



Approved by  
KCA Board of Directors  
May 29, 2009

## **LIMITED ENGLISH PROFICIENCY (LEP) PLAN**

### **I. PLAN STATEMENT**

The Kentucky Constable Association, Inc. has adopted this plan to provide meaningful access to its programs and activities by persons with Limited English Proficiency (LEP). In accordance with federal guidelines the KCA will make reasonable efforts to provide or arrange free language assistance for its LEP clients, including applicants, recipients and/or persons eligible for membership and other KCA programs.

### **II. MEANINGFUL ACCESS; FOUR-FACTOR ANALYSIS**

Meaningful access is free language assistance in accordance with federal guidelines. The KCA will periodically assess and update the following four-factor analysis, including but not limited to:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the KCA.
2. The frequency with which with LEP persons using a particular language come into contact with the KCA.
3. The nature and importance of the KCA program, activity or service to the person's life.
4. The KCA's resources and the cost of providing meaningful access. Reasonable steps may cease to be reasonable where the costs imposed substantially exceed the benefits.

### **III. LANGUAGE ASSISTANCE**

1. A person who does not speak English as their primary language and who has a limited ability to read, write, speak or understand English may be a Limited English Proficient (LEP) person and may be entitled to language assistance with respect to KCA programs and activities.
2. Language assistance includes interpretation, which means oral or spoken transfer of a message from one language into another language; and/or translation, which means the written transfer of a message from one language into another language. The KCA will determine when interpretation and/or translation are needed and are reasonable.
3. KCA staff will take reasonable steps to provide the opportunity for meaningful access to LEP clients who have difficulty communicating in English. If a client asks for language assistance and the KCA determines that the client is an LEP person and that language assistance is necessary to provide meaningful access, the KCA will make reasonable efforts to provide free language assistance. If reasonably possible the KCA will provide the language assistance in the LEP client's preferred language.

The KCA has the discretion to determine whether language assistance is needed, and if so, the type of language assistance necessary to provide meaningful access.

The KCA will periodically assess client needs for language assistance based on requests for interpreters and/or translation, as well as the literacy skills of clients.

#### **4. Translation of Documents**

- a. The KCA will weigh the costs and benefits of translating documents for potential LEP groups, considering the expense of translating the documents, the barriers to meaningful translation or interpretation of information, the likelihood of frequent changes in documents, the existence of multiple dialects within a single language group, the apparent literacy rate in an LEP group and other relevant factors. The KCA will undertake this examination when an eligible LEP group constitutes 5 percent of an eligible membership or 100 persons which ever is less.
- b. If the KCA determines that translation is necessary and appropriate, the KCA will translate the member application and selected mailings and documents of vital importance into that language.
- c. As opportunities arise, the KCA may work with other housing authorities to share the costs of translating common documents, which may include language groups which do not (yet) reach the threshold level in the KCA's client population.
- d. The KCA will consider technological aids such as Internet-based translation services which may provide helpful, although perhaps not authoritative, translations of written materials.

#### **5. Audiovisual Materials**

- a. The KCA will use reasonable efforts to produce or obtain multiple translations of audiovisual materials it uses to inform or educate members and other client groups.

#### **6. Formal Interpreters**

- a. When necessary to provide meaningful access for LEP clients, the KCA will provide qualified interpreters, including KCA bilingual volunteers and contract vendors. At important stages that require one-on-one contact, written translation and verbal interpretation services will be provided consistent with the four-factor analysis used earlier.
- b. The KCA may require a formal interpreter to certify to the following:
  - i. The interpreter understood the matter communicated and rendered a competent interpretation.
  - ii. The will not disclose non-public data without written authorization from the client.

- c. Formal interpreters shall be used at the following:
  - i. Formal hearing for denial of admission to Association Membership;
  - ii. Informal settlement conferences and formal hearing for termination of public housing;
  - iii. Hearings or conferences concerning denial or termination of Association Membership participation.
- d. A KCA staff interpreter may not be a subordinate to the person making the decision.
- e. The KCA maintains a list of qualified, bilingual volunteers who have applied for, and tested for proficiency in languages used by clients. Those volunteers do not receive compensation for demonstrating non-English language proficiency and can provide limited assistance to KCA staff and LEP clients as part of their membership.

## **7. Informal Interpreters**

- a. Informal interpreters may include the family members, friends, legal guardians, service representatives or advocates of the LEP client. KCA staff will determine whether it is appropriate to rely on informal interpreters, depending upon the circumstances and subject matter of the communication. However in many circumstances, informal interpreters, especially children, are not competent to provide quality and accurate interpretations. There may be issues of confidentiality, competency or conflict of interest.
- b. An LEP person may use an informal interpreter of their own choosing and at their expense, either in place of or as a supplement to the free language assistance offered

by the KCA. If possible, the KCA should accommodate an LEP client's request to use an informal interpreter in place of a formal interpreter.

c. If an LEP client prefers an informal interpreter, after the KCA has offered free interpreter services, the informal interpreter may interpret. In these cases the client and interpreter should sign a waiver of free interpreter services.

d. If an LEP client wants to use their own informal interpreter, the KCA reserves the right to also have a formal interpreter present.

## **8. Outside Resources**

a. Outside resources may include community volunteers, KCA volunteer participants.

b. Outside resources may be used for interpreting services at public or informal meetings or events if a timely request has been made.

c. The KCA maintains relationships with mutual assistance associations (MAA's) and other organizations that assist specific cultural and ethnic groups living in Kentucky. These organizations may provide qualified interpreters for LEP persons.

## **VI. MONITORING**

1. The KCA will review and revise this LEP Plan from time to time. The review will include:
2. Reports from the KCA's computer business systems on the number of KCA members who are LEP, to the extent that the software and staff data entry can provide such information. Such reports may be supplemented by staff observations.
3. Reports from the computer business systems and other sources listing the languages used by LEP clients.
4. A determination as to whether 5 percent or 100 persons from a KCA membership group speak a specific language, which triggers consideration of document translation needs as described above.
5. Analysis of staff requests for contract interpreters: number of requests, languages requested, costs, etc.
6. The Board of Directors will be asked to review the LEP Plan annually as part of updating the Agency Plan.

## **VII. LEP PLAN DISTRIBUTION AND TRAINING**

The LEP Plan will be:

1. Distributed to all KCA Officers.
2. Available in KCA Management Offices.
3. Posted on KCA's website, [www.kentuckyconstableassociation.org](http://www.kentuckyconstableassociation.org)
4. Explained in orientation and training sessions for supervisors and other staff who need to communicate with LEP clients.