Board of County Commissioners

Title VI Nondiscrimination and Language Access

Work Session

Tuesday | October 10, 2023



Presentation Outline

- Purpose
- Background
- LEP Policy & Plan Overview
- Gap Analysis
- Administrative Regulation Proposal Evaluation
- Action Items
- Summary



Purpose

Review prior Board actions and discussions regarding Language
 Access and our Title VI Nondiscrimination Policy and Plan

 Update the Board regarding on-going efforts to implement the adopted Plan.

Provide staff's analysis of the proposed Administrative Regulation.



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Background

- Commissioner's Report, March 21, 2023
 - -LEP Admin Reg to improve citizen service
 - Procedures would set expectations and increase awareness and consistency in service delivery
 - Admin Reg proposal expanded scope of designated languages, translation services, and LEP outreach
- Board directed staff to complete an evaluation and report back.

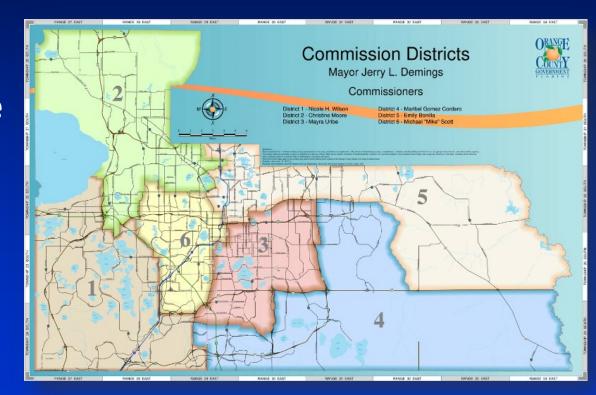






Background

- Orange County:
 - -is diverse
 - -is multi-cultural
 - –has a collaborative & inclusive culture
- Orange County Government has:
 - been intentional in our recruitment efforts
 - –has a representative work force



Historic BCC representation



Background

Title VI LEP History:

1964 Civil Rights Act

1974 Supreme Court Lau Vs. Nichols

 Executive Order 13166 in 2000 requires reasonable steps to engage LEP Persons.

Executive Order 13985 in 2021 put a spotlight on efforts to promote racial equity. 1964



2000





1974

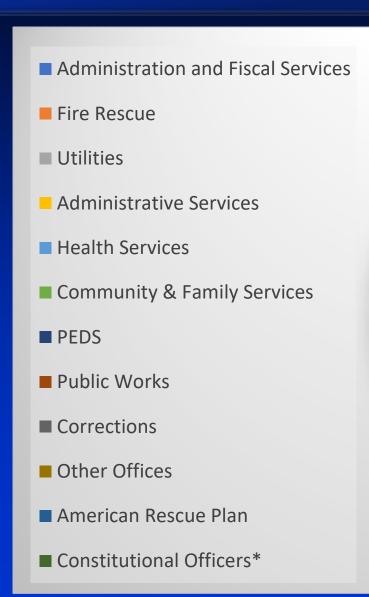


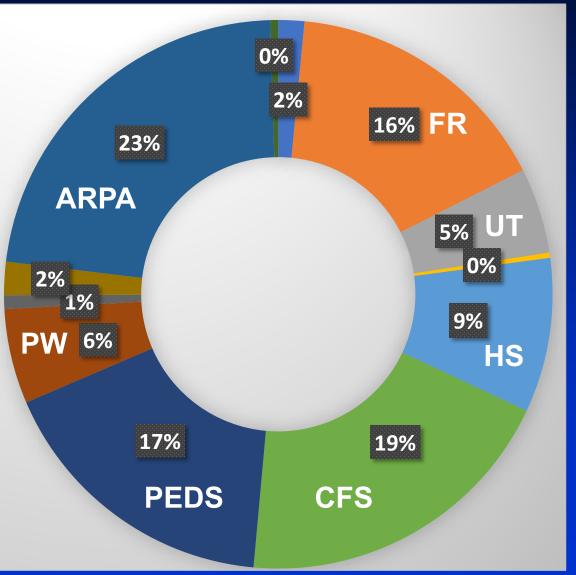
2021



Federal Funding & Compliance Requirements

Federal Funding in FY 2023 \$459,954,46







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LEP Policy & Plan Overview

- The Board adopted Resolution 2022-M-11 in April of 2022
- Title VI Nondiscrimination Policy and Plan:
 - Orange County Title VI Nondiscrimination
 Policy and Complaint Procedures
 - -ADA / 504 Statement
 - Limited English Proficiency Plan
 - Public Engagement
 - Data Collection
 - **Environmental Justice**

- Self Assessment
- Language Assistance Plan Commitment to:
 - Verbal Interpretation
 - Written Translation
 - Notice RE: Language Assistance
 - Staff Training



Nondiscrimination Policy

It is the policy of the Orange County Board of County Commissioners (BCC) that the County shall, "protect and safeguard the right and opportunity of all individuals to be free from all forms of discrimination, including discrimination based on national origin." It is also BCC policy to "ensure that persons with Limited English Proficiency are not discriminated against or denied the opportunity for meaningful access to and participation in County Services, Activities, and Programs."



Nondiscrimination Policy Statement

Orange County, Florida (the "County") values diversity and welcomes input from all interested parties, regardless of cultural identity, background or income level. Moreover, the County believes that the best public policy and governmental services result from careful consideration of the needs of all of its communities and when those communities are involved in the public policy and governmental services decision-making process.

The County does not tolerate discrimination in any of its programs, services, or activities.



Department of Justice Four Factor Analysis

The Orange County Title VI Nondiscrimination Policy and Plan was developed to be compliant with applicable Federal requirements

Department of Justice Four Factor Analysis

- 1. Demographics of LEP Residents
- 2. Frequency of contact with LEP Persons
- 3. Nature and Importance of Programs, Services, & Activities
- 4. Resources and associated costs for providing LEP Services





1. Demographics of LEP Residents

Limited Engish Proficient (LEP) Population Compared To Total Population					
Total Limited English Proficient Speakers 195,282 15%					
Total Population That Speaks English Well	1,131,276	85%			
Total Population	1,326,558	100%			



1. Demographics of LEP Residents

Limited English Proficient (LEP) Language Spoken	LEP Population	LEP % of Total Population
Spanish Or Spanish Creole	140,682	10.6%
French Creole	17,982	1.4%
Other Indo European Brazilian Portuguese Included	13,108	1.0%
Vietamese	7,438	0.6%
Chinese Including Mandarin, Cantonese:	4,827	0.4%
Other Asian & Pacific Island Languages	2,914	0.2%
Arabic	2,899	0.2%
Russian, Polish, or Slavic Languages	1,972	0.1%
Tagalog including Filipino	1,709	0.1%
Korean	875	0.1%
German	285	0.0%
Other & Unspecified Languages	591	0.0%
Total Limited English Proficient Population	195,282	15%
Census Bureau 5 YR. ACS Survey Population *December 2022	1,326,558	



2. Frequency of Contact with LEP Persons

Language Access Request Line 3-Year Historical Data						
Language	2021	2022	2023	Total	Percent	
Spanish	11,748	8,371	1,067	21,186	99%	
Haitian Creole	26	41	3	70	<1%	
Portuguese	41	40	9	90	<1%	
Portuguese Brazilian	6	6	0	12	<1%	
Vietnamese	10	3	1	14	<1%	
Arabic	0	0	0	0	0%	



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Gap Analysis | Title VI Compliance Team

- Interdepartmental Title VI
 Compliance Team reviewed LEP
 Policy and Plan against current
 practices
 - -18 Departments, Offices, & Divisions
 - **–25 Orange County staff**
 - -7 month review process

Title VI Nondiscrimination LEP Compliance Team				
Representative	Department			
Jannice Pastrana	Administrative Services			
Damaris Ramos	Community & Family Services			
Hector Clemente	Convention Center			
Tikela Waits	Corrections			
Joy Carmichael	County Attorney's Office			
Matthew Pritchett	County Attorney's Office			
Kimberly Stewart-Horan	Fire Rescue			
Danielle Philippe	Fiscal & Business Services			
Cynthia Maldonado DeJesus	Health Services			
Yvette Vest	Human Resources			
Karen Ross	Human Resources			
Suzette Shileds	Human Resources			
Kris Richarde	ISS 311			
Brandy Davis	ISS 311			
Toria Coughlin	Office of Communications			
Greg Kirby	Office of Management & Budget			
Maria Ventura	Office of Professional Standards & Risk Management			
John Petrelli	Office of Professional Standards & Risk Management			
Carrie Black	Office of Sustainability & Resilience			
Alan Marshall	PEDS			
Alissa Torres	Public Works			
Ralphetta Aker	Public Works			
Angie Maldonado	Public Works			
Lynette Strong Utitiles				
Lucas Boyce	County Administration			



Gap Analysis | Method & Metrics

- Gap Analysis Method & Metrics
 - **—LEP Plan & Policy**
 - -Language Assistance Plan
 - **–LEP Inventory Report**
 - Bilingual Staff Directory
- Gap Analysis Survey
 - **−16** question survey
 - Identify Vital Documents, Resources, Materials, Forms
 - Provide insight into Department and organization wide efforts to comply with the entirety of the adopted Plan

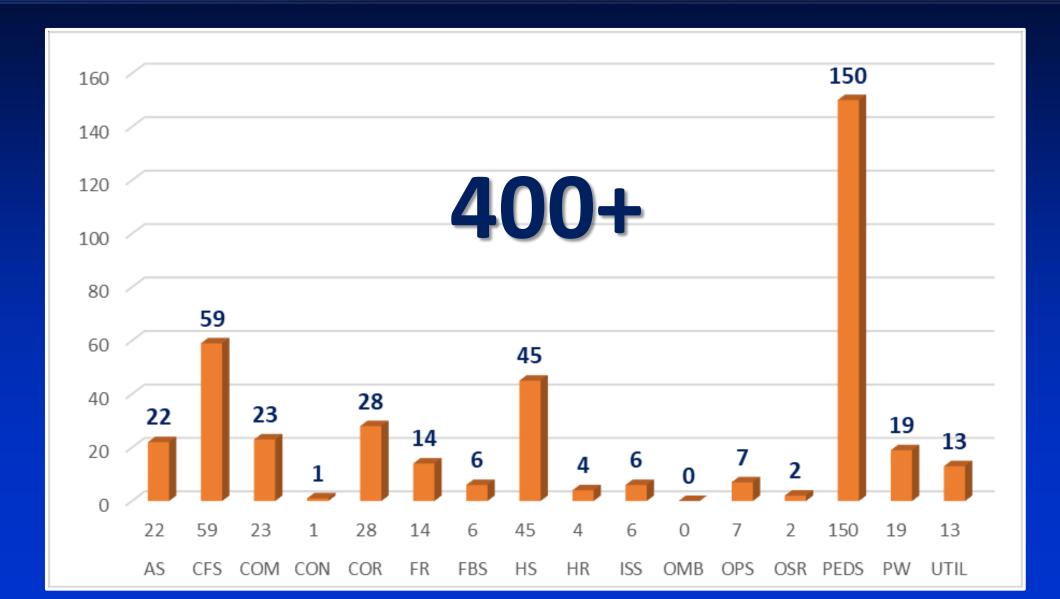
DOJ Four Factor Analysis

- 1. Demographics
- 2. Frequency of Contact
- 3. Importance of Programs, etc.
- 4. Resources & Costs





Gap Analysis | Vital Documents, Resources etc.





Key Findings & Insights

- Reasonable steps to ensure meaningful access to programs and activities are ongoing.
- LEP Inventory provided insight into scope of current LEP activities and services.
- Established SOP's for translation requests into Spanish and Haitian Creole.
- Utilization of 311 Language Access Line.
- Frequency of contact with Portuguese, Vietnamese, and Arabic LEP Individuals is minimal.
- Frequency of contact with Spanish and Haitian LEP individuals is steady.
- Title VI Landing page has been viewed 17,882 times since 2021.
- Title VI Training & Instruction for all employees will be available in early 2024.
- Most departments maintain bilingual staff to assist customers.
- ESOL Instruction for Convention Center Employees who are LEP to begin in FY23-24.



Key Findings & Insights Continued

Bilingual Staff DirectoryOrangenet3.ocfl.net/Demographic

- Overwhelming response of bilingual staff to assist with LEP Efforts
- 269 Bilingual | Trilingual Staff
- High Caliber Proficiency Level

Bilingual Staff County Wide Database					
Language	Staff Count	Average Proficiency Level: S W R	Department Representation		
Africaans	5	2	2		
American Sign Language	4	2	3		
Arabic	5	3	3		
Chinese (Cantonese)	1	3	1		
Chinese (Mandarin)	5	3	5		
Chinese (Other)	1	3	1		
Creole	26	3	6		
Dutch	4	3	3		
Farisi (Persian)	1	1	1		
French	11	2	6		
German	7	2.5	5		
Hindi	5	2.5	3		
Hungarian	2	3	2		
Italian	3	2	3		
Japanese	1	3	1		
Portuguese	15	3	7		
Russian	1	3	1		
Spanish	167	2.5	11		
Swahili	1	3	1		
Tagalog (Philippines)	1	3	1		
Tamil (India)	1	3	1		
Urdu (Pakistan)	1	2	1		
Vietnamese	1	1.5	1		
Totals:	269	2.57			

Source: Human Resources Bilingual Staff Directory | August 2023



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Administrative Regulation Evaluation

- A. Designated Languages
- B. Oral Interpretation & Written Translation
- C. Implementation
- D. Notice of Language Access Services
- E. Language Access During Public Meetings
- F. Oversight
- G. Staff Training and Resources
- H. Data Collection
- I. Compliance and Self Assessment
- J. Complaint Procedure
- K. Nondiscrimination Assurance

Gap Analysis Alignment Scoring			
County LEP Plan 62			
Administrative Regulation Proposal	68		
Gap Score	-6		
Alignment Score	91%		

Of the 68 major points of the proposed Admin Reg, 62 (91%) are addressed in the adopted LEP Policy & Plan.



A. Definitions - Designated Languages

Draft Admin Regulation

- Designated Languages would be the top five (5) languages that requested verbal and virtual interpretation services via the County's third-party 311 Language Line
- As proposed, would include Spanish, Haitian Creole, Brazilian Portuguese, Arabic, and Vietnamese

LEP Policy and Plan

- Application of DOJ's Four-Factor Test and available data and demographic information has determined two (2) languages to incorporate LEP access and availability
- Currently identified as Spanish and Haitian Creole



A. Definitions - Designated Languages

Language Access Request Line 3-Year Historical Data					
Language	Total	Percent			
Spanish	21,186	99%			
Haitian Creole	70	<1%			
Portuguese	90	<1%			
Portuguese Brazilian	12	<1%			
Vietnamese	14	<1%			
Arabic	0	0%			

LEP Languages Spoken				
Language	Total	% of Population		
Spanish	140,682	10.60%		
Haitian Creole	17,982	1.40%		
Other Indo European (inc. Portuguese)	13,108	1.00%		
Vietnamese	7,438	0.60%		
Chinese	4,827	0.40%		
All other languages	11,245	0.85%		

Source: 311 Language Access Line Report | Monday April 3, 2023

Source: U.S. Census Bureau American Community Survey (ACS) | December 2022



A. Definitions - Designated Languages (Continued)

Draft Admin Regulation

- Designated Languages would be the top five (5) languages that requested verbal and virtual interpretation services via the County's third-party 311 Language Line
- As proposed, would include Spanish, Haitian Creole, Brazilian Portuguese, Arabic, and Vietnamese

LEP Policy and Plan

- There are fiscal implications associated with cost of providing translation and interpretation services
- 4th Component of DOJ Four Factor Test

Financial Implications

- 2 Languages | \$1.7 Million
- 5 Languages | \$3.5 Million

- Continue to monitor
- Revaluate every three years



B. Oral Interpretation & Written Translation

Draft Admin Regulation

 Oral interpretation and translation of designated languages should be provided by competent and knowledgeable people and not the result of artificial intelligence such as google translate, etc.

LEP Policy and Plan

 Current LEP Policy & Plan does not address utilization of technology for translation. LEP Plan and DOJ Guidance stress the quality of language assistance services.



- Continue utilizing competent translators & interpreters
- Monitor technological advancements for potential recalibration in the future



C. Implementation

Draft Admin Regulation

 Hiring Mandate: Recruit and Hire Bilingual Staff for the Designated Languages

LEP Policy and Plan

- Does not address staff hiring beyond general nondiscrimination policies
- The county's recruitment process has been reflective of the community resulting in many bilingual staff
- Implementing a hiring mandate of specific language speakers is problematic and potentially discriminatory



- Continue intentional efforts to recruit, hire, and promote a diverse workforce
- Maintain Bilingual Staff Directory



D. Notice About Language Access Services

Draft Admin Regulation

 Provide presentations and/or notice of language access services specifically to schools and religious organizations



LEP Policy and Plan

 Current LEP Plan does not require notices to be distributed to OCPS facilities and religious organizations.
 This proposal exceeds the authority of Orange County Government as OCPS is a separate and distinct government agency.

Recommendation

 Incorporate faith-based in public engagement and marketing of LEP services to LEP residents



I. Compliance and Self Assessment

Draft Admin Regulation

 Evaluation on Administrative Regulation effectiveness initially within six (6) months, annually thereafter, and provide annual report to BCC and make available to the public



- The current LEP Plan requires annual reporting, 3 year self evaluations, and a new assessment in the event of a senior leadership change
- The LEP Inventory of Services, Activities, and Programs was distributed on May 24, 2023. It has been translated into Spanish and Creole and will published on the Title VI Nondiscrimination landing page upon ADA remediation.



Recommendation

Provide annual Title VI LEP Update



I. Compliance and Self Assessment

Draft Admin Regulation

Establishment of a Language Access Advisory
 Council of Community Stakeholders



■ The current LEP Policy and Plan outlines guidance to collaborate with community-based organizations on marketing of Language Access Services to the public



- Develop and maintain a list of faith-based and community organizations as key stakeholders
- Include these groups in marketing of services to LEP residents



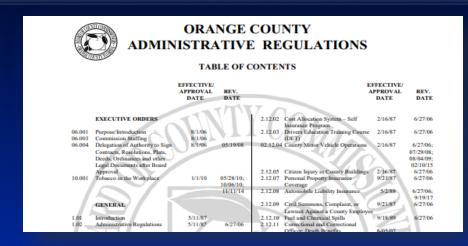
Adoption of Administrative Regulation

Draft Admin Regulation

Develop Title VI LEP Administrative Regulation

LEP Policy and Plan

- LEP Policy and Plan is not codified beyond Board adoption via Resolution
- Implementation would benefit from an Administrative Regulation to institutionalizes Title VI LEP efforts
- Codifies key policies and procedures, including linkage with other nondiscrimination policies and practices
- Allows the plan to be updated without needing to amend Admin Reg.



- Establish Title VI LEPAdministrative Regulation
- Continue review of existing nondiscrimination Administrative Regulations



Summary of Recommendations

- Continue utilizing Spanish and Haitian Creole as designated languages.
- Continue utilizing competent and qualified translators and interpreters.
- Continue intentional recruitment efforts of a diverse workforce.
- Incorporate Interfaith community and community-based organizations into public engagement efforts.
- Provide annual report on Title VI Nondiscrimination efforts.
- Establish Title VI LEP Administrative Regulation that implements the Board's adopted LEP Policy and Plan.



Presentation Outline

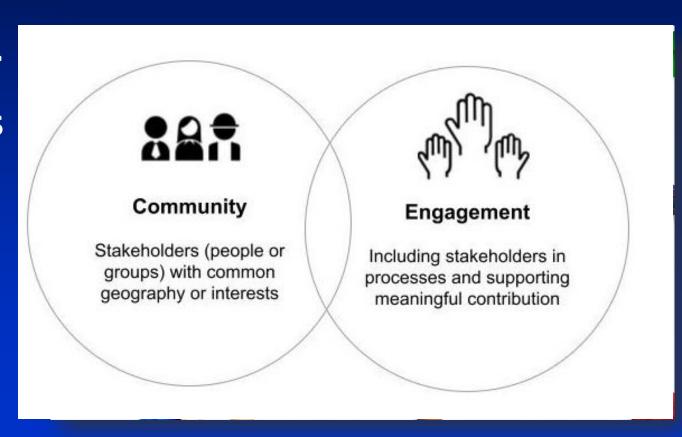
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Action Items

Short Term | 3 – 6 Months

- Recruit Title VINondiscrimination Coordinator
- Determine necessary resources for continued implementation
- Conduct Title VI EmployeeTraining
- Market LEP services to stakeholders





Signage & Posting of LEP Services



Your Rights under the Title VI Program

Title VI of the Civil Rights Act of 1964 (42 U.S.C. Section 2000d) and related Nondiscrimination authorities, prohibits discrimination on the basis of race, color, national origin, sex, age or disability, including incomelevel and Limited English Proficiency (LEP) in programs, activities and services receiving federal financial assistance.

Any person who believes that he or she has been subjected to discrimination prohibited under the Department's Title VI Program may file a discrimination complaint. To obtain additional information about the Department's Title VI Program or Title VI Complaint process, please go to the Department's website at:

www.orangecountyfl.net | Residents | Open Government | Title VI

To file a complaint directly with Orange County, please call 311 for assistance



Sus derechos bajo el Programa de Título VI

El Título VI del Acta de Derechos de la Ley de Derechos Civiles de 1964 (42 U.S.C. Sección 2000d) y autoridades no discriminatorias relacionadas prohíben la discriminación en base a la raza, color, origen nacional, sexo, edad o discapacidad, incluyendo nivel de ingresos y dominio limitado del inglés (LEP, por sus siglas en inglés) en programas, actividades y servicios que reciben asistencia financiera federal.

Cualquier persona que considere que ha sido objeto de discriminación prohibida bajo el Programa de Título VI del Departamento puede presentar una queja por discriminación. Para obtener información adicional acerca del proceso del Programa Título VI o Título B del Departamento, visite el sitio web del Departamento en

www.orangecountyfl.net | Residents | Open Government | Title VI

Para presentar una queja directamente con el Condado de Orange, por favor llame al 311 para asistencia.



Dwa w nan Kad Pwogram "Title VI"

"Title VI" nan Lwa sou Dwa Sivil 1964 (42 U.S.C. Atik 2000d) ak otorite sou zewo-diskriminasyon, entèdi diskriminasyon ki fonde sou ras, koulè, orijin nasyonal, sèks, laj oswa andikap, sanzoubliye nivo revni ak Konpetans Limite nan lang Anglè [Limited English Proficiency (LEP)], nan tout pwogram, aktivite ak sèvis kap resevwa èd finansye federal.

Tout moun ki kwè li te viktim de diskriminasyon ke Pwogram "Title VI" Depatman an entèdi, ka depoze yon plent kont diskriminasyon. Pou jwenn plis enfòmasyon sou Pwogram "Title VI" Depatman an oswa enfòmasyon sou pwosesis Plent "Title VI", tanpri ale sou sit entènèt Depatman an nan:

www.orangecountyfl.net | Residents | Open Government | Title VI

Pou depoze yon plent dirèkteman devan Komin Orange, tanpri rele 311 pou asistans.



Widespread Distribution of I Speak Cards

I Speak...

	5 a State a Land	FRENCH	la naria francaia	LACTIAN	ຂອ້ຍປາກພາສາລາວ	CDANUCII	Yo hablo español
ARABIC	أنا أتحدث اللغة العربية	FRENCH	Je parle français	LAOTIAN	สอยอากามากามากา	SPANISH	to nabio espanoi
ARMENIAN	Ես խոսում եմ հայերեն	FRENCH CREOLE (HAITIAN CREOLE)	M pale kreyòl ayisyen	LITHUANIAN	Að kalbu lietuviškai	SWAHILI	Ninaongea Kiswahili
BENGALI	আমী বংলা কথা বোলতে পারী	GERMAN	Ich spreche Deutsch	MANDARIN (CHINESE	我講國語 我讲国语/普通话	SWEDISH	Jag talar svenska
BOSNIAN	Ja govorim bosanski	GREEK	Μιλώ τα ελληνικά	NORWEGIAN	Jeg snakker norsk	TAGALOG Mark	unong akong mag-Tagalog
BULGARIAN	Аз говоря български	GUJARATI	હુ ગુજરાતી બોલુ છુ	POLISH	Mówi' po polsku	THAI	พูดภาษาไทย
BURMESE	ကျွန်တော်/ကျွန်မ ဖြန်မာ လို ပြောတတ် ပါတယ်။	HEBREW	אני מדבר עברית	PORTUGUESE Eu	falo português do Brasil (Brasil)	TURKISH	Türkçe konuşurum
CAMBODIAN		HINDI	में हिंदी बोलता हूँ।	Eu falo port	tuguês de Portugal (Portugal)	UKRAINIAN 8	озмовляю українською мовою
CANTONESE	我講廣東話 (CHINESE) 我讲广东话	HMONG	Kuv has lug Moob	PUNJABI	ਮੈਂ ਪੰਜਾਬੀ ਬੇਲਦਾ/ਬੇਲਦੀ ਹਾਂ।	URDU	میں اردو بولتا ہوں
CROATIAN	Govorim hrvatski	HUNGARIAN	Beszélek magyarul	ROMANIAN	Vorbesc românește	VIETNAMESE	Tôi nói tiêng Việt
CZECH	Mluvím česky	ITALIAN	Parlo italiano	RUSSIAN	Я говорю по-русски	YORUBA	Mo nso Yooba
DUTCH	lk spreek het Nederlands	JAPANESE	私は日本語を話す	SERBIAN	Ја говорим српски	Please see re	RONT DESK STAFF: everse side for
FARSI (Persian)	من فارسى صحبت مى كنم	KOREAN	한국어 합니다	SLOVAK	Hovorím po slovensky	instructions iSpeak card	and use of this



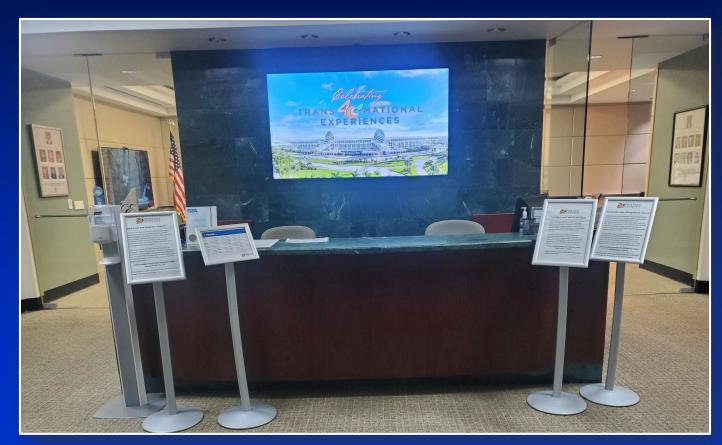
NOTICE TO EMPLOYEES:

- 1. Determine if individual(s) can speak English well enough to communicate effectively
- 2. If no, give them this card and motion for them to point to their language
- **3.** After they identify which language they speak, dial 311 (or if they say a language not on the card, make note)
- **4.** Tell 311 you need verbal translations services; 311 will connect you with a translator for their language to help identify the issue or question; please assist translator with answers specific to your department or area

311 requests in 2023



Deployment of Title VI Signage



Convention Center Title VI Signage





Widespread Distribution of I Speak Cards

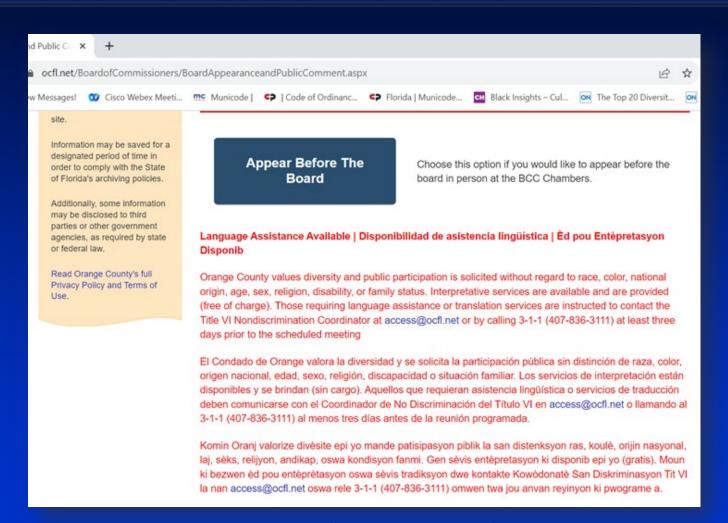


County Administration Title VI Signage



Notices of Language Assistance Services

 Availability of language assistance services are published on our website, public comment page, & will be included on BCC agenda starting on October 24.



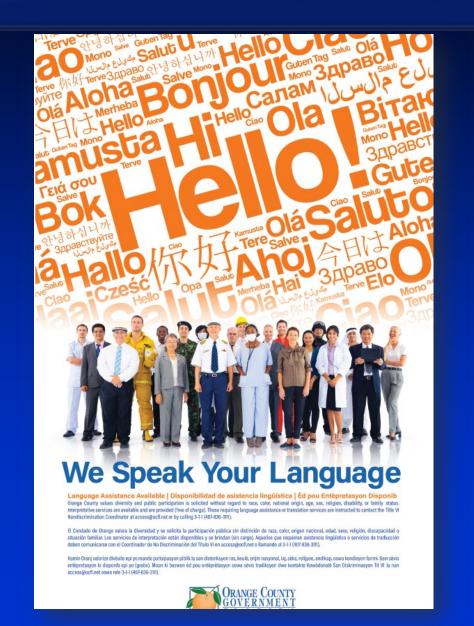
- Para asistencia lingüística o servicios de traducción en español, llame al (407-836-3111)
- Si w bezwen èd nan lang Kreyòl oswa sèvis tradiksyon, tanpri rele (407) 836-3111



Notices of Language Assistance Services (continued)

 We Speak Your Language posters will be deployed throughout facilities countywide.

 This asset can be deployed digitally as well.



Creative Source: Ed Hernandez, OC Graphic Designer



Action Items

Mid Term | 12- 18 Months

- Translate www.ocfl.net into Haitian Creole
- Continue Vital Document translation into Spanish & Creole
- Create a sustainable data collection, monitoring & reporting process





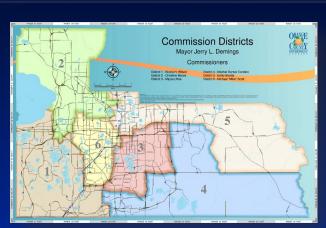
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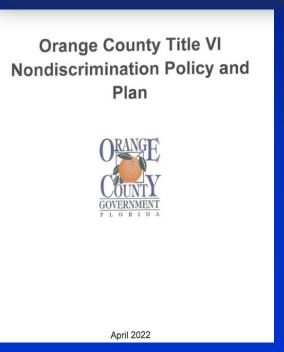
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Summary

- Orange County government supports a diverse & vibrant community through a strong commitment to nondiscrimination
- Established LEP Policy, Plan, & Procedures
- Phased approach to implementation
- Language access services widely available
- Key next steps will include hiring of a Title VI Coordinator







Summary (Continued)

- Formalize LEP Policy and Plan through adoption of an Administrative Regulation
 - -Continue utilizing Spanish and Haitian Creole as designated languages
 - -Continue practice of utilizing competent and qualified translators and interpreters
 - Continue intentional recruitment efforts to promote a diverse workforce
 - Incorporate Interfaith community and community-based organizations into public engagement efforts
 - -Provide annual report on Title VI Nondiscrimination efforts

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