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I, Cheryl Seely, County Clerk for Crook County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.



Cheryl Seely - County Clerk

IN THE COUNTY COURT OF THE STATE OF OREGON FOR THE COUNTY OF CROOK

AN ORDER ADOPTING THE CROOK COUNTY TITLE VI PROGRAM PLAN

ORDER 2023-16

WHEREAS, Title VI of the Civil Rights Act of 1964 requires that the recipients of federal financial assistance work to ensure that no person will, on the grounds of race, color, or national origin, be excluded from participating in, be denied benefits of, or be otherwise subject to discrimination under the federally funded programs or activities; and

WHEREAS, Crook County is committed to ensuring that its public services are available to all citizens on an evenhanded basis, and is committed to acting in accordance with the requirements and spirit of the law; and

WHEREAS, in conformance with the Civil Rights Act of 1964, the County now establishes a policy describing how it will work to achieve the goals of Title VI including how complaints by members of the public may be made and thereafter investigated.

NOW, THEREFORE, the Crook County Court adopts the recitals above, and ORDERS AND DIRECTS, based upon the above recitals, that:

Section One: The attached "Crook County Title VI Program Plan" is adopted, and directs that it be posted on the County's website for free public review. This 2023 plan becomes effective January 1, 2024, and supersedes the plan adopted January 1, 2021.

<u>Section Two</u>: That the Title VI Notice contained in Appendix A of the Plan be posted in all County departments.

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<u>Section Three</u>: Crook County staff members are directed to review the Title VI Program Plan on or before January 1, 2027, to advise whether the Crook County Court should amend, modify, supersede, or otherwise take action in regards to the Plan.

DATED thi	Sth day of April, 2023. CROOK COUNTY COURT
	Judge Seth Crawford
	Jun M. Bearmer
	Commissioner Jerry Brummer
	Commissioner Brian Barney
Vote: Seth Crawford	Aye Nay Abstain Excused
Jerry Brummer Brian Barney	
	

Crook County Title VI Program Plan Effective Date: January 1, 2024

TITLE VI OF THE CIVIL RIGHTS ACT

STATEMENT OF POLICY

Pursuant to and in accordance with Title VI of the Civil Rights Act of 1964, as amended, Crook County is committed to the goal that no person will, on the grounds of race, color, or national origin, be excluded from participating in, be denied benefits of, or be otherwise subject to discrimination under the County's programs or activities. The County will take preventive, corrective, and/or disciplinary action when necessary against behavior that violates this policy or the rights it is designed to protect.

OBJECTIVES

The objectives of the Crook County Title VI plan are:

- To ensure the County's compliance with Title VI including compliance by the County's grantees, sub-grantees, and related entities and to assign responsibilities for ensuring compliance.
- To ensure that all persons are able to receive the benefits of County programs, services and activities, regardless of their race, color, or national origin.
- To avoid, minimize or mitigate disproportionate adverse environmental effects as a result of County programs, services and activities on communities within Crook County on the basis of race, color, or national origin.
- To establish clear procedures for filing, investigating, and successfully resolving complaints on a timely basis and at the lowest administrative level possible.

APPLICABILITY

This policy applies to all Crook County departments, divisions, programs, staff members, and elected officials, and, to the extent required by law or separate contract(s), to agents of and contractors for the County.

DURATION

This Title VI plan is effective upon adoption by the Crook County Court and, unless sooner superseded or terminated, will be renewed on or before March 31, 2026. In the event that no renewal is adopted, this Title VI plan will remain in force and effect.

STATUTORY AND REGULATORY CITATIONS

This Title VI Program Plan is written in conformance with, and based upon, the parameters described in a variety of federal laws and regulations. Certain of these authorities describe the management and implementation of a Title VI program to ensure that the provision of the County's public services are not administered so as to discriminate against members of the public on the basis of race, color, or national origin. Other authorities include descriptions of services which are subject to Title VI of the Civil Rights Act of 1964. Still others describe discriminatory actions which the County is prevented from taking. Laws applicable to this Title VI plan may include:

- Pub. L. 88–352, as amended.
- 42 USC § 2000d.
- 49 CFR § 21.1 to 21.23.
- 28 CFR § 42.101 et seq.
- 23 USC § 101 et seq.
- ORS 659A.030.
- 23 USC § 401 et seq.
- ORS 659A.403.
- Alexander v. Sandoval, 532 U.S. 275 (2001).
- 15 USC §§ 1391 through 1409, and 1421 through 1425.
- 14 USC §§ 93(n) and (o).
- 23 CFR § 200.9(b)(7).
- 14 USC § 148.
- 49 USC §§ 1101-1114, 1116-1120.
- 42 USC § 3601.
- Lau v. Nichols, 414 U.S. 563 (1974).
- 23 USC § 324.
- 14 USC § 641(a).
- 14 USC § 821-832.
- Presidential Executive Order 13166.
- 49 USC § 1115.
- 50 USC App. 1622(b) and (g).
- 49 USC §§ 1346, 1352, 1354(a).
- 42 USC § 4601.
- 49 USC §§ 631-642.

DISCRIMINATION PROHIBITED

The County will not, directly or through contractual or other arrangements, on the grounds of race, color, or national origin:

- Deny a person any service, financial aid, or other benefit provided under the County's Title VI program;
- Provide any service, financial aid, or other benefit to a person which is different, or, subject to Limited English Proficiency-related services provisions described below, is provided in a different manner from what is provided to others by the County;
- Subject a person to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit provided by the County;
- Restrict a person in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit provided by the County;
- Treat a person differently from others in determining whether he or she satisfies any admission, enrollment, quota (to the extent quotas are required), eligibility, membership, or other requirement or condition which persons must meet in order to be provided any service, financial aid, or other benefit provided by the County;

- Deny a person an opportunity to participate in the program through the provision of services or otherwise or afford him or her an opportunity to do so which is different from that afforded others under by the County; or
- Deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of County services.

The County, in determining the types of services, financial aid, or other benefits, or facilities at which any applicable services are provided, or the class of person to whom, or the situations in which, such services, financial aid, other benefits, or facilities will be provided under any of its programs, or the class of persons to be afforded an opportunity to participate in any such program; will not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting persons to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of Title VI of the Civil Rights Act of 1964 (as amended) with respect to individuals of a particular race, color, or national origin.

In determining the site or location of facilities, the County will not make selections with the purpose or effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination under any program to which this Title VI plan applies, on the grounds of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of Title VI of the Civil Rights Act of 1964.

As used in this section the services, financial aid, or other benefits provided under a County program receiving federal financial assistance includes any service, financial aid, or other benefit provided in or through a facility known to the County to be provided with the aid of federal financial assistance.

Subject to applicable law, including but not limited to 49 CFR § 21.5, this Title VI plan does not prohibit the consideration of race, color, or national origin if the purpose and effect are to remove or overcome the consequences of past County practices or impediments which have restricted the availability of, or participation in, the program or activity receiving federal financial assistance, on the grounds of race, color, or national origin. Where prior County discriminatory practice or usage caused the effect of excluding, on the grounds of race, color, or national origin, individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program or activity to which this Title VI plan applies, the County will make an affirmative, good faith effort to eliminate past and present discrimination in County programs and to ensure future non-discriminatory practices in the County's activities.

MANAGEMENT OF REAL PROPERTY

The County will not make a selection of a site or location of a facility for the provision of services, including public meetings, if the purpose of that selection, or its effect when made, is to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program or activity to which this rule applies, on the grounds of race, color, or national origin; or if the purpose is to, or its effect when made will, substantially impair the accomplishment of the objectives of this Title VI plan.

In the case where Federal financial assistance is provided to the County in the form of a transfer of real property, structures, or improvements thereon, or interest therein, from the federal government, the instrument effecting or recording the transfer shall contain a covenant running with the land assuring nondiscrimination for the period during which the real property is used for a purpose for which the federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.

Where no transfer of property or interest therein from the federal government is involved, but property is acquired or improved with federal financial assistance, the County will agree to include such covenant in any subsequent transfer of such property. When the property is obtained by the County from the federal government, such covenant may also include a condition coupled with a right to be reserved by the federal government to revert title to the property in the event of a breach of the covenant where such a condition and right of reverter is appropriate to the statute under which the real property is obtained and to the nature of the grant and the grantee.

In such event, if a transferee of real property proposes to mortgage or otherwise encumber the real property as security for financing construction of new, or improvement of existing, facilities on such property for the purposes for which the property was transferred, the federal government may agree, upon request of the transferee and if necessary to accomplish such financing, and upon such conditions as it deems appropriate, to subordinate such right of reversion to the lien of such mortgage or other encumbrance.

PUBLIC PARTICIPATION

Crook County employs a wide variety of strategies to solicit, consider, and incorporate the perspectives of diverse populations in policy and decision-making processes. Such opportunities for involvement are designed to engage all segments of the wider County community in an early, open, continuous, and effective manner and include:

- 1. Complying with all applicable laws, rules, and regulations concerning public involvement and public meetings.
- 2. Maintaining buildings and facilities that are accessible and compliant with the Americans with Disabilities Act (ADA).
- 3. Providing notice and information regarding issues, processes, and decisions in a timely manner which allows for adequate public review.
- 4. Conducting meetings and hearings in different locations throughout the County in order to accommodate expected numbers of public attendance, geographic diversity, and other considerations.
- 5. Seeking age, physical ability, ethnic, cultural, economic, and geographic diversity in appointing members to its advisory and service committees, such as:
 - The Bowman Museum Advisory Board.
 - Board of Property Tax Appeals.
 - Budget Committee.
 - Central Oregon Advisory Council on Transportation (COACT).

- Central Oregon Regional Housing Authority (Housing Works).
- · Crook County Fair Board.
- Crooked River Watershed Council.
- Library Board of Trustees.
- Local Public Safety Coordinating Council.
- Mental Health Advisory Board.
- Planning Commission.
- Public Health Advisory Board.
- Regional Air Center Advisory Board.
- Solid Waste Advisory Committee.
- Special Transportation Fund Advisory Committee.
- Vector Control District.

MONITORING AND EVALUATION

The County will monitor and evaluate its public participation process to determine where and how to make improvements. Members of the public are encouraged and invited to provide comments and suggestions through open dialogue. Modifications and improvements to the County's Title VI plan will be adopted by the Crook County Court, the board of commissioners for Crook County.

Language Assistance:

Per Presidential Executive Order 13166 (August 2000), one type of discrimination on the basis of national origin is discrimination on the basis of a person's inability or limited ability to speak, read, write, or understand English, and that public agencies receiving federal funding may be required to provide written or oral communications in a language other than English. Crook County will take reasonable, good faith steps to offer assistance for those citizens with limited English proficiency (LEP) seeking meaningful access to its services.

The decision on whether, how, and to what degree to provide language assistance services will include an assessment of the number or proportion of LEP persons from a particular language group served or encountered in the wider County area. The greater the number or proportion of LEP persons served or encountered, the more likely language services will be needed. The need or utility of language services will be compared to available funding or other resources — as a public agency, it is critical that the County weigh the financial impact of any activity in order to responsibly balance the need for services against the need to shepherd the taxpayers' funds. Generally, identifying any subset of the County community where LEP population equals 5% or more in a given language-speaking subset of the population will lead to the County providing certain language assistance services. Crook County may reasonably rely on any credible source of demographic information to ascertain the number or proportion of LEP individuals within the wider County community.

When appropriate, the County will use population composition and client needs in regard to language for the purpose of developing and providing programs and services, disseminating information, conducting outreach, and encouraging public involvement. A copy of the most current data is included with the information attached to this document as Appendix D.

Further, general or specific job recruitment efforts may specify a preference for bi-lingual capabilities. If approved by the County, and subject to any applicable collective bargaining agreement, staff filling bi-lingual positions may be eligible for supplemental pay.

Reporting:

Crook County will report information necessary to determine compliance with Title VI of the Civil Rights Act as required by federal and, as may be applicable, state government agencies for grant funding and other purposes. The contents and format of such reports will be determined by applicable law.

Public Notice:

A Title VI Notice to the Public will be posted on Crook County's website at www.co.crook.or.us and in a public area within County facilities open to the public. A copy of the Crook County Title VI Notice to the Public is attached to this document as Appendix A. The County will also provide paper copies to individual departments for posting.

COMPLAINT PROCEDURES

Title VI Coordinator

The Crook County Counsel serves as Crook County's Title VI Coordinator and acts as the focal point for Title VI implementation and investigation. In the event that the County Counsel is involved in the alleged activities giving rise to a complaint, the Human Resources Director will serve as Title VI Coordinator for that complaint.

Complaints:

Any person who believes she or he has been discriminated against by Crook County on the basis of race, color, or national origin may file a complaint by completing and submitting a Title VI Complaint Form. This is an administrative process that does not provide for compensatory or punitive damages. Complaints must be complete in both form and content to be reviewed and considered and must be submitted within 180 days of the alleged incident of discrimination. A copy of the Crook County Title VI Complaint Form is attached to this document as Appendix B. To request a separate Title VI Complaint Form:

- Call 541-416-3919
- Schedule an appointment at the Crook County Counsel's office: 301 NE 3rd Street (Second Floor) Prineville, OR 97754
- Write to:

Crook County Counsel's Office Attn: Title VI Coordinator 300 NE Third Street Prineville, OR 97754; or

• Download the document from Crook County's website at www.co.crook.or.us.

Complaints must be in writing, signed by the complainant, and submitted to the Title VI

Coordinator either by hand-delivery at the physical address, or by U.S. postal service or commercial parcel delivery service to the mailing address shown above.

When applicable, a complainant may also file a Title VI complaint directly with any federal agency that supplies funding to Crook County in support of the applicable program or service in which the alleged incident occurred. Examples of federal agencies that provide funding to the County include, but are not limited to, the U.S. Department of Agriculture, the U.S. Department of Justice, and the U.S. Department of Transportation. Contact information for the Office of Civil Rights operating in such agencies may be found online or as otherwise published by such agencies.

The signed, written complaint must include the date of the alleged act of discrimination, and present a detailed description of the events leading to the complaint. The complaint must include the names or titles of the individuals involved (particularly County officials), the location(s) at which the events occurred, and (if known) the names and contact information for any third-party witnesses. In order to fall within the scope of this Title VI plan, the alleged discrimination must be based upon race, color, or national origin status.

At such time as the complaint is received, the Title VI Coordinator will review it to determine if Crook County has jurisdiction over the matter. The County will promptly return an acknowledgment letter stating whether the complaint will be investigated by the County. Crook County will make every reasonable effort to investigate complaints within no more than 90 days following the date of the acknowledgment letter. However, in the event of complex complaints which address multiple issues and/or involve legal action, the County may require an extended period to fully investigate and respond. In such cases, the complainant will be informed of the additional investigation.

If more information is needed to resolve the case, the assigned investigator may contact the complainant. The complainant has ten (10) business days from the date of the letter to return the requested information to the investigator. If the investigator is not contacted by the complainant or does not receive the requested information within ten (10) business days, Crook County will administratively close the case. An investigation will also be administratively closed upon withdrawal by the complainant.

After the investigator reviews the complaint, he or she will issue one of two letters to the complainant: a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and investigation, indicates that a Title VI violation could not be substantiated, was untimely, was legally insufficient, or other cause for dismissal, and states that the investigation will be closed. A LOF summarizes the allegations and investigation and explains whether any disciplinary action, staff training, or other action will occur. If the complainant wishes to appeal the decision reflected in the letter, she or he has ten (10) business days following the date of the acknowledgement letter or the LOF to do so. To submit an appeal, complainants must deliver a written statement explaining the basis of the appeal to the Crook County Court (the board of commissioners for Crook County). County officials will review the material presented and promptly issue a final formal decision following the date of the appeal letter was received. No information that was not provided to the investigator will be considered as part of an appeal.

The Title VI complaint process does not cover complaints based on protections afforded under other

civil rights statutes, such as sex, sexual orientation, age or source of income. If a complaint is filed alleging such discrimination, the complainant will be notified that it cannot be processed as a Title VI complaint. However, the County will review complaints of discrimination based on other protected class statuses to determine if they can be informally resolved.

The County will provide, upon request, a list of all active complaints, investigations, or lawsuits, made on the basis of race, color, or national origin. A copy of the Crook County List of Title VI Investigations, Complaints, and Lawsuits form is attached to this document as Appendix C and contains a name, date of filing, summary of the allegation(s), status of the investigation, and action(s) taken.

Approved:

CROOK COUNTY COURT

Seth Crawford, County Judge

Date

Jerry Brummer, County

Cømmissioner

Date

Brian Barney, County Commissioner

Date

CROOK COUNTY TITLE VI NOTICE

Crook County operates its programs and services without regard to race, color, or national origin in accordance with Title VI of the Civil Rights Act of 1964. Any person who believes she or he has been subjected to an unlawful discriminatory practice as defined under Title VI of the Civil Rights Act may file a complaint with the Crook County Counsel Office.

Any person who believes she or he has been discriminated against by Crook County on the basis of race, color, or national origin may file a complaint by completing and submitting a Title VI Complaint Form. This is an administrative process that does not provide for compensatory or punitive damages. Complaints must be complete in both form and content to be reviewed and considered and must be submitted within 180 days of the alleged incident of discrimination. To request a separate Title VI Complaint Form, or to obtain more information about Crook County's civil rights program and the obligations:

- Call 541-416-3919
- Schedule an appointment at the Crook County Counsel's office: 301 NE 3rd Street (Second Floor) Prineville, OR 97754
- Write to:
 Crook County Counsel's Office
 Attn: Title VI Coordinator
 300 NE Third Street
 Prineville, OR 97754; or
- Download the document from Crook County's website at www.co.crook.or.us.

When applicable, a complainant may also file a Title VI complaint may also be filed directly with any federal agency that supplies funding to Crook County in support of the applicable program or service in which the alleged incident occurred. Examples of federal agencies that provide funding to the County include, but are not limited to, the U.S. Department of Agriculture, the U.S. Department of Justice, and the U.S. Department of Transportation. Contact information for the Office of Civil Rights operating in such agencies may be found online.

Crook County TITLE VI COMPLAINT FORM

Section II:	55								
Name:			• • • •						
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persons who were involved. In	nclude the name and c	ontact information of the perso	on(s) who discriminated
against you (if known) as well a	s names and contact i	nformation of any witnesses.	If more space is needed,
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Have you filed this complaint w	ith any other Federal,	State, or local agency, or with	any Federal or State court?
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[] Yes [] No		
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If yes, check all that apply:] No	[] State Agency:	
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CROOK COUNTY

LIST OF TITLE VI INVESTIGATIONS, COMPLAINTS, AND LAWSUITS

For the period January 1, 2021 to Present

		Name	Date	Summary	Status	Action(s) Taken
Inv	estigatio	ons				
1.	None					
2.						
3.						
4.						
Lav	wsuits :					1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
1.	None					
2.						
3.						
4.						
Cor	mplaints	12/00/2004				And the state of t
1.	None					
2.						
3.						
4.						

 $^{^{\}mathbf{1}}\,$ The effective date of the last Crook County Title VI Plan.

LIMITED ENGLISH PROFICIENCY (LEP) CROOK COUNTY SURVEY

In conformance with Presidential Executive Order 13166 (August 2000), applicable law, and the Crook County Title VI plan, the County has examined the number and categories of those Crook County residents with Limited English Proficiency. To make its determinations in this regard, the County relies upon the United States Census "American Community Survey" for Crook County, 2018, the most recent data available. The American Community Survey produces population, demographic, and housing unit estimates for both counties and municipalities.

The US Census tracks language ability by using four possible responses: respondents are asked to rate their ability to speak, read, write, and understand languages (a) very well, (b) well, (c) less than well, or (d) not at all.

	Crook Co	unty, Ore	gon	<u>: [3-5</u>		<u>. 11-, 11</u>				:		1
	Total Percent Percent of specified language speakers										. <u> </u>	
					Speak English only or speak English "very well"		Percent speak English only or speak English "very well"		Speak English less than "very well"		Percent speak English less that "very well"	
Label	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error
Population 5 years and over	23,108	±119	(X)	(X)	22,999	±143	99.5%	±0.5	109	±105	0.5%	±0.5
Speak only English	21,942	±330	95.0%	±1.4	(X)	(X)	(X)	(X)	(X)	(X)	(X)	(X)
Speak a language other than English	1,166	±324	5.0%	±1.4	1,057	±286	90.7%	±8.1	109	±105	9.3%	±8.1
SPEAK A LANGUAGE OTHER THAN ENGLISH					1							
Spanish	997	±314	4.3%	±1.4	923	±269	92.6%	±8.2	74	±93	7.4%	±8.2
5 to 17 years old	415	±182	1.8%	±0.8	415	±182	100.0%	±8.6	O	±24	0.0%	±8.6
18 to 64 years old	556	±246	2.4%	±1.1	483	±229	86.9%	±15.3	73	±94	13.1%	±15.3
65 years old and over	26	±27	0.1%	±0.1	25	±28	96.2%	±11.3	i	±3	3.8%	±11.3
Other Indo-European languages	75	±72	0.3%	±0.3	40	±44	53.3%	±52.0	35	±54	46.7%	±52.0
5 to 17 years old	0	±24	0.0%	±0.2	0	±24	-	**	Ó	±24	-	**
18 to 64 years old	30	±41	0.1%	±0.2	30	±41	100.0%	±58.2	0	±24	0.0%	±58.2
65 years old and over	45	±57	0.2%	±0.2	10	±17	22.2%	±50.7	35	±54	77.8%	±50.7
Asian and Pacific Island languages	94	±92	0.4%	±0.4	94	±92	100.0%	±31.7	0	±24	0.0%	±31.7
5 to 17 years old	27	±42	0.1%	±0.2	27	±42	100.0%	±61.3	Ó	±24	0.0%	±61.3
18 to 64 years old	66	±65	0.3%	±0.3	66	±65	100.0%	±39.2	0	±24	0.0%	±39.2
65 years old and over	1	±7	0.0%	±0.1	1	±7	100.0%	±100.0	0	±24	0.0%	±100.0
Other languages	Ó	±24	0.0%	±0.2	0	±24	-	**	0	±24	-	**
5 to 17 years old	0	±24	0.0%	±0.2	0	±24	-:-	**	0 :-	±24	-	**
18 to 64 years old	0	±24	0.0%	±0.2	0	±24	-	**	0	±24	-	**
65 years old and over	0	±24	0.0%	±0.2	0	±24	-	**.	0	±24	-	**
CITIZENS 18 YEARS AND OVER												1
All citizens 18 years old and over	19,109	±173	(X)	(X)	19,056	±184	99.7%	±0.3	53	±58	0.3%	±0.3
Speak only English	18,565	±265	97.2%	±1.1	(X)	(X)	(X)	(X)	(X)	(X)	(X)	(X)
Speak a language other than English	544	±216	2.8%	±1.1	491	±215	90.3%	±10.9	53		9.7%	±10.9
Spanish	408	±212	2.1%	±1.1	390	±212	95.6%	±6.6	18	±26	4.4%	±6.6
Other languages	136	±86	0.7%	±0.5	101	±75	74.3%	±36.4	35	±54	25.7%	±36.4

An '**' entry in the margin of error column indicates that either no sample observations or too few sample observations were available to compute a standard error and thus the margin of error. A statistical test is not appropriate.

An '-' entry in the estimate column indicates that either no sample observations or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest interval or upper interval of an open-ended distribution.

Based on the foregoing Census data, approximately 0.5% of the total Crook County population and approximately 109 individuals aged five years or order in Crook County speak English less than "very well."

According to the Federal Transit Administration's Circular FTA C 4702.1B, "Title VI Requirements and Guidelines For Federal Transit Administration Recipients," the U.S. Department of Transportation, and the U.S. Department of Justice, Title VI compliance can be examined by comparing language population to a 5% threshold.

The circular states in part that, if a recipient of federal financial assistance provides written translation of vital documents when there is an eligible LEP language group that constitutes five percent (5%) or 1,000 persons, whichever is less, of the total population of persons eligible to be served or likely to be affected or encountered, then such action will be considered strong evidence of compliance with the recipient's written translation obligations. If there are fewer than 50 persons in a language group that reaches the five percent (5%) trigger, the recipient is not required to translate vital written materials but should provide written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials.