

**REPORT ON COMPLIANCE WITH CIVIL RIGHTS LAWS
INCLUDING AGENCY TITLE VI IMPLEMENTATION
PLANS, UPDATES, AND COMPLIANCE REPORTS
AS REQUIRED BY KRS CHAPTER 344**

For the Year Ended June 30, 2011

Due to file size constraints, this publication may not be posted on the web in its entirety. The first twenty-four pages follow, which comprise the Auditor of Public Accounts' Report on Compliance with Civil Rights Laws. To view an individual cabinet or agency's Title VI implementation Plan, Update, and Compliance Report, click on the cabinet or agency's name in the table of contents and it will take you to that report.



ADAM H. EDELEN
AUDITOR OF PUBLIC ACCOUNTS

June 12, 2012

To the People of Kentucky

Honorable Steven L. Beshear, Governor

Honorable Greg Stumbo, Speaker of the House

Honorable David L. Williams, President of the Senate

John J. Johnson, Executive Director, Commission on Human Rights

Robert Sherman, Director, Legislative Research Commission

In accordance with KRS 344.015(3), the Auditor of Public Accounts submits the Commonwealth of Kentucky's *Report on Compliance With Civil Rights Laws Including Agency Title VI Implementation Plans, Updates, and Compliance Reports* of state agencies.

Title VI of the Civil Rights Act of 1964 prohibits any program or activity receiving federal funds from excluding participation, denying benefits, or subjecting any individual to discrimination on the basis of "race, color, or national origin." In accordance with legislation passed by the 1994 General Assembly, state agencies receiving federal funds are required to develop an implementation plan and submit annual compliance reports to the Auditor of Public Accounts, so that the public may learn whether and how well state agencies are complying with Title VI. The Office of the Auditor of Public Accounts compiles Title VI plans, updates, and compliance reports of state agencies.

The results of this compilation are contained in the attached report.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Adam H. Edelen".

Adam H. Edelen

Auditor of Public Accounts



**REPORT ON COMPLIANCE WITH CIVIL RIGHTS LAWS
INCLUDING
AGENCY TITLE VI IMPLEMENTATION PLANS,
UPDATES, AND COMPLIANCE REPORTS**

AS REQUIRED BY KRS CHAPTER 344

**For the Year Ended
June 30, 2011**



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REPORT ON COMPLIANCE WITH CIVIL RIGHTS LAWS INCLUDING AGENCY TITLE VI IMPLEMENTATION PLANS, UPDATES, AND COMPLIANCE REPORTS

EXECUTIVE SUMMARY YEAR ENDED JUNE 30, 2011

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.”

Purpose and Scope

In 1994, the General Assembly enacted Senate Bill 248 (KRS 344.015). This bill requires all state agencies to prepare and submit Title VI implementation plans and annual plan updates to the Auditor of Public Accounts and the Kentucky Commission on Human Rights by July 1 of each year, if the agency is subject to Title VI of the Federal Civil Rights Act of 1964. This report contains the Title VI implementation plans and annual updates due July 1, 2011.

45 KAR 1:080 states that the Auditor of Public Accounts is responsible for preparing and issuing the Statewide Single Audit of Kentucky, including compliance with Title VI requirements. 45 KAR 1:080 also details the format that agencies are required to use when submitting the initial Title VI plan and annual plan updates.

Compliance Assessment

Representatives from the Auditor’s office reviewed each agency’s Title VI implementation plan and annual plan update due July 1, 2011. A spreadsheet detailing each agency’s compliance with the 13 requirements of 45 KAR 1:080 was prepared and is presented herein from pages 17 to 20. See pages 11 to 13 for 45 KAR 1:080. Note that 1-13 across the top of the table corresponds to the 13 required components per 45 KAR 1:080 Section (4). The six components to be updated annually are shaded.

Findings

Twenty-three agencies received federal funds, except for universities and colleges, for fiscal year 2011, of which all twenty-three agencies submitted Title VI plans/updates. Each agency plan/update was submitted by the July 1, 2011 deadline as required by KRS 344.015. The results of our review included a total of one exception, which is an improvement over the prior year. In addition, we reviewed each of the twenty-three submitted plans for compliance with Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency. In reviewing the submitted Title VI plans for compliance we found that all twenty-three agencies developed a written LEP plan as required.

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**TITLE VI OF THE FEDERAL CIVIL RIGHTS ACT OF 1964
NONDISCRIMINATION IN FEDERALLY ASSISTED
PROGRAMS**

**TITLE VI OF THE FEDERAL CIVIL RIGHTS ACT OF 1964
NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS**

42 U.S.C. §§ 2000d THROUGH 2000d-4a

SEC. 2000d. 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.

SEC. 2000d-1. Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of section 2000d of this title with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken. No such rule, regulation, or order shall become effective unless and until approved by the President. Compliance with any requirement adopted pursuant to this section may be effected (1) by the termination of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding on the record, after opportunity for hearing, of a failure to comply with such requirement, but such termination or refusal shall be limited to the particular political entity, or part thereof, or other recipient as to whom such a finding has been made and, shall be limited in its effect to the particular program, or part thereof, in which such non-compliance has been so found, or (2) by any other means authorized by law: provided, however, that no such action shall be taken until the department or agency concerned has advised the appropriate person or persons of the failure to comply with the requirement and has determined that compliance cannot be secured by voluntary means. In the case of any action terminating, or refusing to grant or continue, assistance because of failure to comply with a requirement imposed pursuant to this section, the head of the Federal department or agency, shall file with the committees of the House and Senate having legislative jurisdiction over the program or activity involved a full written report of the circumstances and the grounds for such action. No such action shall become effective until thirty days have elapsed after the filing of such report.

SEC. 2000d-2. Any department or agency action taken pursuant to section 2000d- I of this title shall be subject to such judicial review as may otherwise be provided by law for similar action taken by such department or agency on other grounds. In the case of action, not otherwise subject to judicial review, terminating or refusing to grant or to continue financial assistance upon a finding of failure to comply with any requirement imposed pursuant to section 2000d- I of this title, any person aggrieved (including any State or political subdivision thereof and any agency of either) may obtain judicial review of such action in accordance with chapter 7 of Title 5, and such action shall not be deemed committed to unreviewable agency discretion within the meaning of that chapter.

SEC. 2000d-3. Nothing contained in this subchapter shall be construed to authorize action under this subchapter by any department or agency with respect to any employment practice of any employer, employment agency, or labor organization except where a primary objective of the Federal financial assistance is to provide employment.

TITLE VI OF THE FEDERAL CIVIL RIGHTS ACT OF 1964
NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS
42 U.S.C. §§ 2000d THROUGH 2000d-4a
(Continued)

SEC. 2000d-4. Nothing in this subchapter shall add to or detract from any existing authority with respect to any program or activity under which Federal financial assistance is extended by way of a contract of insurance or guaranty.

SEC. 2000d-4a. For the purposes of this subchapter, the term "program or activity" and the term "program" mean all of the operations of

- (1) (A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or
(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;
- (2) (A) a college, university, or other postsecondary institution, or public system of higher education; or
(B) a local educational agency (as defined in section 8801 of Title 20), system of vocational education, or other school system;
- (3) (A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship
 - (i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or
 - (ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or
(B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or
- (4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3); any part of which is extended Federal financial assistance.

NOTE: 42 U.S.C. §§ 2000d-5 through 2000d-7 are not reproduced here.

KRS 344.015

**KRS 344.015. IMPLEMENTATION PLANS FOR FEDERAL CIVIL RIGHTS ACT,
TITLE VI BY STATE AGENCIES.**

- (1) As used in this section, “state agency” means any department or administrative body of state government, as defined in KRS 12.010, that is subject to the requirements of Title VI of the Federal Civil Rights Act of 1964, 42 U.S.C. secs. 2000d et seq., and regulations promulgated thereunder.
- (2) Each state agency shall:
 - a) Develop a Title VI implementation plan by January 1, 1995. If required by Title VI or regulations promulgated thereunder, the implementation plan shall:
 1. Be developed with the participation of protected beneficiaries; and
 2. Include Title VI implementation plans of any subrecipients of federal funds through the state agency;
 - 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.
- (3) The Auditor of Public Accounts shall prepare a report on the actions which state agencies are required to take to implement Title VI, and a report summarizing and evaluating, relative to the required implementation actions, the initial state agency implementation plans and including audit findings from the Auditor of Public Accounts field reviews. The Auditor of Public Accounts shall transmit the reports to the Governor, the Human Rights Commission, the Legislative Research Commission, and each state agency. The Auditor of Public Accounts may prescribe the report format, procedure, and time frame for purposes of complying with this subsection. The prescribed format, procedure, and time frame shall be established by administrative regulation pursuant to KRS Chapter 13A.
- (4) In addition to being available from the promulgating state agency, all implementation plans, reports, and updates required by and submitted under subsection (2) of this section shall be available for inspection and copying under KRS 61.870 to 61.884 in the offices of the Auditor of Public Accounts.
- (5) In any annual audit made of a state agency under KRS 43.050, the Auditor of Public Accounts shall determine whether the state agency has complied with subsections (2) of this section and shall include the determination in the audit report.
- (6) To the extent permitted by federal law or regulation, any increased costs incurred by a state agency, the Auditor of Public Accounts, or the Human Rights Commission under this sections shall be paid from any available federal funds that may be used for implementation of Title VI of the Federal Civil Rights Act of 1964.

(Enact. Acts 1994, ch. 204, § 1, effective July 15, 1994.)

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45 KAR 1:080

45 KAR 1:080. STANDARDS FOR TITLE VI REPORTING.

RELATES TO: KRS Chapter 344, 42 USC 2000d

STATUTORY AUTHORITY: KRS 344.015

NECESSITY, FUNCTION, AND CONFORMITY: The 1994 General Assembly enacted Senate Bill 248 (KRS 344.015) which requires that all state agencies as defined in KRS 12.010 prepare and submit Title VI implementation plans and annual updates to the Auditor of Public Accounts if the agency is subject to Title VI of the Federal Civil Rights Act of 1964. The Auditor of Public Accounts is responsible for the preparation and issuance of the Single Statewide Audit of Federal Funds for Kentucky state government including compliance with Title VI requirements. This administrative regulation establishes the uniform format agencies are required to use when submitting the Initial Implementation Title VI Plan and Annual Plan Updates to the Auditor of Public Accounts.

Section 1. (1) Title VI Initial Implementation Plan and Annual Plan Updates shall:

- (a) Be submitted in the format set out in Section 4 of this administrative regulation; and
- (b) Contain the information specified by the provisions of this administrative regulation.
- (2) The entire agency shall be in compliance with Title VI, even if only one (1) federal grant is received.
- (3) Standard complaint forms or guidelines shall be developed and adopted by the agency.
- (4) Complaints shall be filed orally or in writing.
- (5) A compliance review instrument shall be developed by the agency, such as, a self-survey, assessment checklist, pre-award, routine or enforcement plan, along with the criteria for selecting and scheduling reviews.
- (6) The agency shall provide persons with information relating to its Title VI plan, nondiscrimination policies, complaint procedures, programs and services.
 - (a) This information may include, brochures, newsletters, contract agreements, educational materials, Title VI Act and federal regulations, and preventive outreach programs.
 - (b) Informational materials shall be made available in a centralized place for distribution upon request.
- (7) The agency shall submit annual Title VI compliance reports and updates to the plan.
- (8) Agency and sub recipients shall establish a system for data collection and reporting data which shows the extent to which members of protected parties are participating in the programs and activities.

Section 2. For all state agencies receiving federal funds, an annual Title VI plan update shall be submitted to the Auditor of Public Accounts and the Kentucky Commission on Human Rights by July 1, 1995 and by July 1 each year thereafter.

Section 3. If a state agency that was not a recipient of federal funds on January 1, 1995, receives federal funds it shall prepare and submit the Title VI implementation plan within ninety (90) days of award and receipt of the federal funds.

Section 4. The federal Title VI implementation plan shall contain the information prescribed by this section in succinct and concise language. Subsections (6), (7), (9), (10), (12) and (13) of this section shall be updated annually.

45 KAR 1:080 (Continued)

- (1) Glossary/definitions. Definitions of all common terms stated in the plan shall be included in this section to ensure that agency staff, recipients and beneficiaries have consistent applicable definitions.
- (2) Overview. A clear and brief description of the agency mission and structure and the relationship of Title VI requirements to the agency's operations.
- (3) Scope of Title VI applicability to programs and activities. Specify prohibited discrimination practices under Title VI in relation to agency activities.
- (4) Responsible official. The name, title, address and telephone number of the primary contact for the agency and the person in charge of implementation, compliance and reporting shall be designated in this section.
- (5) Statement of assurances.
 - (a) Provide a statement that the agency, sub recipients and all parties involved have complied with Title VI.
 - (b) This statement shall be consistent with any assurances provided to the applicable federal agency which provides funding for covered activities. Also include:
 1. A statement that a sub recipient shall have agreed in writing to adopt the Title VI plan of that agency.
 2. If the sub recipient's Title VI plan differs from the state agency plan, a statement that the sub recipient plan shall be available for review from the name and title of officials identified in subsection (4) of this section.
- (6) Identify programs or activities subject to Title VI.
 - (a) Identify each program, type of assistance identified in the federal grant agreement, and the manner in which the agency shall deliver the service or perform the activity.
 - (b) List the federal program, coverages and potential beneficiaries.
- (7) Complaint procedures.
 - (a) Describe the complaint procedures within the agency as follows:
 1. How a complaint shall be filed;
 2. Where to file a complaint;
 3. Time frame within which the complaint shall be processed by the agency; and
 4. Withdrawal of a complaint;
 - (b) Describe agency procedures relating to investigations, report of findings, hearings and appeals.
- (8) Compliance/noncompliance reporting.
 - (a) Describe agency plans to regulate, monitor, review, and report on the federal programs to assure compliance.
 - (b) Identify actions to be taken by the agency upon a finding of noncompliance, including:
 1. Processing;
 2. Reporting;
 3. Resolution;
 4. Enforcement of corrective actions; and
 5. Monitoring of programs.
- (9) Agency training plan.
 - (a) Describe the agency education and training plan, orientation, and technical assistance related to agency implementation of the plan;

45 KAR 1:080 (Continued)

(b) Identify ways the agency plans to improve staff capability, knowledge and effectiveness.

(10) Evaluation procedures of Title VI plan.

(a) Specify how the agency shall measure its goals and the time frame established to achieve those goals.

(b) The agency shall:

1. Describe how it plans to evaluate the Title VI plan and maintain continued compliance;
2. Identify any existing needs or plan deficiencies;
3. Maintain written progress reports; and
4. Describe corrective procedures.

(11) Public notice and outreach.

(a) Identify how the agency shall inform persons about the agency's:

1. Title VI plan;
2. Complaint procedures;
3. Nondiscrimination policy; and
4. Programs and services.

(b) Identify the agency contact person, office or department responsible for distribution of information relating to paragraph (a) of this subsection.

(12) Recordkeeping and reporting.

(a) Describe the recordkeeping procedures for the following:

1. Filing and processing of complaints;
2. Administrative data or records applicable to the plan;
3. Data sheets, including, a complaint log or performance reports, standardized forms, and retention of records.

(b) Changes in subsections (8) and (9) of this section of the plan shall be identified in this subsection.

(c) Provide reporting data showing the extent to which members of protected parties are participating in the Title VI programs and activities.

(13) Minority representation on planning board or advisory body.

(a) Describe the representation of minorities on any agency board or advisory body;

(b) If minority representation is deficient on these bodies, describe what policy the agency shall implement to ensure minority participation on advisory bodies; and

(c) Describe the race and national origin of the agency's staff.

Section 5. The agency shall submit Title VI initial plans, and annual Title VI plan updates on the "Commonwealth of Kentucky, Auditor of Public Accounts, Title VI of the Federal Civil Rights Act, Implementation Initial Plan and Plan Update Form" (1995).

Section 6. Incorporation By Reference. (1) "Commonwealth of Kentucky, Auditor of Public Accounts, Title VI of the Federal Civil Rights Act, Implementation Initial Plan and Plan Update Form" (1995) is incorporated by reference.

(2) This document may be inspected, copied, or obtained at the Office of the Auditor of Public Accounts, 144 Capitol Annex, Frankfort, Kentucky 40601, 8 a.m. to 4:30 p.m., Monday through Friday. (21 Ky.R. 1399; eff. 2-8-95.)

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SCHEDULE OF COMPLIANCE WITH 45 KAR 1:080 SECTION (4)

**SCHEDULE OF COMPLIANCE WITH 45 KAR 1:080 SECTION (4)
FOR THE YEAR ENDED JUNE 30, 2011**

We reviewed each Title VI implementation plan and update submitted by federally funded agencies to determine if the agency was in compliance with the requirements of 45 KAR 1:080 and KRS 344.015. Twenty-three agencies received federal funds except for universities and colleges for fiscal year 2011, of which all twenty-three submitted Title VI plans/updates. Universities and colleges are not listed in the Schedule of Expenditures of Federal Awards or the Statewide Single Audit of Kentucky and have their own reporting requirements for Title VI. The table below presents the detailed results of each agency's compliance with specific requirements. Columns 1-13 in the table correspond to the required components of 45 KAR 1:080 Section (4). The six components required to be updated annually are shaded. The LEP column identifies whether agency plans comply with Limited English Proficiency (LEP) requirements of Executive Order 13166. A summary of compliance problems identified for each required component is presented at the end of this section.

	Glossary	Overview	Scope Applicability	Responsible Official	Statement of Assurances	ID Programs Under Title VI	Complaint Procedures	Noncomply-Comply Report	Agency Training Plan	Evaluation Procedures Of Plan	Notice and Outreach	Record Keeping and Reporting	Minority Representation On Board	Limited English Proficiency (LEP) Addressed
Agency	1	2	3	4	5	6	7	8	9	10	11	12	13	LEP
General Government Cabinet	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
Department of Agriculture	♦	♦	♦	♦	♦	✓	✓	♦	✓	✓	♦	✓	✓	✓
Office of the Attorney General	♦	♦	♦	♦	♦	✓	✓	♦	✓	✓	✓	✓	✓	✓
Unified Prosecutorial System	◇	◇	◇	◇	◇	◇	◇	◇	◇	◇	◇	◇	◇	◇
Department of Military Affairs	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Department for Local Government	♦	♦	♦	♦	♦	✓	✓	♦	✓	✓	♦	✓	✓	✓
Kentucky Infrastructure Authority	◇	◇	◇	◇	◇	◇	◇	◇	◇	◇	◇	◇	◇	◇
Office of the Secretary of State	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Board of Elections	♦	♦	♦	✓	♦	✓	✓	♦	✓	✓	♦	✓	✓	✓
Kentucky Commission on Human Rights	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Office of the Governor	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Office of Homeland Security	◇	◇	◇	◇	◇	◇	◇	◇	◇	◇	◇	◇	◇	◇
Kentucky Council on Postsecondary Education	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Kentucky Labor Cabinet	♦	♦	♦	♦	♦	✓	✓	♦	✓	✓	✓	✓	✓	✓
Office of the Secretary														
Department of Workplace Standards														
Kentucky Transportation Cabinet	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Department of Highways														
Office of Program Planning and Management														
Office of Project Development														
Office of Project Delivery														
Office of Transportation Delivery														
Office of Human Resource Management														
Office for Civil Rights and Small Business Development														

Schedule of Compliance With 45 KAR 1:080 Section (4)

For The Year Ended June 30, 2011

(Continued)

	Glossary	Overview	Scope Applicability	Responsible Official	Statement of Assurances	ID Programs Under Title VI	Complaint Procedures	Noncomply-Comply Report	Agency Training Plan	Evaluation Procedures Of Plan	Notice and Outreach	Record Keeping and Reporting	Minority Representation On Board	Limited English Proficiency (LEP) Addressed
Cabinet for Economic Development	♦	✓	♦	✓	✓	✓	✓	♦	✓	✓	✓	✓	✓	✓
Office of the Secretary														
Office of Legal Services														
Office of Administrative Services														
Office of Research and Public Affairs														
Office of Commercialization and Innovation														
Department for Business Development														
Department of Financial Incentives														
Finance and Administration Cabinet	✓	✓	♦	✓	♦	✓	✓	♦	✓	✓	♦	✓	✓	✓
Office of the Secretary														
Office of Public Information														
Office of General Counsel														
Office of the Controller														
Office of Equal Employment Opportunity and Contract Compliance														
Office of Administrative Services														
Commonwealth Office of Technology														
Department for Facilities and Support Services														
Department of Revenue														
Tourism, Arts & Heritage Cabinet	♦	♦	♦	♦	♦	✓	✓	♦	✓	✓	♦	✓	✓	✓
Kentucky Heritage Council														
Kentucky Arts Council														
Kentucky Historical Society														
Department of Fish and Wildlife Resources														
Kentucky Department of Parks														
Kentucky Office For Adventure Tourism														
Kentucky Humanities Council														
Kentucky Horse Park														
Education and Workforce Development Cabinet	♦	♦	♦	♦	♦	✓	✓	♦	✓	✓	♦	✓	✓	✓
Department of Workforce Investment														
Education Professional Standards Board	♦	♦	♦	♦	♦	✓	✓	♦	✓	✓	♦	✓	✓	✓
Kentucky Department of Education	♦	♦	♦	♦	♦	✓	✓	♦	✓	✓	♦	✓	X	✓
Kentucky Educational Television (KET)	♦	♦	♦	♦	♦	✓	✓	♦	✓	✓	♦	✓	✓	✓
Kentucky Department for Libraries and Archives	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Public Protection Cabinet	✓	♦	♦	♦	♦	✓	✓	♦	✓	✓	✓	✓	✓	✓
Department of Insurance														
Board of Claims and Crime Victims Compensation Board														

Schedule of Compliance With 45 KAR 1:080 Section (4)

For The Year Ended June 30, 2011

(Continued)

	Glossary	Overview	Scope Applicability	Responsible Official	Statement of Assurances	ID Programs Under Title VI	Complaint Procedures	Noncomply-Comply Report	Agency Training Plan	Evaluation Procedures Of Plan	Notice and Outreach	Record Keeping and Reporting	Minority Representation On Board	Limited English Proficiency (LEP) Addressed
Energy and Environment Cabinet	✓	◆	◆	◆	◆	✓	✓	◆	✓	✓	✓	✓	✓	✓
Department for Environmental Protection														
Department for Natural Resources														
Department for Energy Development and Independence														
Kentucky Nature Preserves Commission														
Office of Administrative Hearings														
Public Service Commission														
Cabinet for Health and Family Services	◆	✓	◆	◆	◆	✓	✓	◆	✓	✓	◆	✓	✓	✓
Department for Behavioral Health, Developmental and Intellectual Disabilities														
Department of Aging and Independent Living														
Department for Family Resource Centers and Volunteer Services														
Department for Public Health														
Department for Income Support														
Department for Community Based Services														
Department for Medicaid Services														
Commission for Children with Special Health Care Needs														
Justice and Public Safety Cabinet	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Justice - Office of the Secretary														
Department of Public Advocacy														
Department of State Police														
Department of Juvenile Justice														
Department of Criminal Justice Training														
Department of Corrections														

Tickmark Legend:

✓	Contains the necessary information to be in compliance with the requirements of Title VI.
✗	Does not meet the compliance requirement of Title VI.
■	Adopted Cabinet Plan (Not an exception).
□	Each individual agency submitted a plan or update (Not an exception).
◇	Agency was combined with another Agency Plan (Not an exception).
◆	Subsection was not submitted; however, subsection is not required to be updated annually (Not an exception).

**Schedule of Compliance With 45 KAR 1:080 Section (4)
For The Year Ended June 30, 2011
(Continued)**

In reviewing the Title VI plans for compliance, we found the following:

45 KAR 1:080 Requirement		Problems Identified
1	Glossary	0
2	Overview	0
3	Scope Applicability	0
4	Responsible Official	0
5	Statement of Assurances	0
6	ID Programs Under Title VI	0
7	Complaint Procedures	0
8	Noncomply-Comply Report	0
9	Agency Training Plan	0
10	Evaluation Procedures of Plan	0
11	Notice and Outreach	0
12	Record Keeping and Reporting	0
13	Minority Representation on Board	1

The results of our review noted a total of one exception, which supports continued improvement over the prior year plan submissions.

In addition, we reviewed each of the twenty-three submitted plans for compliance with Executive Order 13166, Improving Access To Services For Persons With Limited English Proficiency. In reviewing the Title VI plans for compliance we found that all twenty-three agencies incorporated a written LEP plan within their Title VI report. Agencies do have flexibility in developing a written plan to address the needs of the LEP population. Agencies serving very few LEP persons and agencies with very limited resources may choose not to develop a written LEP plan. However, the absence of a written LEP plan does not prevent the agency from the obligation to ensure meaningful access by LEP person to the programs or activities. If the agency does not develop a written plan, then alternative ways to articulate meaningful access should be performed to effectively fulfill the requirements set forth in Executive Order 13166.

Conclusion and Recommendation:

The Title VI implementation plans and/or updates submitted by agencies receiving federal funds have been examined for compliance with 45 KAR 1:080 and Executive Order 13166. In performing this test, we noted one instance of noncompliance as discussed above.

Each agency will receive a copy of the report that will notify it of non-compliance in accordance with 45 KAR 1:080, KRS 344.015, and Executive Order 13166. We recommend that agencies with non-compliance issues carefully review the provided laws and regulations to determine necessary actions to take in order to comply with the Title VI reporting requirements.

**AGENCIES RECEIVING FEDERAL FUNDS AND THE DATE OF
RECEIPT BY THE AUDITOR OF PUBLIC ACCOUNTS OF
AGENCY PLANS/UPDATES**

**STATE AGENCIES RECEIVING FEDERAL FUNDS AS OF JUNE 30, 2011
AND DATE PLAN/UPDATE RECEIVED**

KRS 344.015(2)(c) states each state agency shall “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.” The table below presents the receipt dates for plans, plan updates, and/or reports submitted to the APA, and a determination as to whether the agency complied with these timing requirements. We identified all twenty-three plans were submitted by the July 1, 2011 deadline.

Agency Receiving Federal Funds as of June 30, 2010	Date Plan, Update, or Report Received	Was Date Plan Received Timely?
General Government Cabinet	Plans were submitted by each agency	
Department of Agriculture	6/30/2011	YES
Office of the Attorney General	6/30/2011	YES
Unified Prosecutorial System		
Department of Military Affairs	6/23/2011	YES
Department for Local Government	6/29/2011	YES
Kentucky Infrastructure Authority		
Office of the Secretary of State	6/22/2011	YES
Board of Elections	6/28/2011	YES
Kentucky Commission on Human Rights	6/27/2011	YES
Office of the Governor	7/1/2011	YES
Office of Homeland Security		
Kentucky Council on Postsecondary Education	6/20/2011	YES
Kentucky Labor Cabinet	6/30/2011	YES
Office of the Secretary		
Department of Workplace Standards		
Kentucky Transportation Cabinet	6/30/2011	YES
Department of Highways		
Office of Program Planning and Management		
Office of Project Development		
Office of Project Delivery		
Office of Transportation Delivery		
Office of Personnel Management		
Office for Civil Rights and Small Business Development		
Cabinet for Economic Development	6/29/2011	YES
Office of the Secretary		
Office of Legal Services		
Office of Administrative Services		
Office of Research and Public Affairs		
Office of Commercialization and Innovation		
Department for Business Development		
Department of Financial Incentives		
Finance and Administration Cabinet	7/1/2011	YES
Office of the Secretary		
Office of Public Information		
Office of General Counsel		
Office of the Controller		
Office of Equal Employment Opportunity and Contract Compliance		
Office of Administrative Services		
Commonwealth Office of Technology		
Department for Facilities and Support Services		
Department of Revenue		

**State Agencies Receiving Federal Funds as of June 30, 2011
and Date Plan/Update Received by APA
(Continued)**

Agency Receiving Federal Funds as of June 30, 2010	Date Plan, Update, or Report Received	Was Date Plan Received Timely?
Tourism, Arts & Heritage Cabinet	7/1/2011	YES
Kentucky Heritage Council		
Kentucky Arts Council		
Kentucky Historical Society		
Department of Fish and Wildlife Resources		
Kentucky Department of Parks		
Kentucky Office For Adventure Tourism		
Kentucky Humanities Council		
Kentucky Horse Park		
Education and Workforce Development Cabinet	6/30/2011	YES
Department of Workforce Investment		
Education Professional Standards Board	6/30/2011	YES
Kentucky Department of Education	6/30/2011	YES
Kentucky Educational Television (KET)	6/30/2011	YES
Kentucky Department for Libraries and Archives	6/27/2011	YES
Public Protection Cabinet	6/17/2011	YES
Department of Insurance		
Board of Claims and Crime Victims Compensation Board		
Energy and Environment Cabinet	6/17/2011	YES
Department for Environmental Protection		
Department for Natural Resources		
Department for Energy Development and Independence		
Kentucky Nature Preserves Commission		
Office of Administrative Hearings		
Public Service Commission		
Cabinet for Health and Family Services	6/30/2011	YES
Department for Behavioral Health, Developmental and Intellectual Disabilities		
Department of Aging and Independent Living		
Department for Family Resource Centers and Volunteer Services		
Department for Public Health		
Department for Income Support		
Department for Community Based Services		
Department for Medicaid Services		
Commission for Children with Special Health Care Needs		
Justice and Public Safety Cabinet	6/22/2011	YES
Justice - Office of the Secretary		
Department of Public Advocacy		
Department of State Police		
Department of Juvenile Justice		
Department of Criminal Justice Training		
Department of Corrections		

Tickmark Legend:

	Agency adopted cabinet/agency plan (Not an Exception).
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