

Washington County Limited English Proficiency Plan

September 2025

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1. Introduction and Purpose

The [Washington County Title VI Plan](#) outlines county [policy](#) that no person shall, on the grounds of race, color, and national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program, activity, or operation of Washington County as provided by Title VI of the Civil Rights Act of 1964 and related statutes.

Disproportionate effects on persons with limited English proficiency (LEP) have been held to constitute national-origin discrimination under Title VI. This Limited English Proficiency (LEP) Plan reflects Washington County's responsibility to reduce LEP as a barrier for individuals in county programs and activities and aims to develop guidance for staff on when and how to provide appropriate language services for LEP persons.

According to the U.S. Department of Justice, individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be limited English proficient.

2. LEP Interpretation and Translation Services

Washington County has established countywide resources and guidelines for both interpretive services and document translation to ensure LEP community members are able to access vital county services and information.

The County Board of Commissioners regularly approves contracts for interpretation and translation services with several vendors, and each county department is responsible for reviewing the contracts and setting up accounts with vendors as needed.

2.1. Interpretive Services

Interpretive services include face-to-face interpretation, telephone interpretation, and Video Remote Interpretation (VRI). Interpretive services are available free of charge to community members to support conversation with county staff while accessing county services. Community members can access these services as needed by connecting with county department support staff in-person, by phone, or online.

2.2. Document Translation

Washington County offers translation services as needed upon request for select county documents. Community members can request a document be translated by connecting with the manager of the desired program, service, or resource – usually identified on the website, form, or document in question.

Additionally, Washington County departments will proactively translate vital documents per the guidance offered in Sections 3 and 4.

3. Four-Factor Assessment

To support a proactive approach to document translation, the U.S. Department of Justice provides a four-factor assessment to help organizations identify what actions are reasonable for them to take in fulfilling their LEP obligations under Title VI. The factors are:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by Washington County.
2. The frequency with which LEP persons come into contact with Washington County services.
3. The nature and importance of Washington County’s services in people’s lives.
4. The resources available for Washington County departments to conduct LEP outreach, as well as costs associated with such outreach.

3.1. Factor 1: Number or Proportion of LEP Persons Eligible to be Served

The greater the number or proportion of LEP individuals from a particular language group served or encountered in the eligible service population, the more likely language assistance services are necessary. Ordinarily, “individuals eligible to be served or likely to be encountered” by a program or activity are those who are, in fact, served or encountered in the eligible service population.

The number of eligible LEP persons depends on the nature of the services offered by a Washington County department; however, if narrower estimates do not apply, Washington County’s population as a whole may be used. The Minnesota Department of Transportation (MnDOT) maintains a [Limited English Proficiency Data Tool](#) using recent census estimates to support local LEP planning efforts. This tool measures English-speaking proficiency for populations five years and over and indicates that the largest LEP population in Washington County is Spanish-speaking at approximately 2,145 individuals or 0.86 percent of the population (Table 1).

Table 1. Limited English Proficiency Profile of Washington County (2021)

Language Group	LEP Speakers	
	Estimate	% Total County Population
Spanish	2,145	0.86
Other Asian/Pacific Island	1,876	0.75
Other/Unspecified	1,336	0.54
Other Indo-European	635	0.25
Vietnamese	566	0.23
Chinese (incl. Mand/Cant)	245	0.10
Russian/Polish/Slavic	199	0.08
French/Haitian/Cajun	198	0.08
Korean	111	0.04
German/West Germanic	104	0.04
Tagalog (incl. Filipino)	102	0.04
Arabic	47	0.02

Total County Population (5 years of age and older)	249,469	-
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Source: State of MN Department of Transportation LEP Data Tool; 2021 American Community Survey 5-Year Estimates Table C16001: Language Spoken at Home for the Population 5 Years and Over

Note: As this data measures English proficiency, the estimate is limited to populations five years and over. Including young children five years or younger results in a county population of 268,651.

Sources of demographic data can lack granularity on LEP populations. For example, the American Community Survey (ACS) data used in Table 1 identifies Other Asian/Pacific Island and Other/Unspecified as broad language categories but does not go into further detail about the languages those groups include. In Washington County, languages like Hmong, Somali, Amharic, and Oromo would fall into these broader categories.

MnDOT’s [Limited English Proficiency Data Tool](#) also includes Minnesota Department of Education (MDE) data on students’ primary home languages, which reveals that 892 Washington County students indicated Hmong, 270 students indicated Somali, and 290 students indicated the Ethiopian languages of Amharic and Omoro as their primary home languages. Based on MDE data, further analysis was done to estimate the number of Hmong-speaking LEP individuals. Although ACS data does not provide data on the number of speakers of the Hmong language specifically, it does provide data on individuals with Hmong ethnicity. Among individuals in Washington County with Hmong ethnicity alone who speak an Asian or Pacific Islander language at home, 1,461 individuals speak English less than “very well” (Table 2). Although there may be other languages influencing this number, the vast majority likely speak Hmong or a Hmongic dialect.

Table 2. English proficiency of Hmong individuals in Washington County

	Estimate	% Total County Population
Speaks English “very well”	5,331	2.14
Speaks English less than “very well”	1,461	0.59

Source: 2021 American Community Survey 5-Year Estimates Table DP02: Selected Social Characteristics in the United States

Note: As this data measures English proficiency, the estimate is limited to individuals five years of age and over.

Combining these data sources contributes to a better understanding of the LEP landscape in Washington County.

3.2. Factor 2: Frequency with which LEP Persons Come into Contact with Services

Each department should assess, as accurately as possible, the frequency with which they have or should have contact with LEP individuals from different language groups. If LEP individuals access a program or service on a regular, consistent basis, then that program or service provider has greater language access duties than a provider whose contact with LEP individuals is unpredictable or infrequent. However, county departments and programs with unpredictable or infrequent interactions with LEP individuals must be prepared to provide language assistance services and should also consider whether outreach to LEP individuals could increase the frequency of contact.

3.3. Factor 3: Nature and Importance of the Activity, Information, Service, or Program

Any Washington County department that provides a service to or communicates with members of the public is creating an interaction of potential importance to LEP persons' lives. Departments must identify which documents and services have the most direct impact on members of the public and prioritize their accessibility to LEP persons. Departments should consider whether reduced access to services or information could have serious implications for an LEP individual. Generally, programs providing information and services related to accessing benefits, opportunities, or rights are considered of high importance. If an activity is compulsory by law, that can also serve as strong evidence of its importance.

3.4. Factor 4: Resources Available for LEP Outreach

Washington County's available resources and the costs of providing language assistance services may impact the steps taken to provide meaningful access to LEP individuals. Generally, the county should have sufficient resources to provide meaningful access through reasonable language assistance measures. However, language assistance measures may cease to be reasonable where the costs imposed substantially exceed the benefits. Departments should ensure any resource limitations are documented and explained before using this factor as a reason to limit language assistance.

The four-factor analysis necessarily implies a spectrum of language assistance measures. For instance, written translations can range from translation of an entire document to translation of a short description of the document, and interpretation services may range from using telephone-based interpretation services to providing in-person interpretation at a public event. Language assistance measures should be based on what is necessary and reasonable after considering the four-factor analysis. Departments should proactively identify how to provide language assistance services efficiently and cost-effectively while ensuring meaningful access to LEP individuals.

The Title VI Coordinator is available to departments to help assess the resources available to conduct LEP outreach.

4. Additional Guidance

4.1. Safe Harbor Provision

Federal agencies see strong evidence that a recipient has met its obligation to translate written materials – or consider that recipient to be in “safe harbor” – if it provides written translations for vital documents for each eligible LEP language group that constitutes five percent or 1,000, whichever is less, of the eligible population. If the five-percent threshold is reached by a language group with fewer than 50 people, it is sufficient to provide written notice of the right to receive free, competent oral interpretation of vital documents.

County departments should individually identify which documents are vital and which language groups cross the safe harbor threshold. Where the eligible population consists of all Washington County residents, Spanish and Hmong are safe harbor languages. However, as indicated in Section 3.1., there

may be other commonly-spoken languages within the county that departments may wish to consider for translation although they do not meet the safe harbor threshold.

4.2. Vital Document Translation

Whether or not a document is “vital” depends in part on the consequence to an LEP person if information is not timely and accurate. Department Title VI Liaisons are responsible for regularly assessing community needs to determine whether materials should be translated. Washington County has developed internal criteria to guide vital document identification for translation purposes.