



CITY OF NEWPORT NEWS
HISPANIC ADVISORY COMMITTEE
TO THE CITY MANAGER

Providing Meaningful Access: An Assessment of Service Provision to LEP Persons

March 2, 2010

Prepared by Kirstyn Barr
Community Relations/Communications Specialist
Office of the City Manager

Table of Contents



I. Background	
A. Committee History	3
B. At a Glance: Newport News Hispanic Community.....	4
II. The Assessment.....	6
A. Assessment Results-City Departments	7
B. Assessment Results-Related Agencies.....	11
III. Results Summary.....	15
IV. Title VI-Civil Rights Act of 1964.....	18
V. Next Steps.....	22
VI. Resources.....	23
VII. Appendix	
A. Assessment Participant Information.....	24
B. Assessment.....	30
C. Executive Order 13166/ Department of Justice Guidance.....	32

Providing Meaningful Access: An Assessment of Service Provision to LEP Persons

I. BACKGROUND

A. Committee History

In 2003, Newport News Police officers recognized that members of the city's Hispanic community were being victimized and not reporting these incidents to the police. This realization led to a police-driven effort to increase trust between the city's Hispanic residents and law enforcement personnel. Through outreach initiatives and education, trust levels began to increase and positive relationships were developing. As a result, crime rates in areas where many of the city's Hispanic community members resided began to drop. In an effort to continue to foster solid, positive relationships with the Hispanic community, in 2007 the police department hosted a Hispanic Community Leaders meeting. This meeting provided a forum for members of the police department, city staff and leaders from the Hispanic community to discuss additional ways to build trust between the community and law enforcement.

The police department's success in positively impacting Hispanic residents' perceptions of police prompted city administration to expand the focus from just public safety to include other issues that impact not only our Hispanic residents, but the entire Newport News community. As a result, in 2008 the Hispanic Advisory Committee to the City Manager (HAC) was established. This newly created committee broadened the focus to include public safety, health, human services, libraries and education. The HAC's purpose is to facilitate communication and foster trust between the city and the Hispanic community, and to identify and resolve barriers to city programs and services that may exist for residents.

During 2008, the Committee focused on learning about the various city services and programs available to residents of Newport News. Presentations were made by departments and agencies that the Committee identified as having the most impact on the Hispanic community. This included the Sheriff's Office, Newport News-Hampton Community Services Board, Department of Human Services, Newport News Public Schools, Newport News Redevelopment and Housing Authority, Health Department, Healthy Families, YWCA, Project CARE, Census Bureau, and Newport News Emergency Management. These presentations gave the Committee an opportunity to brainstorm and make recommendations to the City Manager on ways to alleviate barriers that limit access to needed services and programs, not just for non-English speaking clients, but for everyone.

In 2009, the Committee developed a Strategic Plan that outlined several goals including conducting a public listening forum, developing several informational tools, partnering with various community groups, facilitating training for city staff, formulating a volunteer/internship program and liaising with the Department of Human Services.

During 2008, the Committee performed best practices research in an effort to develop proposals for an internship program or a permanent city-funded position that would serve as a direct link between Hispanic residents and city services and programs. The position, whether permanent or an internship, would provide interpretation and translation services and perform community outreach to advise residents directly of the services and programs available to Newport News residents. This recommendation would address the issue of limited English proficiency (LEP) as an accessibility barrier to Newport News programs and services. Essentially, this position would assist the city in providing meaningful service to individuals who would otherwise benefit from the program or service if it were not for a language barrier.

Due to fiscal constraints, the internship proposal was placed on hold. However, in 2009, the Committee requested that a needs assessment be performed on all city departments and select related agencies in an effort to identify service delivery gaps to the city's LEP residents. The results of the assessment would be used by the Committee to make recommendations to the City Manager on ways to improve service delivery to the entire Newport News community, including LEP residents.

B. At a Glance: Newport News Hispanic Community

The Hispanic community is the fastest growing population in Newport News and across the United States. According to the U.S. Census Bureau's 2006-2008 American Community Survey, Hispanics accounted for 5.1% of Newport News' total population; up from 4.2% in the 2000 Census.

In 2008, the Pew Hispanic Center, a Pew Research Center Project, published a statistical profile of the U.S. Latino population. The profile is based on the Center's tabulation of the Census Bureau's 2006-2008 American Community Survey. According to this statistical profile, it is estimated that by this year, Hispanics will account for 16%, or 50 million people, of the total U.S. population. Furthermore, by 2050, it is expected that Hispanics will account for 28% of the U.S. population. Also, between the 2000 Census and the 2006-2008 American Community Survey, the U.S. Hispanic community experienced a 33% growth. The following are other notable trends identified in the 2008 Statistical Portrait of Hispanics in the United States:

- In 2008, 61.9% of the U.S. Hispanic population was native-born and 38.1% were identified as being foreign-born.¹
- In 2008, 6.8% of Virginia's population was Hispanic (or 528,002 residents).

¹ For the purpose of the Pew Hispanic Center's Statistical Portrait of Hispanics in the United States, persons born in Puerto Rico and other outlying territories of the U.S. are included in native-born Hispanic population. Hispanics who identified themselves as naturalized citizens or non-citizens are included in the foreign-born Hispanic population.

- Between the 2000 Census and the 2006-2008 American Community Survey, the Hispanic population in Virginia experienced a 58.3% increase (or an increase of 194,520 Hispanic residents over an eight year period.)

One of the purposes of the needs assessment was to identify service delivery gaps to residents with limited English proficiency or LEP. Limited English proficient refers to individuals who do not speak English as their primary language and who have limited ability to read, speak, write or understand English. In order to provide meaningful service to all of our residents, it is important that service providers understand that while English is the primary language it is not the only language used in our community.

According to the Pew Hispanic Centers' 2008 Statistical Portrait of Hispanics in the United States:

- 33.9% of Hispanics younger than 18 ONLY spoke English at home.
- 20.1% of Hispanics 18 and older ONLY spoke English at home.
- 49.1% of Hispanics younger than 18 that spoke a language other than English at home, spoke English VERY well and 17% spoke English LESS than very well.
- 35.5% of Hispanics 18 and older that spoke a language other than English at home, spoke English VERY well and 44% spoke English LESS than very well.
- Only 5% of foreign born Hispanics 18 and older spoke ONLY English at home.

According to the Census Bureau's 2006-2008 American Community Survey, of Newport News' total population over five years of age (165,644), 8.8% spoke a language other than English. Of the group who stated they spoke a language other than English:

- 3.6% stated they spoke English less than "very well."
- 4.3% spoke Spanish; 1.7% of these individuals stated they spoke English less than "very well."
- 2.2% spoke Asian and Pacific Islander languages; 1.2% stated they spoke English less than "very well."

The assessment identified several languages, besides English, that are most commonly used by Newport News residents. Respondents indicated that after English, Spanish was the most commonly used language. Other languages cited at a lesser frequency were Korean, Chinese, Vietnamese, Taiwanese, Farsi, French, Haitian Creole, Tagalog, German, Burmese, Mandarin Chinese and Cambodian.

II. THE ASSESSMENT

The assessment was performed between November 2009 and January 2010 on 28 departments and 31 related agencies. Of the 31 related agencies, 21 organizations responded, equaling a 67% response rate. The overall response rate for the assessment (including city departments and related agencies) was 83%.

For the purpose of this assessment, related agencies that were identified to participate were chosen based on the following criteria:

1. Received funding during FY2010 in the Community Support Budget; and
2. Provided a service or program that is or could be utilized by eligible LEP persons.

For the purpose of this assessment, city departments are defined as those departments that report to the City Manager. Organizations headed by an elected official are included in related agencies.

The needs assessment aimed to determine the:

1. Needs of the LEP population served by city departments and related agencies;
2. Organization's needs or barriers related to serving the LEP population; and
3. Resources organizations have to offer in support of the LEP population.

The following tables display information obtained from the assessment. The results are organized by city department or related agency and categorized based on the number of LEPs served by the organization per year.

- Level 1: 1,000+ LEPs per year
- Level 2: 300-999 LEPs per year
- Level 3: 101-299 LEPs per year
- Level 4: 51-100 LEPs per year
- Level 5: 10-50 LEPs per year
- Level 6: <5 LEPs per year

The respondents were asked to indicate whether their organization receives federal funding. This information is important due to legal requirements under Title VI of the Civil Rights Act of 1964. See section IV of this report for detailed information on Title VI requirements.

A . Assessment Results-City Departments

LEVEL 1 (LEPs Served: 1,000+ per year)						
			Current Provisions		Future Initiatives	
Department	Federal Funding? (Y/N)	Service Area	LEP Community Resources	LEP Specific Programs/ Initiatives	Future LEP Specific Programs/ Initiatives	Organizational Needs
Police	Y	Newport News	<ul style="list-style-type: none"> ✘ Partner with AM 1050 “El Selecta” Radio to provide information in Spanish (serves Hampton Roads area.) ✘ Use of Officers/Civilians who speak foreign languages ✘ EOC dispatchers use Language Line for interpreting services ✘ Translated materials (i.e. recruiting brochure-English, Spanish, Korean) 	<ul style="list-style-type: none"> ✘ NNPD Hispanic Community Outreach events 	<ul style="list-style-type: none"> ✘ Increase Spanish language throughout Department 	<ul style="list-style-type: none"> ✘ Additional funding ✘ Additional bilingual staff ✘ Cultural and language training on ethnic populations in city
LEVEL 2 (LEPs Served: 300-999 per year)						
			Current Provisions		Future Initiatives	
Department	Federal Funding? (Y/N)	Service Area	LEP Community Resources	LEP Specific Programs/ Initiatives	Future LEP Specific Programs/ Initiatives	Organizational Needs
Human Services	Y	Newport News	<ul style="list-style-type: none"> ✘ Telephone and face-to-face interpretation (vendor) ✘ Translation services (vendor) ✘ “Press 2 for Spanish” telephone option ✘ Bilingual staff 	<ul style="list-style-type: none"> ✘ Healthy Families- Bilingual Employee 	<ul style="list-style-type: none"> ✘ In the process of translating essential documents, voicemail announcements, and information pertinent to the LEP population 	<ul style="list-style-type: none"> ✘ Hire additional bilingual staff
Parks, Recreation and Tourism	N	Newport News	<ul style="list-style-type: none"> ✘ Translated documents ✘ Volunteer Interpreters 	<ul style="list-style-type: none"> ✘ N/A 	<ul style="list-style-type: none"> ✘ In the process of implementing senior citizen programs in an area of the city with a larger number of Spanish-speaking residents ✘ Encourage use of Hilton Senior Center for social recreation 	<ul style="list-style-type: none"> ✘ Translate Facility Use Forms; Program registration forms for youth and adults ✘ Cultural diversity training for front-line staff ✘ Conversational/ Essential Spanish
LEVEL 3 (LEPs Served: 101-299 per year)						
			Current Provisions		Future Initiatives	
Department	Federal Funding? (Y/N)	Service Area	LEP Community Resources	LEP Specific Programs/ Initiatives	Future LEP Specific Programs/ Initiatives	Organizational Needs
Codes Compliance	N	Newport News	<ul style="list-style-type: none"> ✘ Bilingual Staff (2)-Spanish ✘ Code books in Spanish 	<ul style="list-style-type: none"> ✘ N/A 	<ul style="list-style-type: none"> ✘ N/A 	<ul style="list-style-type: none"> ✘ N/A
Public Works	N	Newport News	<ul style="list-style-type: none"> ✘ Translated brochures (FOG and Recycling Program) ✘ Bilingual Staff (2)-Spanish 	<ul style="list-style-type: none"> ✘ N/A 	<ul style="list-style-type: none"> ✘ N/A 	<ul style="list-style-type: none"> ✘ N/A

A . Assessment Results-City Departments

LEVEL 4 (LEPs Served: 51-100 per year)						
			Current Provisions		Future Initiatives	
Department	Federal Funding? (Y/N)	Service Area	LEP Community Resources	LEP Specific Programs/ Initiatives	Future LEP Specific Programs/ Initiatives	Organizational Needs
Libraries	Y	Newport News and neighboring localities	<ul style="list-style-type: none"> ✘ Bilingual Children’s books ✘ Storytimes interpreted in Spanish ✘ Library Catalog can be changed to Spanish ✘ Bilingual staff 	<ul style="list-style-type: none"> ✘ Bookmobile stops in areas of the city with large Spanish-speaking populations ✘ Mango Languages 	<ul style="list-style-type: none"> ✘ Encourage staff to attend HR Spanish language Training 	<ul style="list-style-type: none"> ✘ Additional bilingual staff ✘ Translated materials ✘ Translate library and directional information in Spanish ✘ Cultural Training
LEVEL 5 (LEPs Served: 10-50 per year)						
			Current Provisions		Future Initiatives	
Department	Federal Funding? (Y/N)	Service Area	LEP Community Resources	LEP Specific Programs/ Initiatives	Future LEP Specific Programs/ Initiatives	Organizational Needs
Adult Corrections	N	Newport News	<ul style="list-style-type: none"> ✘ Use available staff and inmates for interpretation 	<ul style="list-style-type: none"> ✘ N/A 	<ul style="list-style-type: none"> ✘ N/A 	<ul style="list-style-type: none"> ✘ Additional bilingual staff
Fire	Y	Newport News and geographic neighbors	<ul style="list-style-type: none"> ✘ Telephone translation service 	<ul style="list-style-type: none"> ✘ N/A 	<ul style="list-style-type: none"> ✘ N/A 	<ul style="list-style-type: none"> ✘ Translate Emergency Management literature and patient advocacy information ✘ Ready access to capable translators primarily for citizen communications during emergency situations when the EOC is active and accepting calls from the public
Human Resources	N	Newport News and surrounding localities	<ul style="list-style-type: none"> ✘ Interpreters ✘ State and federal labor posters in other languages 	<ul style="list-style-type: none"> ✘ 	<ul style="list-style-type: none"> ✘ N/A 	<ul style="list-style-type: none"> ✘ N/A
Human Services-Healthy Families	N	Newport News	<ul style="list-style-type: none"> ✘ One home visitor dedicated to provide home visitation services to Spanish-speaking families ✘ Transportation ✘ Utilize other organizations ✘ Bilingual staff ✘ Some translated materials 	<ul style="list-style-type: none"> ✘ N/A 	<ul style="list-style-type: none"> ✘ Identifying Hispanic families that are first-time parents that could benefit from home visitation services or other resources 	<ul style="list-style-type: none"> ✘ Employ bilingual family resource specialist to help identify these families ✘ Translate various documents including Medicaid and WIC information, basic infant care and parenting information ✘ Bilingual staff ✘ Spanish classes for staff
Human Services-Partnership for Youth	N	Newport News	<ul style="list-style-type: none"> ✘ Bilingual Staff (in DHS) 	<ul style="list-style-type: none"> ✘ Parenting classes in Spanish or Korean 	<ul style="list-style-type: none"> ✘ N/A 	<ul style="list-style-type: none"> ✘ Translate Parenting Course Guide
Juvenile Services	Y	Newport News and Hampton	<ul style="list-style-type: none"> ✘ Spanish-speaking staff 	<ul style="list-style-type: none"> ✘ N/A 	<ul style="list-style-type: none"> ✘ N/A 	<ul style="list-style-type: none"> ✘ Translate program description flyer ✘ Staff training ✘ List of bilingual employees (city-wide)

A . Assessment Results-City Departments

Public Utilities	N	Newport News, Hampton, Poquoson, York County, part of James City County	✘ N/A	✘ N/A	✘ Currently researching ways in which to better communicate with LEP customers	✘ Translate Annual Water Quality Report (required by Federal Government)
LEVEL 6 (LEPs Served: >5 per year)						
			Current Provisions		Future Initiatives	
Department	Federal Funding? (Y/N)	Service Area	LEP Community Resources	LEP Specific Programs/ Initiatives	Future LEP Specific Programs/ Initiatives	Organizational Needs
Assessor	N	Newport News	✘ N/A	✘ N/A	✘ N/A	✘ Translated assessment notices
Budget	N	Newport News	✘ N/A	✘ N/A	✘ N/A	✘ Translate operating budget plan, instructions, etc. (when needed)
City Attorney	N	City of Newport News-city departments	✘ Interpreters/Telephone Interpreters used in courtroom	✘ N/A	✘ N/A	✘ N/A
City Clerk/City Council	N	Newport News/ Hampton Roads Region	✘ N/A	✘ N/A	✘ N/A	✘ Bilingual Staff and materials
City Manager	N	Newport News, Hampton Roads area	✘ Citizen’s Guide to Services in Spanish ✘ Informational Event Flyers in Spanish	✘ Established Hispanic Advisory Committee to the City Manager	✘ Partner with CNU classes for translation of city documents	✘ Translation services ✘ Multi-language directional signage in city-owned buildings
Development/ EDA	Y	Newport News	✘ Refer client to a partner organization or vendor that provides interpreter services ✘ Program literature (Federally funded programs) available in Spanish	✘ N/A	✘ N/A	✘ N/A
Engineering	N	Newport News (some regional users)	✘ Bilingual Staff (10 languages represented in Engineering Department)	✘ N/A	✘ N/A	✘ N/A
Finance	N	Virginia, some of the U.S and some international countries	✘ N/A	✘ N/A	✘ N/A	✘ N/A
Information Technology	N	Newport News-global	✘ Google Language Translation on city’s website	✘ N/A	✘ N/A	✘ N/A

A . Assessment Results-City Departments

Internal Audit	N	City of Newport News- city departments	✘ N/A	✘ N/A	✘ N/A	✘ N/A
Newport News TV	N	Newport News	✘ N/A	✘ Produce/ Air “Behind the Badge” in Spanish ✘ Some “off the shelf” material aired (i.e. WIC information in Spanish)	✘ N/A	✘ Bilingual Staff
Planning	N	Newport News	✘ Bilingual staff (Chinese, Spanish, Greek and French)	✘ N/A	✘ N/A	✘ N/A
Purchasing	N	Newport News	✘ N/A	✘ N/A	✘ N/A	✘ N/A
Self Insurance	N	Newport News	✘ N/A	✘ N/A	✘ N/A	✘ N/A
Vehicle Services	N	City of Newport News- city departments	✘ N/A	✘ N/A	✘ N/A	✘ N/A
Voter Registrar	N		✘ Follows procedures established by the State Board of Elections ✘ State Board of Elections provides Spanish language translation of the National Voter Registration Application Form.	✘ N/A	✘ N/A	✘ N/A

B. Assessment Results-Related Agencies

LEVEL 1 (LEPs Served: 1,000+ per year)						
Agency	Federal Funding? (Y/N)	Service Area	Current Provisions		Future Initiatives	
			LEP Community Resources	LEP Specific Programs/ Initiatives	Future LEP Specific Programs/ Initiatives	Organizational Needs
American Red Cross	N	Newport News, Hampton, Isle of Wight County	<ul style="list-style-type: none"> ✘ Interpreter ✘ Language sheets 	<ul style="list-style-type: none"> ✘ CPR class in Spanish 	<ul style="list-style-type: none"> ✘ N/A 	<ul style="list-style-type: none"> ✘ Additional bilingual staff ✘ Translated documents
Food Bank	Y	VA Peninsula	<ul style="list-style-type: none"> ✘ Partner with other organizations for translation services ✘ Translated materials 	<ul style="list-style-type: none"> ✘ N/A 	<ul style="list-style-type: none"> ✘ N/A 	<ul style="list-style-type: none"> ✘ N/A
Peninsula Heath District	Y	Newport News, York County, Poquoson, James City County, Williamsburg	<ul style="list-style-type: none"> ✘ Interpreters ✘ Translated documents ✘ Translated educational materials ✘ Telephone interpreter services ✘ Bilingual employees ✘ CLAS Act students seeking certifications 	<ul style="list-style-type: none"> ✘ Low income car seat program ✘ Interpreter goes with patients to Brentwood/Riverside for mammogram appointments ✘ Interpreters on site for WIC, dental clients and medical clinics ✘ Two Food handler classes per year are provided in Spanish 	<ul style="list-style-type: none"> ✘ N/A 	<ul style="list-style-type: none"> ✘ Currently recruiting to fill an additional part-time interpreter position

LEVEL 2 (LEPs Served: 300-999 per year)						
Agency	Federal Funding? (Y/N)	Service Area	Current Provisions		Future Initiatives	
			LEP Community Resources	LEP Specific Programs/ Initiatives	Future LEP Specific Programs/ Initiatives	Organizational Needs
Hampton-Newport News Community Services Board	Y	Newport News and Hampton	<ul style="list-style-type: none"> ✘ Interpreter assistance ✘ Contract with Refugee and Immigration Services for interpretation services 	<ul style="list-style-type: none"> ✘ N/A 	<ul style="list-style-type: none"> ✘ N/A 	<ul style="list-style-type: none"> ✘ Translated documents ✘ Assistance with specialized outreach for LEP
Newport News Public Schools	Y	Newport News	<ul style="list-style-type: none"> ✘ Bilingual Staff- Spanish ✘ Subcontracting as necessary for translating documents that need to be sent to the larger community ✘ Language Line available at 11 elementary sites ✘ Word by Words Translation company for translations 	<ul style="list-style-type: none"> ✘ ESL Program 	<ul style="list-style-type: none"> ✘ N/A 	<ul style="list-style-type: none"> ✘ Additional ESL teachers
Newport News Redevelopment and Housing Authority	Y	Newport News	<ul style="list-style-type: none"> ✘ Interpreters ✘ Translated documents ✘ Global Visions Foreign Language Consultants ✘ Language Portal Services 	<ul style="list-style-type: none"> ✘ N/A 	<ul style="list-style-type: none"> ✘ N/A 	<ul style="list-style-type: none"> ✘ N/A

B. Assessment Results-Related Agencies

Peninsula Literacy Council/ READS	N	Newport News, Hampton, Poquoson, York County	✘ N/A	✘ ESOL program for LEP adults ✘ Programs for LEP emphasizing financial, health and workplace literacy	✘ N/A	✘ Advertising and marketing materials in other languages ✘ Bilingual tutors ✘ Computer programs such as Rosetta Stone and Ultimate Phonics
LEVEL 3 (LEPs Served: 101-299 per year)						
		Current Provisions			Future Initiatives	
Agency	Federal Funding? (Y/N)	Service Area	LEP Community Resources	LEP Specific Programs/ Initiatives	Future LEP Specific Programs/ Initiatives	Organizational Needs
Center for Child and Family Services	Y	Newport News, Hampton and Williamsburg	✘ Translated documents-Spanish ✘ Bilingual Staff-Spanish ✘ Provides cultural trainings and collaborates with other agencies currently serving the LEP population	✘ Hispanic Outreach Program	✘ Expand Outreach program to include ESL classes, immigration information, local law-enforcement information, and life-skills classes	✘ Funding ✘ Larger building to house classes and baby-sitting and human resources
Newport News General District Court	N	Newport News	✘ Foreign Language Services Coordinator ✘ Telephonic Interpretation Services-Interpretalk ✘ General District has bilingual Deputy Clerk-Spanish	✘ N/A	✘ N/A	✘ N/A
Newport News Juvenile and Domestic Relations Court	N	Newport News	✘ Interpreters (in court and Clerk's Office) ✘ Telephone Interpreter Services ✘ Court Forms translated in Spanish	✘ N/A	✘ N/A	✘ N/A
Newport News Juvenile Court Service Unit	N	Newport News	✘ Interpreters ✘ Telephone Interpreter service	✘ N/A	✘ N/A	✘ Additional interpreters ✘ Training for staff
Peninsula Agency on Aging	Y	Newport News, Hampton, Poquoson, York County, James City County and Williamsburg	✘ Bilingual staff (Korean) ✘ Telephone translation services ✘ Contract with Catholic Charities for interpreter on home-visits ✘ Informational brochures in Spanish	✘ Korean Dining Center in Newport News	✘ N/A	✘ Additional staff for in home care
Transitions Family Violence Services	Y	Newport News, Hampton, Poquoson, co-provider of services for York County	✘ Bilingual advocate ✘ Advocate translates necessary documents	✘ Special Victim Advocate-reaches out to all un-served and underserved population-including the LEP populations	✘ Special Victim Advocate in the process of becoming a certified interpreter	✘ Availability to call on interpreters of languages other than Spanish to do accompaniment for services such as protective orders, custody, child and spousal support, law offices and immigration purposes

B. Assessment Results-Related Agencies

LEVEL 4 (LEPs Served: 51-100 per year)						
Agency	Federal Funding? (Y/N)	Service Area	Current Provisions		Future Initiatives	
			LEP Community Resources	LEP Specific Programs/ Initiatives	Future LEP Specific Programs/ Initiatives	Organizational Needs
Commissioner of the Revenue	N	Newport News	<ul style="list-style-type: none"> ✘ Bilingual staff ✘ Language translations via Internet 	✘ N/A	✘ N/A	<ul style="list-style-type: none"> ✘ Translate documentation: Personal Property registration cards and instructions; business license application; business property filing and instructions; machinery and tools filing and instructions; business related tax filings and instructions; tax collection enforcement documentation; audit of businesses for local tax form; real estate tax relief forms and instructions; state income tax returns and instructions ✘ Additional bilingual staff to translate tax forms and information
Sheriff's Office	Y	Newport News	<ul style="list-style-type: none"> ✘ Spanish-speaking volunteer ✘ Assistance from Magistrate's Office- Telephone Interpreter Service ✘ Bilingual Staff 	✘ English as a Second Language-taught by volunteer (in Spanish)	✘ In the process of translating inmate handbook, visitor information in Spanish	<ul style="list-style-type: none"> ✘ Translate grievance and request forms ✘ Translate information about Project Lifesaver, File of Life and Yellow Dot programs ✘ Instructional videos in Spanish (i.e. Inmate orientation video and video arraignment tape) ✘ Additional funding
Treasurer	N	Newport News	✘ N/A	✘ N/A	✘	✘ Translate instructional forms, bills
Virginia Cooperative Extension	Y	Newport News	✘ Interpreters	✘ N/A	<ul style="list-style-type: none"> ✘ Wellness programs for refugees and immigrants ✘ Family Financial Management curriculum available in Spanish 	<ul style="list-style-type: none"> ✘ Translate documents-educational fact sheet, etc. ✘ Training ✘ Bilingual staff ✘ Marketing information in other languages
LEVEL 5 (LEPs Served: 10-50 per year)						
Agency	Federal Funding? (Y/N)	Service Area	Current Provisions		Future Initiatives	
			LEP Community Resources	LEP Specific Programs/ Initiatives	Future LEP Specific Programs/ Initiatives	Organizational Needs
C. Waldo Scott Center	N	Southeast Community-Newport News	✘ Partner with other organizations, such as PICH, for translation/interpreter services as needed	✘ N/A	✘ N/A	<ul style="list-style-type: none"> ✘ Translate documents (i.e. flyers) ✘ Identify the needs of the LEP in terms of the services they want

B. Assessment Results-Related Agencies

LINK	Y	Newport News, Hampton, Williamsburg, JCC, Poquoson, YC, Gloucester, Matthews, Middlesex,	<ul style="list-style-type: none"> ✘ Partner with local churches or Refugee and Immigration Services to provide volunteer interpreters 	✘ N/A	✘ N/A	✘ N/A
Youth Career Café (Workforce Development Council)	Y	Newport News, Hampton, Poquoson, York County, James City County, Williamsburg and Gloucester	<ul style="list-style-type: none"> ✘ Translation services available on job search engine the person is using ✘ Bilingual staff available 	✘ N/A	✘ N/A	<ul style="list-style-type: none"> ✘ Translate Youth Career Café general information brochure in Spanish ✘ Bilingual staff

LEVEL 6 (LEPs Served: <5 per year)

			Current Provisions		Future Initiatives	
Agency	Federal Funding? (Y/N)	Service Area	LEP Community Resources	LEP Specific Programs/ Initiatives	Future LEP Specific Programs/ Initiatives	Organizational Needs
Boys and Girls Club of the Virginia Peninsula	Y	Newport News, Hampton, Matthews, Gloucester, and York County	✘ N/A	✘ N/A	✘ N/A	✘ N/A
Peninsula Workforce Development Center (Workforce Development Council)	Y	Newport News, Hampton, Poquoson, York County, JCC, Williamsburg and Gloucester	<ul style="list-style-type: none"> ✘ Pay for ESL Classes provided by the locality's Adult Education Department ✘ Bilingual Staff-Spanish ✘ Utilizes Refugee and Immigration Services for Interpreter Services as needed 	✘ N/A	✘ N/A	<ul style="list-style-type: none"> ✘ Software program that provides instant interpreting services ✘ Online live component

III. RESULTS SUMMARY

1. City departments and agencies who receive federal funding:

Boys and Girls Club of the VA Peninsula	Peninsula Agency on Aging
Center for Child and Family Services	Peninsula Workforce Development Center
Community Services Board	Peninsula Health District
Development/EDA	Police
Fire	Redevelopment and Housing Authority
Food Bank	Schools
Human Services	Sheriff's Office
Juvenile Services	Transitions Family Violence Services
Libraries	Virginia Cooperative Extension
LINK	

2. Specific programs CURRENTLY available to assist with the delivery of service to LEP persons:

City Departments	Related Agencies
Police Department Hispanic Outreach	CPR Class in Spanish (Red Cross)
Healthy Families Bilingual Worker (Human Services)	Brentwood Riverside-Interpreter for Appointments (Health Department)
Mango Languages (Libraries)	WIC/Dental/Medical clients-Interpreter (Health Department)
ESL Class for Inmates (Sheriff)	Food Handler Class in Spanish (Health Department)
Parenting Class in Spanish and Korean (Human Services-Partnership for Youth)	ESL Program (NN Public Schools)
Hispanic Advisory Committee to the City Manager	ESL Program (Peninsula READS)
"Behind the Badge" in Spanish (Police and NNTV)	Hispanic Outreach Program (Center for Children and Families)
StoryTime in Spanish (Libraries)	Korean Dining Center in Newport News (Peninsula Agency on Aging)
	Special Victim Advocate for LEP (Transitions Family Violence Services)

3. Commonly cited resources CURRENTLY in use:

Interpreters	"I Speak" Cards
Bilingual Employees	"Press 2 for Spanish" Telephone option
Internet Translation Tools	Bilingual Children's Books
Language Line	Language Portal Services
Global visions Foreign Language Consultants	Interpretalk
PICH	AM1050 El Selecta Radio
Translated Documents	Volunteer Interpreters
Refugee and Immigration Services	Word By Word Translations
Catholic Charities	Google Language Translation
City Code Book in Spanish	Citizen's Guide to Services in Spanish
Local Churches/Religious Organizations	

4. FUTURE programs and initiatives to provide meaningful access to LEP persons:

Increase Spanish language usage by employees (<i>Police</i>)	Implementing Senior Citizen programs for Spanish-speaking citizens (<i>Parks & Recreation</i>)
Identifying Hispanic families that are first-time parents that could benefit from in-home visitation services (<i>Healthy Families</i>)	In process of translating essential documents, voicemail announcements, and information pertinent to LEP populations (<i>Human Services</i>)
Encouraging staff to attend HR Spanish language training (<i>Libraries</i>)	Encouraging usage of Hilton Senior Center (<i>Parks & Recreation</i>)
Researching ways to better communicate with LEP customers (<i>Waterworks</i>)	Partner with CNU classes for translation of city documents (<i>City Manager</i>)
Family Financial Management curriculum in Spanish (<i>Virginia Cooperative Extension</i>)	Training Special Victim Advocate in the process of becoming a certified interpreter (<i>Transitions</i>)
Wellness programs for refugees and immigrants (<i>Virginia Cooperative Extension</i>)	Expand Outreach program to include ESL classes, immigration information, local law-enforcement information and life-skills classes (<i>Center for Child and Family Services</i>)

5. Resources for FUTURE programs needed to provide meaningful service to LEP persons:

Additional Funding	Bilingual Staff
Cultural Training	Language Training
Translate Forms	Additional ESL teachers/Bilingual tutors
Bilingual Family Resource Specialist	List of bilingual city staff ²
Assistance with specialized outreach for LEP	Ready access to capable translators/interpreters
Interpreters	Computer programs (i.e. Rosetta Stone) ³
Additional facilities	Translation/Interpreter software
Advertising/Marketing material in other languages	Multilanguage directional signage in city-owned buildings

² A Committee is currently working on compiling a list of city employees who fluently speak, read and write a language other than English.

³ Libraries offer a free language learning tool called Mango Languages that could be used in lieu of purchasing a similar software program.

IV. TITLE VI-CIVIL RIGHTS ACT OF 1964

Title VI of the Civil Rights Act of 1964 (Nondiscrimination in Federally Assisted Programs), Section 601, states, “No person in the U.S. 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.”

On August 11, 2000, former President William Clinton issued Executive Order 13166 (See Appendix, Section C), in an effort to improve access to services for LEP persons. The order stated that federal agencies must ensure that not only they, but also the programs and agencies they are funding, provide “meaningful access” to those services “consistent with, and without unduly burdening, the fundamental mission of the agency.”

In conjunction with this order, the Department of Justice issued a general guidance document (See Appendix, section C) which set forth the compliance standards that recipients of federal funding 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.” It further states that recipients of federal funding need to take “reasonable steps” to ensure meaningful access to their programs and activities by LEP persons.

A. What is the purpose of Executive Order 13166?

The Executive Order was created in an effort to better enforce and implement the existing obligation to Title VI, which prohibits recipients of federal financial assistance from discrimination based on national origin, race or color. Failing to provide meaningful access to services and programs to LEP persons is a violation under Title VI regarding discrimination based on national origin.

The Executive Order also requires federal agencies to adhere to the principles of nondiscrimination and inclusion embodied in Title VI by assessing their operations in an effort to provide meaningful access to services by LEP persons. Furthermore, federal agencies that provide assistance to other organizations should develop their own recipient guidance⁴ for their federal assistance recipients to adhere to in an effort to ensure meaningful access by LEP persons to those programs and services.

B. What is federal financial assistance?

Federal assistance means more than just receiving a grant or some form of monetary contribution from the government. Federal assistance includes but is not limited to grants and loans of federal funds; grants or donations of federal property; training; details of federal

⁴ Recipient guidance refers to the guidance federal agencies develop to ensure that entities to which they grant general financial assistance comply with Title VI’s prohibition against national origin discrimination.

personnel; or any agreement, arrangement, or other contract which has as one of its purposes the provision of assistance. An agency that receives some form of federal assistance is required, by law, to take reasonable steps to provide meaningful access to their programs by LEP persons.

Title VI applies to funding that is received both directly and indirectly. For example, federal funding that is provided to the State, which is then distributed to local governments is covered by Title VI.

C. What does Title VI cover?

If a recipient receives federal assistance, the recipient's entire program or activity is covered by Title VI. Essentially, Title VI requirements apply to all parts of the organization receiving the funding, not just specific to the program.

Example: The Department of Human Services receives federal funding for a parenting program. All of the operations in the entire department, not just the program, are covered by Title VI.

D. Title VI Requirements: Reasonable Steps

Recipients are required to take "reasonable steps" to ensure meaningful access to their programs and services by LEP persons. Among the factors to be considered in determining what constitutes reasonable steps to ensure meaningful access are:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the program grantee;
2. The frequency with which LEP individuals come in contact with the program;
3. The nature and importance of the program, activity or service provided by the program to people's lives; and
4. The resources available to the grantee/recipient or agency and costs.

The intent of this guidance provided by the Department of Justice is to find a balance that ensures meaningful access by LEP persons but does not impose undue burdens on small business or small nonprofits.

E. DOJ Guidance: Interpretation and Translation Services

Department of Justice advises that documents that are routinely provided in English should also be provided in other languages. More importantly, those documents that are considered "vital" should be translated in to the non-English language most encountered by the program or service being accessed. The Department of Justice states that vital documents are those that are required to obtain the federal services or benefits or is a document that is required by law. For example, vital documents can include applications, consent and complaint forms, and prison rule books. Non-vital documents are those documents that are not critical to access federally funded benefits or services. The Department of Justice advises

that vital documents must be translated when there are a significant number of residents eligible to access programs that need information in a language other than English in order to communicate effectively.

Providing meaningful access to LEP persons is not limited to written translations. Sometimes, in order to fully inform eligible participants, oral interpretations are required. Organizations and programs are responsible for providing interpretation services to LEP persons. There are several options for organizations to utilize for interpretive services:

- Hiring bilingual staff or staff interpreters;
- Contracting with qualified outside in-person interpreters;
- Contracting with a telephonic interpreter service; and
- Utilizing qualified voluntary community interpreters.

The Department of Justice advises that it is not acceptable for federal assistance recipients to rely upon LEP family members or friends to provide interpreter services. In order to meet the requirements outlined in the Executive Order or Title VI, federal assistance recipients should provide competent language services free of cost. It is understood, however, that in rare, emergency situations that programs may have to rely on an LEP's family member or friend to provide interpreter services. Agencies are strongly encouraged to develop contingency plans in order to avoid the use of un-trained interpreters.

F. Title VI Enforcement

If organizations, agencies and programs are found to not be in compliance with Title VI, then they run the risk of losing federal funding (Title VI, Sec. 602). There are approximately 28 federal agencies that provide some form of federal assistance to private, state or local entities. Each of these agencies has their own civil rights division that investigates complaints as they relate to the Civil Rights Act of 1964. Depending on where the federal assistance originates dictates which agency will enforce the Civil Rights Act, including Title VI requirements.

For example, the Department of Education enforces several federal civil rights laws that prohibit discrimination in programs or activities that receive federal financial assistance from the Department of Education. The Department of Justice enforces federal civil rights statutes related to conditions of institutional confinement, conduct of law enforcement agencies, access to reproductive health facilities and places of religious worship, and religious exercise of institutionalized persons.

It is important to note that Title VI is not limited to programs, services and agencies that provide health and human services. As stated earlier, the Department of Justice developed and issued a LEP Policy Guidance Document in conjunction with Executive Order 13166 (See Appendix, Section C). This addressed the application of Title VI's prohibition on national origin discrimination for all federal agencies when information is provided only in English to persons with limited English proficiency and clarified existing Title VI responsibilities. The

document set forth general principles that other federal agencies could use in developing their own guidelines for services to individuals with limited English proficiency.

V. NEXT STEPS

The information contained within this report will be utilized by the Hispanic Advisory Committee to:

1. Make recommendations to the City Manager and city staff on ways to alleviate service gaps identified through the assessment; and/or
2. Determine if there is a need to establish an internship program and/or a permanent city-funded position that would serve as a direct link between services and programs and the Newport News Hispanic community.

VI. RESOURCES

Civil Rights Act of 1964, Title 42, U.S. Code, Chapter 21.

Pew Research Center, Pew Hispanic Center. (2008) *Statistical Portrait of Hispanics in the United States*. Retrieved February 19, 2010, from <http://pewhispanic.org/factsheets/factsheet.php?FactsheetID=58>

U.S. Census Bureau, 2006-2008 American Community Survey. (2008) *Fact Sheet for City of Newport News, Virginia*. Retrieved on February 16, 2010, from http://factfinder.census.gov/servlet/ACSSAFFacts?_submenuId=factsheet_1&_sse=on

U.S. Department of Health and Human Services, Office of Civil Rights. *Civil Rights Enforcement Through Other Agencies*. Retrieved February 17, 2010, from www.hhs.gov/ocr/civilrights/otherenforcementagencies.html

U.S. Department of Health and Human Services, Office of Civil Rights. *For Providers of Health Care and Social Services*. Retrieved February 17, 2010 from www.hhs.gov/ocr/civilrights/resources/providers/index.html

U.S. Department of Justice, Civil Rights Division. *Coordination and Review Section*. Retrieved February 25, 2010, from www.justice.gov/crt/cor/Pubs/lepqa.php

U.S. Department of Justice, Civil Rights Division. (2000) *Enforcement of Title VI of the Civil Rights Act of 1964- National Origin Discrimination Against Persons With Limited English Proficiency; Policy Guidance*. Federal Register, Vol. 65, No. 159. FR. Doc. 00-20867.

U.S. Department of Justice, Limited English Proficiency. *Questions and Answers*. Retrieved February 19, 2010, from www.justice.gov/crt/lep/faqs/faqs.html

The White House, Office of the President. (2000) *Executive Order No. 13166: Improving Access to Services for Persons with Limited English Proficiency*. Federal Register, Vol. 65, No. 159. FR. Doc. 00-20938.

VII. APPENDIX

SECTION A Assessment Participant Information

Adult Corrections

Utilizes inmate labor to provide a number of services to the City of Newport News, including mowing operations of all main city streets, median strips, and city-owned lots. They are responsible for graffiti removal and assisting city departments with special projects such as construction, renovation, moving furniture, debris cleanup, and other cost-effective services. Also provides for the security and safety of all inmates, and offers a variety of programs which give inmates the opportunity for an easier transition back into society upon their release.

American Red Cross

To help the community prevent, prepare for and respond to emergencies. Provides services to the armed forces, disaster services and health and safety including babysitter training, CPR, blood services and international services.

Boys and Girls Club of the Virginia Peninsula

Services are offered to youth in the community ages 6 to 18. Programs are available in the areas of education, environment, health, the arts, careers, alcohol/drug and pregnancy prevention, gang prevention, leadership development and athletics.

Budget and Evaluation

Prepares and manages the city's annual operating budget and five-year Capital Improvements Plan (CIP).

Center for Child and Family Services

Offers mental health counseling, credit counseling, job-readiness skills for convicted adults and juveniles, anger management groups, shop-lifting groups, supervised visitation, parenting classes and youth employment services.

City Attorney

Serves as the legal advisor of the Council, the City Manager and of all departments, boards, commissions, and agencies of the city, including the School Board, in all matters affecting the interests of the city.

City Clerk

Directs the administrative functions of the City Council as set forth in the City Charter and the State and City Code. The City Clerk is entrusted with maintaining, processing, and recording all proceedings and other records of the City Council and the city to include minutes, contracts, deeds, grants, ordinances, and resolutions.

City Manager

Provides leadership and administration of the day to day operations of the City of Newport News. Working closely with the City Council and citizens, the Office ensures that quality services and programs are available to meet the needs of our citizens and the business community.

Codes Compliance

Aims to protect the health, safety and general welfare of the public through the administration and uniform enforcement of laws and regulations related to land use, building construction and property maintenance.

Commissioner of the Revenue

Responsible for the assessment of various taxes mandated by the Code of Virginia and Newport News Local Tax Ordinances.

C. Waldo Scott Center

Provides educational classes for youth in the Southeast community.

Development

Responsible for expanding and diversifying the city's tax base by attracting new businesses and industries to Newport News. It is also responsible for creating new jobs, retaining existing jobs and helping existing businesses to expand. The Department administers the city's Enterprise Zone and the Commercial Rehabilitation Real Estate Property Tax Abatement Programs. It also provides assistance to local businesses to obtain federal HUBZone certification. The Department staffs the Economic/Industrial Development Authority of the City of Newport News, Virginia, as well as the city's Green Foundation.

Engineering

Provide professional engineering services for the City of Newport News.

Finance

Oversees the functions of Accounting, Account Payable, Benefits, Retirement, and Payroll.

Fire

In addition to emergency responses, fire station personnel provide a variety of community services such as safety seat inspections, blood pressure checks, free smoke detector installations and station tours for citizens and visitors on a daily basis. The Fire Department has mutual aid agreements with Northrop Grumman Corporation, Fort Eustis and surrounding jurisdictional Fire Departments. The Department also responds to and supports potential emergencies at the Newport News-Williamsburg International Airport.

Food Bank of the Virginia Peninsula

Promote nutrition, care of our youth, and community involvement.

General District Court

This court hears civil, traffic and criminal cases.

Hampton-Newport News Community Services Board (HNNCSB)

Provides prevention and treatment services for people with mental illness, substance use disorders and intellectual and developmental disabilities.

Healthy Families (Human Services)

Provides assessment, resource information and referrals, intensive home visitation, case management, and fatherhood services for first-time parents.

Human Resources

Administers the city's policies in the areas of recruitment and selection, salary administration, classification of jobs, workers compensation, equal employment/affirmative action, personnel records and transactions, employee safety and health, grievance processing, leave programs, orientation and development, training and other related employee matters.

Human Services

Support optimal well-being for individuals and families by promoting health, safety, employment and education through agency programs and community partnerships, strengthening the community by enhancing quality of life.

Information Technology

The Information Technology Department serves the user community within the city by providing data processing resources and services.

Internal Audit

Helps management maintain the financial and operational integrity of the city by examining and analyzing city financial data, operations, programs and services. Internal Audit prepares an annual audit plan to allocate resources and prioritize our work schedule to include oversight of certain city departments and programs as well as special project requests.

Juvenile Court Services Unit

Provides intake services (Juvenile and Domestic Relations), diagnostic services, juvenile probation and juvenile parole.

Juvenile and Domestic Relations Court

Performs court proceedings, filings, and addresses general questions about the court process.

Juvenile Services

Serves as a secure detention facility for juveniles between the ages of 8 and 17. Also provides various community-based programs as an alternative to lockup.

Library

Provides computer access, materials access (books, newspapers, magazines, DVDs, CDs, etc.), reference assistance, community place, early literacy programs, adult programs, genealogy service, outreach service through Bookmobile, law library, and houses the Citizen's Assistance Line.

LINK of Hampton Roads, Inc.

A nonprofit volunteer organization which exists to help people help themselves through education, direct services, advocacy and outreach programs. Provides perishable and non-perishable food, clothing, serves as a household/furniture distribution center, an emergency winter shelter, AA/NA meeting space and SNAP Workforce Development Center, among other educational services.

Newport News Public Schools (NNPS)-ESL Program

Provides English language support in the domains of listening, speaking, reading and writing.

Newport News Redevelopment and Housing Authority (NRR&HA)

Provides housing assistance, job training, homeownership and educational support services.

Newport News TV

Provide information concerning city programs and services, public policy issues, special events, and other activities to the cable subscriber citizens of Newport News. Engineering support is also an integral part of this division for the I-Net head-end and associated user departments.

Partnership for Youth (Human Services)

Provides youth leadership education, parenting courses, training and development and the Mayor's Youth Commission.

Parks and Recreation

Provides leisure services and facilities for the enjoyment of Newport News residents and visitors. Provides a wide array of programs, activities, classes and special events for all age groups and for a variety of levels. Park facilities are available for passive leisure activities and are located throughout the city.

Peninsula Agency on Aging

Provides programs for individuals 60 and older: home delivered meals, in-home care, adult care, assistance information referral, transportation. Provides limited services for residents below 60.

Peninsula Health District

Provides public health nursing, medical clinical services, WIC, dental services, environmental health and epidemiology: communicable disease and control.

Peninsula READS (Peninsula Literacy Council, Inc.)

Provides tutoring services for adults learning to read or learning English. Provides individual basic literacy instruction for adults learning to read and small group based instruction for ESL students.

Peninsula Workforce Development Center (Workforce Development Council)

Provides programs in workforce development. Administers the Workforce Investment Act through the Peninsula Worklink job training program. This program provides workforce development to economically challenged adults, people who have been laid-off and economically challenged youth.

Planning

Responsible for assisting the Planning Commission and the City Council in all aspects of comprehensive and current planning in Newport News.

Police

Provides police services and crime prevention for the City of Newport News. Responsible for safely and securely maintaining the city's law enforcement obligations. The number one goal is reducing crime and providing a safe environment for the citizens of Newport News.

Public Works

Maintain a safe environment within our city facilities, provide and promote environmentally responsible disposal of waste, allow for safe transportation within our community, and protect the environment while maintaining health and safety standards through the management and operation of the sanitary and storm sewer systems, and serve as first responders in emergency situations.

Public Utilities (Waterworks)

Serves as a regional water provider, owned and operated by the City of Newport News, that serves over 400,000 people in Hampton, Newport News, Poquoson, and portions of York County and James City County.

Purchasing

Responsible for the purchase of all materials, supplies, services, construction and equipment for all city departments and agencies, and is responsible for the centralized control and disposal of excess, obsolete and salvageable materials and equipment. The Department also oversees operation of the city's Central Mail Service, the Central Warehouse, the City Hall Motor Pool, Graphics Services and the Printshop.

Real Estate Assessor

Assesses all real estate; interprets and administers all laws pertaining to real estate assessments and exemptions; publishes an annual land book; maintains records and provides information on all parcels of land in Newport News; and reviews assessments with the property owners.

Self Insurance

Responsible for managing risk and liability, including citizen claims. Responsible for the occupational safety and health programs for employees of the City of Newport News.

Sheriff's Office

Provides the security and safety of the Newport News City Jail, Adult Detention and all three courthouses, which includes 13 courtrooms. The Sheriff's Office serves all court ordered papers and transports prisoners between correctional facilities-locally, statewide and nationally. Provides outreach on gang resistance, uniform inspections at An Achievable Dream, operates Project Lifesaver, International, File of Life and Yellow Dot.

Transitions Family Violence Services

Serves as the sole provider of comprehensive family violence services in Hampton, Newport News and Poquoson and a co-provider of services for York County. The agency assists adult and child victims of domestic violence through the provision of shelter, counseling and advocacy services.

Treasurer

Responsible for all revenue which comes to our locality, including: collecting Personal Property and Real Estate Assessments, Business License Fees, Stormwater Fees, Fire Inspections Fees, Estimated and State Income Tax Payments, Vehicle License Fees, and the issuance of Animal Licenses. The Treasurer is also responsible for managing the investment of local funds and to maintain records of local finances.

Vehicle and Equipment Services

Responsible for managing the city's 1,420 unit fleet.

Virginia Cooperative Extension

Provides educational programs including family and consumer services, 4-H Youth development and horticulture.

Voter Registrar

Registers voters and updates records of those voters for changes of address, etc. The Voter Registrar also administers elections with the Electoral Board whose primary responsibility is to oversee elections (move precinct lines, ensure ballots are properly printed, train election officials and visit all election precincts to solve any problems that might occur). On Election Day, the Voter Registrar is in charge of particular voter problems (such as change of address, etc.) at the precincts.

Youth Career Café (Workforce Development Council)

Provides job search opportunities for youth ages 14 to 21. Also conducts workshops on resume writing and interviewing skills.

SECTION B
Assessment

CITY OF NEWPORT NEWS
HISPANIC ADVISORY COMMITTEE TO THE CITY MANAGER

Limited English Proficient (LEP) Population Needs Assessment

Limited English Proficient (LEP) refers to an individual that lacks the basic understanding of the English language, making it difficult or impossible to understand their requests or convey information.

The purpose of this survey is to help determine the:

- Needs of the LEP population served by City departments and related agencies;
- Organization’s needs or barriers related to serving the LEP population; and
- Resources organizations have to offer in support of the LEP population.

The results of this survey will be used by the City of Newport News as a basis for the identification of objectives, strategies or priorities in developing plans to better meet the needs of our LEP population.

Name of your organization/agency: _____

Point of Contact: _____ **Phone:** _____ **Email:** _____

What geographical area does your organization provide service to? (Please list all localities)

What general services and programs does your organization/agency provide to the community?

Does your organization receive State or Federal funding? _____

On average, how many LEP persons does your organization/agency serve? _____, per _____
(Estimate if no data available)

Besides English, what are the other major languages that your organization serves? _____

Does your organization provide programs that are primarily intended for the LEP population? (If so, please list)

If your organization does not currently have programs specifically geared toward assisting the LEP population, but you are developing these types of programs, please list the program along with its main objective.

If the above program(s) are implemented, what are your organization's needs in ensuring the program's success?

If your organization does not have a specific program(s) geared toward assisting LEP clients, how do you provide needed services to these clients? (i.e. use of interpreters, translated documents, telephone interpreter service, etc.)

Do you have documents that are not translated but would serve the community better if they were translated? (Y/N) If yes, please list and/or provide copies of these documents. (Use additional sheets if necessary).

What major resources does your organization use in support of the services provided to the LEP population? (i.e. bilingual staff, translated materials, transportation, training, other organizations, etc.)

What is the cost to provide the service for: (monthly, quarterly, yearly)?

Non-LEP clients: _____, per _____

LEP clients? _____, per _____

(Estimate if no data available)

What would you define as your organization's greatest need to better provide assistance to LEP clients?

Additional comments:

Federal Register

Vol. 65, No. 159

Wednesday, August 16, 2000

Presidential Documents

Title 3—

Executive Order 13166 of August 11, 2000

The President

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. 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.



THE WHITE HOUSE,
August 11, 2000.

[FR Doc. 00-20938
Filed 8-15-00; 8:45 am]
Billing code 3195-01-P

DEPARTMENT OF JUSTICE**Enforcement of Title VI of the Civil Rights Act of 1964—National Origin Discrimination Against Persons With Limited English Proficiency; Policy Guidance**

AGENCY: Civil Rights Division, Department of Justice.

ACTION: Policy guidance document.

SUMMARY: This Policy Guidance Document entitled "Enforcement of Title VI of the Civil Rights Act of 1964—National Origin Discrimination Against Persons with Limited English Proficiency (LEP Guidance)" is being issued pursuant to authority granted by Executive Order 12250 and Department of Justice Regulations. It addresses the application of Title VI's prohibition on national origin discrimination when information is provided only in English to persons with limited English proficiency. This policy guidance does not create new obligations, but rather, clarifies existing Title VI responsibilities. The purpose of this document is to set forth general principles for agencies to apply in developing guidelines for services to individuals with limited English proficiency. The Policy Guidance Document appears below.

DATES: Effective August 11, 2000.

ADDRESSES: Coordination and Review Section, Civil Rights Division, P.O. Box 66560, Washington, D.C. 20035-6560.

FOR FURTHER INFORMATION CONTACT: Merrily Friedlander, Chief, Coordination and Review Section, Civil Rights Division, (202) 307-2222.

Helen L. Norton,
Counsel to the Assistant Attorney General,
Civil Rights Division.

Office of the Assistant Attorney General
Washington, D.C. 20530

August 11, 2000.

TO: Executive Agency Civil Rights Officers

FROM: Bill Lann Lee, Assistant Attorney General, Civil Rights Division

SUBJECT: Policy Guidance Document: *Enforcement of Title VI of the Civil Rights Act of 1964—National Origin Discrimination Against Persons With Limited English Proficiency* ("LEP Guidance")

This policy directive concerning the enforcement of Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d *et seq.*, as amended, is being issued pursuant to the authority granted by

Executive Order No. 12250¹ and Department of Justice regulations.² It addresses the application to recipients of federal financial assistance of Title VI's prohibition on national origin discrimination when information is provided only in English to persons who do not understand English. This policy guidance does not create new obligations but, rather, clarifies existing Title VI responsibilities.

Department of Justice Regulations for the Coordination of Enforcement of Non-discrimination in Federally Assisted Programs (Coordination Regulations), 28 C.F.R. 42.401 *et seq.*, direct agencies to "publish title VI guidelines for each type of program to which they extend financial assistance, where such guidelines would be appropriate to provide detailed information on the requirements of Title VI." 28 CFR § 42.404(a). The purpose of this document is to set forth general principles for agencies to apply in developing such guidelines for services to individuals with limited English proficiency (LEP). It is expected that, in developing this guidance for their federally assisted programs, agencies will apply these general principles, taking into account the unique nature of the programs to which they provide federal financial assistance.

A federal aid recipient's failure to assure that people who are not proficient in English can effectively participate in and benefit from programs and activities may constitute national origin discrimination prohibited by Title VI. In order to assist agencies that grant federal financial assistance in ensuring that recipients of federal financial assistance are complying with their responsibilities, this policy directive addresses the appropriate compliance standards. Agencies should utilize the standards set forth in this Policy Guidance Document to develop specific criteria applicable to review the programs and activities for which they offer financial assistance. The Department of Education³ already has

established policies, and the Department of Health and Human Services (HHS)⁴ has been developing guidance in a manner consistent with Title VI and this Document, that applies to their specific programs receiving federal financial assistance.

Background

Title VI of the Civil Rights Act of 1964 prohibits recipients of federal financial assistance from discriminating against or otherwise excluding individuals on the basis of race, color, or national origin in any of their activities. Section 601 of Title VI, 42 U.S.C. § 2000d, provides:

No person in the United States 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.

The term "program or activity" is broadly defined. 42 U.S.C. § 2000d-4a.

Consistent with the model Title VI regulations drafted by a Presidential task force in 1964, virtually every executive agency that grants federal financial assistance has promulgated regulations to implement Title VI. These regulations prohibit recipients from "restrict[ing] an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program" and "utiliz[ing] criteria or methods of administration which have the effect of subjecting individuals to discrimination" or have "the effect of defeating or substantially impairing accomplishment of the objectives of the program as respects individuals of a particular race, color, or national origin."

In *Lau v. Nichols*, 414 U.S. 563 (1974), the Supreme Court interpreted these provisions as requiring that a federal financial recipient take steps to ensure that language barriers did not exclude LEP persons from effective participation in its benefits and services. *Lau* involved a group of students of Chinese origin who did not speak English to whom the recipient provided the same services—an education provided solely in English—that it provided students who did speak English. The Court held that, under these circumstances, the school's practice violated the Title VI prohibition against discrimination on

¹ 42 U.S.C. § 2000d-1 note.

² 28 C.F.R. § 0.51.

³ Department of Education policies regarding the Title VI responsibilities of public school districts with respect to LEP children and their parents are reflected in three Office for Civil Rights policy documents: (1) the May 1970 memorandum to school districts, "Identification of Discrimination and Denial of Services on the Basis of National Origin," (2) the December 3, 1985, guidance document, "The Office for Civil Rights' Title VI Language Minority Compliance Procedures," and (3) the September 1991 memorandum, "Policy Update on Schools Obligations Toward National Origin Minority Students with Limited English Proficiency." These documents can be found at the Department of Education website at www.ed.gov/office/OCR.

⁴ The Department of Health and Human Services is issuing policy guidance titled: "Title VI Prohibition Against National Origin Discrimination As It Affects Persons With Limited English Proficiency." This policy addresses the Title VI responsibilities of HHS recipients to individuals with limited English proficiency.

the basis of national origin. The Court observed that "[i]t seems obvious that the Chinese-speaking minority receive fewer benefits than the English-speaking majority from respondents' school system which denies them a meaningful opportunity to participate in the educational program—all earmarks of the discrimination banned by" the Title VI regulations.⁵ Courts have applied the doctrine enunciated in *Lau* both inside and outside the education context. It has been considered in contexts as varied as what languages drivers' license tests must be given in or whether material relating to unemployment benefits must be given in a language other than English.⁶

Link Between National Origin And Language

For the majority of people living in the United States, English is their native language or they have acquired proficiency in English. They are able to participate fully in federally assisted programs and activities even if written and oral communications are exclusively in the English language.

The same cannot be said for the remaining minority who have limited English proficiency. This group includes persons born in other countries, some children of immigrants born in the United States, and other non-English or limited English proficient persons born in the United States, including some Native Americans. Despite efforts to learn and master English, their English language proficiency may be limited for some time.⁷ Unless grant recipients take steps to respond to this difficulty, recipients effectively may deny those who do not

speak, read, or understand English access to the benefits and services for which they qualify.

Many recipients of federal financial assistance recognize that the failure to provide language assistance to such persons may deny them vital access to services and benefits. In some instances, a recipient's failure to remove language barriers is attributable to ignorance of the fact that some members of the community are unable to communicate in English, to a general resistance to change, or to a lack of awareness of the obligation to address this obstacle.

In some cases, however, the failure to address language barriers may not be simply an oversight, but rather may be attributable, at least in part, to invidious discrimination on the basis of national origin and race. While there is not always a direct relationship between an individual's language and national origin, often language does serve as an identifier of national origin.⁸ The same sort of prejudice and xenophobia that may be at the root of discrimination against persons from other nations may be triggered when a person speaks a language other than English.

Language elicits a response from others, ranging from admiration and respect, to distance and alienation, to ridicule and scorn. Reactions of the latter type all too often result from or initiate racial hostility * * *. It may well be, for certain ethnic groups and in some communities, that proficiency in a particular language, like skin color, should be treated as a surrogate for race under an equal protection analysis.⁹

While Title VI itself prohibits only intentional discrimination on the basis of national origin,¹⁰ the Supreme Court has consistently upheld agency regulations prohibiting unjustified discriminatory effects.¹¹ The Department of Justice has consistently adhered to the view that the significant

discriminatory effects that the failure to provide language assistance has on the basis of national origin, places the treatment of LEP individuals comfortably within the ambit of Title VI and agencies' implementing regulations.¹² Also, existing language barriers potentially may be rooted in invidious discrimination. The Supreme Court in *Lau* concluded that a recipient's failure to take affirmative steps to provide "meaningful opportunity" for LEP individuals to participate in its programs and activities violates the recipient's obligations under Title VI and its regulations.

All Recipients Must Take Reasonable Steps To Provide Meaningful Access

Recipients who fail to provide services to LEP applicants and beneficiaries in their federally assisted programs and activities may be discriminating on the basis of national origin in violation of Title VI and its implementing regulations. Title VI and its regulations require recipients to take reasonable steps to ensure "meaningful" access to the information and services they provide. What constitutes reasonable steps to ensure meaningful access will be contingent on a number of factors. Among the factors to be considered are the number or proportion of LEP persons in the eligible service population, the frequency with which LEP individuals come in contact with the program, the importance of the service provided by the program, and the resources available to the recipient.

(1) Number or Proportion of LEP Individuals

Programs that serve a few or even one LEP person are still subject to the Title VI obligation to take reasonable steps to provide meaningful opportunities for access. However, a factor in determining the reasonableness of a recipient's efforts is the number or proportion of people who will be excluded from the benefits or services absent efforts to remove language barriers. The steps that are reasonable for a recipient who serves one LEP person a year may be different than those expected from a recipient that serves several LEP persons each day. But even those who serve very few LEP persons on an infrequent basis should utilize this balancing analysis to determine whether reasonable steps are

⁵ 414 U.S. at 568. Congress manifested its approval of the *Lau* decision requirements concerning the provision of meaningful education services by enacting provisions in the Education Amendments of 1974, Pub. L. No. 93-380, §§ 105, 204, 88 Stat. 503-512, 515 codified at 20 U.S.C. 1703(f), and the Bilingual Education Act, 20 U.S.C. 7401 *et seq.*, which provided federal financial assistance to school districts in providing language services.

⁶ For cases outside the educational context, *see, e.g., Sandoval v. Hagan*, 7 F. Supp. 2d 1234 (M.D. Ala. 1998), *affirmed*, 197 F.3d 484, (11th Cir. 1999), *rehearing and suggestion for rehearing en banc denied*, 211 F.3d 133 (11th Cir. Feb. 29, 2000) (Table, No. 98-6598-II), *petition for certiorari filed* May 30, 2000 (No. 99-1908) (giving drivers' license tests only in English violates Title VI); and *Pabon v. Levine*, 70 F.R.D. 674 (S.D.N.Y. 1976) (summary judgment for defendants denied in case alleging failure to provide unemployment insurance information in Spanish violated Title VI).

⁷ Certainly it is important to achieve English language proficiency in order to fully participate at every level in American society. As we understand the Supreme Court's interpretation of Title VI's prohibition of national origin discrimination, it does not in any way disparage use of the English language.

⁸ As the Supreme Court observed, "[l]anguage permits an individual to express both a personal identity and membership in a community, and those who share a common language may interact in ways more intimate than those without this bond." *Hernandez v. New York*, 500 U.S. 352, 370 (1991) (plurality opinion).

⁹ *Id.* at 371 (plurality opinion).

¹⁰ *Alexander v. Choate*, 469 U.S. 287, 293 (1985).

¹¹ *Id.* at 293-294; *Guardians Ass'n v. Civil Serv. Comm'n*, 463 U.S. 582, 584 n.2 (1983) (White, J.), 623 n.15 (Marshall, J.), 642-645 (Stevens, Brennan, Blackmun, JJ.); *Lau v. Nichols*, 414 U.S. at 568; *id.* at 571 (Stewart, J., concurring in result). In a July 24, 1994, memorandum to Heads of Departments and Agencies that Provide Federal Financial Assistance concerning "Use of the Disparate Impact Standard in Administrative Regulations Under Title VI of the Civil Rights Act of 1964," the Attorney General stated that each agency "should ensure that the disparate impact provisions of your regulations are fully utilized so that all persons may enjoy equally the benefits of federally financed programs."

¹² The Department's position with regard to written language assistance is articulated in 28 CFR § 42.405(d)(1), which is contained in the Coordination Regulations, 28 CFR Subpt. F, issued in 1976. These Regulations "govern the respective obligations of Federal agencies regarding enforcement of title VI." 28 CFR § 42.405. Section 42.405(d)(1) addresses the prohibitions cited by the Supreme Court in *Lau*.

possible and if so, have a plan of what to do if a LEP individual seeks service under the program in question. This plan need not be intricate; it may be as simple as being prepared to use one of the commercially available language lines to obtain immediate interpreter services.

(2) Frequency of Contact with the Program

Frequency of contacts between the program or activity and LEP individuals is another factor to be weighed. For example, if LEP individuals must access the recipient's program or activity on a daily basis, *e.g.*, as they must in attending elementary or secondary school, a recipient has greater duties than if such contact is unpredictable or infrequent. Recipients should take into account local or regional conditions when determining frequency of contact with the program, and should have the flexibility to tailor their services to those needs.

(3) Nature and Importance of the Program

The importance of the recipient's program to beneficiaries will affect the determination of what reasonable steps are required. More affirmative steps must be taken in programs where the denial or delay of access may have life or death implications than in programs that are not as crucial to one's day-to-day existence. For example, the obligations of a federally assisted school or hospital differ from those of a federally assisted zoo or theater. In assessing the effect on individuals of failure to provide language services, recipients must consider the importance of the benefit to individuals both immediately and in the long-term. A decision by a federal, state, or local entity to make an activity compulsory, such as elementary and secondary school attendance or medical inoculations, serves as strong evidence of the program's importance.

(4) Resources Available

The resources available to a recipient of federal assistance may have an impact on the nature of the steps that recipients must take. For example, a small recipient with limited resources may not have to take the same steps as a larger recipient to provide LEP

assistance in programs that have a limited number of eligible LEP individuals, where contact is infrequent, where the total cost of providing language services is relatively high, and/or where the program is not crucial to an individual's day-to-day existence. Claims of limited resources from large entities will need to be well-substantiated.¹³

Written vs. Oral Language Services

In balancing the factors discussed above to determine what reasonable steps must be taken by recipients to provide meaningful access to each LEP individual, agencies should particularly address the appropriate mix of written and oral language assistance. Which documents must be translated, when oral translation is necessary, and whether such services must be immediately available will depend upon the factors previously mentioned.¹⁴ Recipients often communicate with the public in writing, either on paper or over the Internet, and written translations are a highly effective way of communicating with large numbers of

¹³ Title VI does not require recipients to remove language barriers when English is an essential aspect of the program (such as providing civil service examinations in English when the job requires person to communicate in English, *see Frontera v. Sindell*, 522 F.2d 1215 (6th Cir. 1975)), or there is another "substantial legitimate justification for the challenged practice." *Elston v. Talladega County Bd. of Educ.*, 997 F.2d 1394, 1407 (11th Cir. 1993). Similar balancing tests are used in other nondiscrimination provisions that are concerned with effects of an entity's actions. For example, under Title VII of the Civil Rights Act of 1964, employers need not cease practices that have a discriminatory effect if they are "consistent with business necessity" and there is no "alternative employment practice" that is equally effective. 42 U.S.C. § 2000e-2(k). Under Section 504 of the Rehabilitation Act, 29 U.S.C. § 794, recipients do not need to provide access to persons with disabilities if such steps impose an undue burden on the recipient. *Alexander v. Choate*, 469 U.S. at 300. Thus, in situations where all of the factors identified in the text are at their nadir, it may be "reasonable" to take no affirmative steps to provide further access.

¹⁴ Under the four-part analysis, for instance, Title VI would not require recipients to translate documents requested under a state equivalent of the Freedom of Information Act or Privacy Act, or to translate all state statutes or notices of rulemaking made generally available to the public. The focus of the analysis is the nature of the information being communicated, the intended or expected audience, and the cost of providing translations. In virtually all instances, one or more of these criteria would lead to the conclusion that recipients need not translate these types of documents.

people who do not speak, read or understand English. While the Department of Justice's Coordination Regulation, 28 CFR § 42.405(d)(1), expressly addresses requirements for provision of written language assistance, a recipient's obligation to provide meaningful opportunity is not limited to written translations. Oral communication between recipients and beneficiaries often is a necessary part of the exchange of information. Thus, a recipient that limits its language assistance to the provision of written materials may not be allowing LEP persons "effectively to be informed of or to participate in the program" in the same manner as persons who speak English.

In some cases, "meaningful opportunity" to benefit from the program requires the recipient to take steps to assure that translation services are promptly available. In some circumstances, instead of translating all of its written materials, a recipient may meet its obligation by making available oral assistance, or by commissioning written translations on reasonable request. It is the responsibility of federal assistance-granting agencies, in conducting their Title VI compliance activities, to make more specific judgments by applying their program expertise to concrete cases.

Conclusion

This document provides a general framework by which agencies can determine when LEP assistance is required in their federally assisted programs and activities and what the nature of that assistance should be. We expect agencies to implement this document by issuing guidance documents specific to their own recipients as contemplated by the Department of Justice Coordination Regulations and as HHS and the Department of Education already have done. The Coordination and Review Section is available to assist you in preparing your agency-specific guidance. In addition, agencies should provide technical assistance to their recipients concerning the provision of appropriate LEP services.

[FR Doc. 00-20867 Filed 8-15-00; 8:45 am]

BILLING CODE 4410-13-P

END