

THE CITY OF SPRINGFIELD, MASSACHUSETTS  
MAYOR DOMENIC J. SARNO  
EXECUTIVE ORDER

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**Limited English Proficiency Plan**

I, Domenic J. Sarno, by authority vested in me as Mayor of the City of Springfield, Massachusetts, do hereby order that every department in the City of Springfield create a Limited English Proficient (LEP) Plan that incorporates the following:

**1.0 INTRODUCTION**

Each department's LEP Plan is intended to be a living document. It will be continually reviewed, updated and improved by city staff to help better meet the needs of LEP residents and businesses of the City of Springfield and the region.

This LEP Plan describes the methods and strategies that the City is pursuing to better engage people who are Limited English Proficient (LEP). The City's goal is to ensure that LEP persons have meaningful access to the public processes of the City. This LEP Plan clarifies the City's role and responsibilities with respect to federal LEP requirements as a recipient of federal financial assistance from the U.S. government in accordance with the following:

- **Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq.**, and its implementing regulations, which state that no person shall be subject to discrimination on the basis of race, color, or national origin under any program or activity that receives federal assistance.
- **Executive Order 13166** "Improving Access to Services for Persons with Limited English Proficiency" of August 16, 2000, which directs that Federal agencies subject to the requirements of Title VI publish guidance for their recipients clarifying LEP obligations. Executive Order 13166 directs that all guidance documents be consistent with the compliance standards and framework detailed in the U.S. Department of Justice's Policy Guidance "Enforcement of Title VI of the Civil Rights Act of 1964—National Origin Discrimination Against Persons With Limited English Proficiency." This guidance advises that different treatment based upon a person's inability to speak, read, write, or understand English may be a type of national origin discrimination. Executive Order 13166 applies to all federal agencies, programs and operations of entities that receive funds from the federal government.

These federal regulations and guidance define persons with Limited English Proficiency as individuals with a primary or home language other than English who must, due to limited fluency in English, communicate in that primary or home language if the individuals are to have an equal opportunity to participate effectively in or benefit from any aid, service or benefit in federally funded programs and activities.

Each Department should make its LEP available in Spanish (and other languages upon request) to residents, businesses and organizations for which LEP may be a common consideration, including social service, minority- and women-owned engineering and construction firms, non-profit organizations, and government agencies.

## **2.0 LIMITED ENGLISH PROFICIENT POPULATION DATA AND FOUR-FACTOR ANALYSIS**

This section presents the four-factor analysis of LEP residents of Springfield and the surrounding Pioneer Valley region.

The City of Springfield and surrounding Pioneer Valley region (Hampden and Hampshire Counties) include communities with diverse ethnicities, including many people for whom English is not their native language. The representatives and residents of these communities are important channels through which the City develops and maintains awareness of and sensitivity to the concerns of LEP persons.

The following factors were considered to help gauge the level and extent of language assistance measures required to sufficiently ensure meaningful participation in City government:

- **Factor 1:** Proportion, number and distribution of LEP persons in the region who may utilize department's facilities or services.
- **Factor 2:** Frequency of department's contact with LEP persons.
- **Factor 3:** Nature and importance of department's activities to LEP persons.
- **Factor 4:** Resources available to department and cost.

### **2.1 Factor 1: Proportion, Numbers and Distribution of LEP Persons**

The U.S. Census American Community Survey reports a range of four classifications of how well people speak English. The classifications are "very well," "well," "not well," and "not at all." Consistent with federal guidance, the city's LEP Plan considers people who are reported by the Census to speak English 'not well' or 'not at all' as Limited English Proficient persons.

#### **2.1.1 Analysis of Language-related U.S. Census Data**

This section presents demographic data related to the ability to speak English from the 2006-2010 American Community Survey 5-year estimates for the 43 Pioneer Valley communities (Hampden and Hampshire Counties). Figure 2-1 shows that the proportion of residents within the region who may be considered LEP is 4.3%, which is consistent with the Massachusetts statewide average. Significantly, the City of Springfield is estimated to have approximately twice the proportion of LEP residents as the region and state.

Because the number of LEP persons exceeds 1,000 in Springfield, the safe harbor provisions of described in Section 3.0 apply.

**Figure 2-1 Limited English Proficiency**

	Massachusetts		Pioneer Valley		City of Springfield	
	Estimate	Margin of Error*	Estimate	Margin of Error*	Estimate	Margin of Error**
Total Population age 5+	6,108,770	259	585,684		141,271	491
Speaks English "not well" or "not at all" (age 5+)	262,958	518	25,223	70	12,216	982
Percentage	<b>4.3%</b>	0.2%	<b>4.3%</b>	0.3%	<b>8.6%</b>	8.0%

American Community Survey 2006-2010 five-year estimates

\* Values shown are the total +/- range for each estimate

\*\* The relatively small sample size of the Springfield area produces a larger margin of error than that of the larger region

In Springfield and the surrounding Pioneer Valley region, Spanish is the predominant language spoken by people who speak English "not well" or "not at all" (see figure 2-2). This indicates that the LEP Plan will be most effective if most resources are devoted to outreach to Spanish-speaking communities and organizations. LEP persons who speak Indonesian languages (Burmese, Malaysian) are the second largest group in the region (but third largest in Springfield); Asian and Pacific languages (primarily Vietnamese) are the third largest group in the region, but second largest in Springfield.

**Figure 2-2 Languages Spoken by Persons Who Speak English "Not Well" or "Not at All"**

	Massachusetts		Pioneer Valley		City of Springfield	
	Estimate	%	Estimate	%	Estimate	%
Spanish	113,283	43.1%	15,040	59.6%	9,789	80.1%
Indonesian languages	89,989	34.2%	6,145	24.4%	813	6.7%
Asian and Pacific languages	53,153	20.2%	3,455	13.7%	1,318	10.8%
Other languages	6,409	2.4%	583	2.3%	296	2.4%

American Community Survey 2006-2010 five-year estimates

The diversity of languages other than English spoken in Hampden County is presented below. Figure 2-3 reports the number of people age 5+ for who English is not their first language; however, it does not indicate that they speak English "less than very well," as the majority of people surveyed for who English was not their first language are also able to speak English "very well." (Languages spoken by 300 or fewer persons are not reported in Figure 2-3.)

**Figure 2-3: Hampden County Residents Age 5+ Languages Spoken**

Language	Number	Percent	Number who speak English "Less than Very Well"	Percent who speak English "Less than Very Well"
English only	337,556	78.4%		
Spanish/Spanish-Creole	55,177	12.8%	22,882	41%
Russian	6,061	1.4%	3,594	59%
Polish	5,654	1.3%	2,800	50%
Portugese	4,798	1.1%	2,422	50%
French	4,609	1.1%	875	19%
Italian	2,334	0.5%	752	32%
Vietnamese	2,081	0.5%	1,708	82%
African	1,436	0.3%	392	27%
Other Slavic languages	1,417	0.3%	955	67%
Chinese	1,162	0.3%	839	72%
Other Indo-European	1,006	0.2%	588	58%
German	950	0.2%	108	11%
Other Asian languages	642	0.1%	356	55%
Greek	571	0.1%	176	31%
Arabic	527	0.1%	443	84%
Persian	325	0.1%	161	50%
Hindi	316	0.1%	77	24%
Non-English subtotals	89,066	20.7%	39,128	
Hampden County Total	430,328	100.0%		

American Community Survey 2006-2008 three-year estimates

In the case of the City of Springfield, the figure above suggests that the focus of LEP outreach would be most effective if focused on Spanish-speaking residents.

### 2.1.2 Involvement of Community Organizations and Committees

The City of Springfield is engaged with community based organizations that serve LEP persons in several general ways, including: 1) participating in meetings of organizations and agencies that deal with LEP issues; 2) public involvement processes for municipal planning activities; and 3) procurement and contracting.

City staff members participate in the meetings and activities of the following community and municipal organizations that address in part the needs of LEP persons:

- State and city human service organizations.
- Public safety agencies and service providers.
- Associations of minority-owned business enterprises (MBEs), including the New England Latino Chamber of Commerce, State Office of Supplier Diversity (formerly State Office of Minority and Women Business Assistance) and the Massachusetts Alliance for Small Business Contractors.

- Regional planning activities and associated public involvement, including the Pioneer Valley Metropolitan Planning Organization and the Massachusetts Department of Transportation.

The City continues to work with other municipal and regional agencies, including the Pioneer Valley Planning Commission, Massachusetts Department of Transportation, Executive Office of Housing and Economic Development and others to identify community based organizations not traditionally involved in service of LEP persons. Table 2.-4 is a non-exhaustive list of some of the organizations that the City has communication with, who are directly involved in the interests of LEP residents and businesses.

**Table 2-4  
Organizations Sharing an Interest in Serving LEP Persons**

<u>Organization</u>	<u>Services</u>
<b>Western MA Development Collaborative</b>	<ul style="list-style-type: none"> <li>• Assists disadvantaged, minority and women owned businesses with certification (WBE, MBE, DBE) on the state/federal level, along with providing informational sessions revolved around various topics to educate business owners, growth assistance and development, etc.</li> </ul>
<b>Springfield Partners for Community Action</b>	<ul style="list-style-type: none"> <li>• Assistance with housing, foreclosure education and training, workshops for low income and minority populations and counseling services etc.</li> </ul>
<b>New North Citizen Council</b>	<ul style="list-style-type: none"> <li>• Homeless prevention, recovery and substance abuse programs, transportation assistance, counselors and interpreters available to assist limited English speaking citizens etc.</li> </ul>
<b>MA Career Development Institute (MCDI)</b>	<ul style="list-style-type: none"> <li>• Career and Employment Services, GED Programs along with trade training, resume writing etc.</li> </ul>
<b>Grey House</b>	<ul style="list-style-type: none"> <li>• Transitional assistance for refugees from Burundi and other areas who have settled in Springfield, Community Education Support, life coach and counselors available to assist residents of Springfield etc.</li> </ul>

## 2.2 Factor 2: Frequency of Contact with LEP Persons

Each department should determine if its staff members are in regular contact with LEP persons. Various methods of contact include, but are not limited to the following:

- Meetings with community groups and organizations.
- Meetings with social service agencies.
- Procurement and contracting activities with small business enterprises.
- Responding to telephone inquiries and general outreach with residents of Springfield.
- Responding to walk-in requests for information at municipal offices.

Each department will actively outreach to the various community organizations and individuals representing the identified LEP populations, and will encourage communication between themselves and anyone requesting LEP assistance. Furthermore, each Department will post information on the city website regarding ways in which LEP assistance can be requested.

### **2.3 Factor 3: The Nature and Importance of the Program, Activity, or Service Provided by the Program**

Each department must determine how important its services are to LEP individuals. The more important the activity, information, service, or program, or the greater the possible consequences of the contact to the LEP persons, the more likely the need for language services.

The obligations to communicate rights to a person who is being evicted differ, for example, from those to provide recreational programming. Each department needs to determine whether denial or delay of access to services or information could have serious or even life-threatening implications for the LEP individual.

### **2.4 Factor 4: Resources Available**

Each department should evaluate its budget and the costs that would be imposed on it of providing various LEP services. Reasonable steps may cease to be reasonable where the costs imposed substantially exceed the benefits.

Resource and cost issues, however, may be reduced by the use of technological equipment; sharing of language assistance materials and services among and between department, advocacy groups, and federal grant agencies; and reasonable business practices.

Where appropriate, training bilingual staff to act as interpreters and translators, information sharing through industry groups, telephonic and video conferencing interpretation services, pooling resources and standardizing documents to reduce translation needs, using qualified translators and interpreters to ensure that documents need not be “fixed” later and that inaccurate interpretations do not cause delay or other costs, centralizing interpreter and translator services to achieve economies of scale, or the formalized use of qualified community volunteers, for example, may help reduce costs.

Each department should carefully explore the most cost-effective means of delivering competent and accurate language services before limiting services due to resource concerns.

## **3.0 SAFE HARBOR STIPULATIONS FOR WRITTEN TRANSLATIONS**

Federal law provides a “safe harbor” stipulation so that recipients and sub recipients of federal funds can ensure with greater certainty that they comply with their obligations to provide written translations in languages other than English. A safe harbor means that if a recipient or sub

recipient provides written translations in certain circumstances, such action will be considered strong evidence of compliance with the recipient's or sub recipient's written-translation obligations under Title VI.

The failure to provide written translations does not mean there is noncompliance, but rather provides a guide for recipients and sub recipients that would like greater certainty of compliance than can be provided by a fact-intensive analysis.

For example, even if a safe harbor is not used, if written translation of a certain document(s) would be so burdensome as to defeat the legitimate objectives of its program, it is not required. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, could be acceptable or preferable under such circumstances.

Strong evidence of compliance with a recipient's or sub recipient's written-translation obligations under safe harbor includes providing written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered.

This safe harbor provision applies to the translation of written documents only. It does not affect the Title VI requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and reasonable.

In the case of the City of Springfield, the estimated population of LEP language groups in the Pioneer Valley Region is approximately 25,000 persons, which exceeds the threshold for which written translations of key documents only can be provided meet the safe harbor standard.

#### **4.0 IMPLEMENTATION PLAN FOR LANGUAGE ASSISTANCE**

As a result of the preceding Four-Factor Analysis, the City has identified the following types of language assistance to be provided on an as-needed basis throughout the implementation of the Union Station project.

##### **4.1 Identifying LEP Persons Who Need Language Assistance**

The City will continue to identify LEP persons who need language assistance through the following activities and services:

- Demographic assessment of census data to ascertain likely geographic location of potential LEP residents and businesses.
- Including instructions on how to request language translation of key written documents on public meeting notices and recording the number of these requests.
- Asking persons attending public meetings if Spanish language translation and/or signing interpreter services are desired or needed.
- Coordination with municipal, regional and state agencies engaged in transportation facility planning processes.
- Outreach to community based organizations and municipal agencies to ask their assistance in identifying LEP persons who may need language assistance.
- Outreach to social service agencies in the region.

- Planning coordination and public involvement services and activities with the Pioneer Valley Planning Commission.

#### **4.2 Providing Language Assistance**

Information regarding department activities require public input and serve the public should be made available through multiple means, including translated public meeting notices and providing a bilingual staff whenever possible. The department's future programs and services to enhance accessibility should include:

- Partnerships with community organizations and the Pioneer Valley Planning Commission to develop a list of language translation volunteers who are available for public meetings. This option may be used where advanced notice is provided that translator services are needed. This option may also help increase the number of languages for which translation services is available.
- Development of written translation and oral interpreter service provider's database. This would improve the speed and convenience with which written documents can be translated for the public, and reduce the need to have public requests for them.
- Translated documents will be disseminated throughout the communities and organizations that have been identified as requiring LEP translation services. In addition, these documents will be posted on the City's website. Notification of such postings will be included in other LEP related materials.
- Regular updates to this LEP Plan, as needed by new events, such as the release of language-related demographic data from the American Community Survey and/or indications of increases in LEP population.
- Identification of community based organizations that are not being contacted through existing outreach.

#### **4.3 Providing Notice to LEP Persons**

Each department will provide this notification through the following:

1. Meeting notices in print and on the city website that include instructions on how to request language assistance (with advance notice).
2. A statement in outreach documents that language services are available from the department.
3. Working with community-based organizations and other stakeholders to inform LEP individual of the recipient's services, including the availability of language assistance services.
4. Including notices in local newspapers in languages other than English

Future notification services are expected to include:

- An inventory of existing public service announcements and community outreach opportunities.
- Improved incorporation of notices of language assistance availability in existing outreach.
- Targeted community outreach to LEP persons, especially via the community based organizations that may serve and represent them.

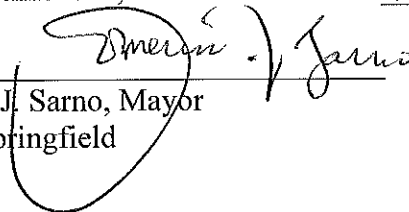


#### 4.4 Monitoring and Updating This LEP Plan

Each department will continue to monitor and update this LEP Plan. Related activities may include:

- Establishing and implementing a process to obtain feedback from LEP persons, directly, as well as community members and agencies.
- Conducting internal monitoring and random spot checks of LEP services.
- Refining and improving the LEP Plan described above consistent with feedback received.
- Considering new language assistance needs when expanding service.
- Regularly updating the LEP Plan (annual basis) or when significant new language-related demographic data becomes available.

This Executive order, as amended, shall take effect on 17<sup>th</sup> of Nov., 2014.

  
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Domenic J. Sarno, Mayor  
City of Springfield