CRIT LUALLEN
AUDITOR OF PUBLIC ACCOUNTS

MEMORANDUM

TO: State Agency Heads

FROM: Crit Luallen
Auditor of Public Accounts

DATE: May 12, 2008

RE: Title VI Implementation Plan, Update, and/or Compliance Report Due July 1, 2008

Title VI of the Federal Civil Rights Act of 1964 guarantees the access of all citizens to federally assisted programs. Section 601 of the Federal Civil Rights Act of 1964 states, "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

Agencies are required to submit implementation plan updates and Title VI compliance reports by July 1, 2008 for fiscal year ending June 30, 2008. If your agency received federal funds during the fiscal year ending June 30, 2008, or anticipates receiving any federal funds in the near future, please send the Auditor of Public Accounts (APA) a copy of the implementation plan, annual plan update, and Title VI compliance report as required by KRS 344.015 (2) and 45 KAR 1:080. State agencies receiving federal funds during fiscal year ended June 30, 2007, which have not previously filed an initial implementation plan, must prepare a Title VI **initial** implementation plan within 90 days of award and receipt of federal funds and submit the plan to this office.

KRS 344.015(2) states, in part, that each state agency shall:

(b) Submit a copy of the implementation plan to the Auditor of Public Accounts and the Human Rights Commission; and

(c) Submit annual Title VI compliance reports and any implementation plan updates to the Auditor of Public Accounts and the Human Rights Commission by July 1, 1995, and each July 1 thereafter.

Section 4 of 45 KAR 1:080 lists the specific information to be included in the initial implementation plan and further states, "Subsections (6), (7), (9), (10), (12), and (13) of this section shall be updated annually."

For compliance item number (12) "recordkeeping and reporting" be sure to include each agency or cabinet plan's policy for retention of records.

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If an agency is not going to adopt their cabinet's plan, that agency will be responsible for submitting a plan or plan update.

The Title VI plan update and compliance reports are required to be submitted annually. **THE AGENCY'S ENTIRE TITLE VI PLAN SHOULD HAVE BEEN SUBMITTED PREVIOUSLY AND IS NOT REQUIRED TO BE SUBMITTED ANNUALLY.** If extensive changes were made to the initial Title VI implementation plan, a new plan should be submitted along with the annual update. Copies of the "Title VI of the Federal Civil Rights Act Implementation 'Initial Plan' and 'Plan Update' Form" and the compliance report form are attached. Also attached is "Requirements for submission of Title VI Reports."

If your agency did not receive federal funds during the year ending June 30, 2008, or does not anticipate receiving federal funds in the near future, please send a letter certifying your agency's non-applicability to KRS 344.015 to the APA.

Please note that on August 11, 2000, Executive Order 13166, "Improving Access To Services For Person With Limited English Proficiency (LEP)," was issued. The Department of Justice has issued a general guidance document that sets out the compliance standards that recipients must follow to make sure programs and activities they normally provide in English are accessible to LEP persons and therefore do not discriminate on the basis of national origin in violation of Title VI of the Civil Rights Act of 1964, as amended, and its implementing regulations. See www.lep.gov/recip.html. Recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.

The Title VI implementation plan or annual plan update, and compliance report or the representation letter certifying the agency's non-applicability to KRS 344.015, should be sent to Lorrie Hawkins, Division of Financial Audit, 105 Sea Hero Road, Suite 2, Frankfort, Kentucky 40601. Submissions should also be in an **electronic format (Microsoft Word) by e-mail, a 3.5" diskette, or CD-ROM). E-mail to: Lorrie.Hawkins@auditor.ky.gov,** Please send your information by July 1, 2008. Please follow up with a hard copy to be used for signatures and letterhead reproduction.

If you have questions concerning Title VI, implementation plans, or the representation letter, please contact Lori Riddle, Division of Financial Audit, at 502-573-0050. Thank you for your assistance in this matter.