAC meetings.