MoDOT LEP WORKSHOP
1. Title VI Program and Requirement to Provide Meaningful Access to LEP Persons

Prepared by
Philips & Associates, Inc., Program Consultants

May 3, 2013

Outline

- ☐ **Title VI Program and Requirement to Provide Meaningful Access to LEP persons**

- ☐ The Four Factor Analysis

- ☐ Using Census Data for the Four Factor Analysis

- ☐ Vital Documents

- ☐ Monitoring/Evaluation of Language Assistance Plan

- ☐ Staff Training

- ☐ Non-Compliance with Language Assistance Plan

- ☐ LEP Plan Outline

- ☐ Summary

Title VI Program
and requirement to provide meaningful access to LEP persons

True or False?

English is the official language of the United States.

Title VI Program
and requirement to provide meaningful access to LEP persons

Limited English Proficiency

- ☐ The inability to speak, read, write, or understand English at a level that permits effective interaction with providers.

- ☐ Public transit is a key means of achieving mobility for many LEP persons.

  - ☐ LEP persons are three times more likely to use public transit services, than those who speak English well.

Title VI Program
and requirement to provide meaningful access to LEP persons

☐ There is no Limited English Proficiency law. It is the combination of several existing laws.

☐ Title VI of the Civil Rights Act is the legal basis for LEP regulations, to disallow national origin discrimination.

Title VI of the Civil Rights Act of 1964 provides that no person shall be subjected to discrimination on the basis of race, color or national origin under any program or activity that receives federal financial assistance.

Title VI Program
and requirement to provide meaningful access to LEP persons

Legal Basis

☐ Title VI of the Civil Rights Act of 1964

☐ Executive Order 13166 – *"Improving Access for Persons with Limited English Proficiency,"* August 18, 2000

☐ FTA Circular 4702.1B, *"Title VI Requirements and Guidelines for Federal Transit Administration Recipients,"* October 1, 2012

☐ *Implementing DOT Policy Guidance Concerning Recipients' Responsibilities to LEP Persons*, April 13, 2007

☐ *Checklist for Developing a LEP Plan*, August 6, 2003

☐ State Program/Plan Documentation and Guidance

Limited English Proficiency (LEP)
A Federal Interagency Website

LEP.gov
Mission Statement

Title VI Program
and requirement to provide meaningful access to LEP persons

Legal Basis and Guidance

☐ Title VI of the Civil Rights Act of 1964
http://www.dol.gov/oasam/regs/statutes/titlevi.htm

☐ Executive Order 13166
http://www.lep.gov/13166/eo13166.html

☐ FTA Circular 4702.1B, *October 1, 2012*
http://www.fta.dot.gov/legislation_law/12349_14792.html

☐ *Implementing DOT Policy Guidance*, April 13, 2007
http://www.fta.dot.gov/documents/LEP_Handbook.doc

☐ *Checklist for Developing a LEP Plan*, August 6, 2003
http://www.vdh.state.va.us/ohpp/clasact/documents/clasact/language/checklist.pdf

Title VI Program
and requirement to provide meaningful access to LEP persons

UNITED STATES DEPARTMENT OF LABOR

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Title VI, Civil Rights Act of 1964

§2000d Prohibition against exclusion from participatio of race, color or national origin

No person in the United States shall, on the ground of race, co discrimination under any program or activity receiving Federal

§2000d-1. Federal authority and financial assistance to or guaranty; rules and regulations; approval by Preside administrative action

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Title VI - Civil Rights Act of 1964
SEC. 601 TITLE VI--NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

Provisions related to language access:

Service providers should implement policies and procedures to provide access to services and information in appropriate languages other than English to ensure that persons with limited English proficiency are effectively informed and effectively participate in any benefit.

http://usinfo.state.gov/usa/infousa/laws/majorlaw/civilr19.htm

Office of the Attorney General

Washington, D.C. 20530

February 17, 2011

MEMORANDUM FOR: HEADS OF FEDERAL AGENCIES, GENERAL COUNSELS, AND CIVIL RIGHTS HEADS

FROM: THE ATTORNEY GENERAL

SUBJECT: Federal Government's Renewed Commitment to Language Access Obligations Under Executive Order 13166

Executive Order 13166[1] was issued in August of 2000 and this memorandum reaffirms its mandate. The Executive Order has two primary parts. First, it directs each federal agency to develop and implement a system by which limited English proficient (LEP) persons can meaningfully access the agency's services. Second, it directs each agency providing federal financial assistance to issue guidance to recipients of such assistance on their legal obligations to take reasonable steps to ensure meaningful access for LEP persons under the national origin nondiscrimination provisions of Title VI of the Civil Rights Act of 1964, and implementing regulations.

Whether in an emergency or in the course of routine business matters, the success of government efforts to effectively communicate with members of the public depends on the widespread and nondiscriminatory availability of accurate, timely, and vital information. Events such as the H1N1 influenza pandemic, Hurricanes Katrina and Rita, the Gulf oil spill, and the 2010 Decennial Census highlight the need for federal agencies to ensure language access both in their own activities, as well as in those of the recipients of federal financial assistance.

Despite the legal and public service obligations that compel federal agencies and recipients to ensure language access, a 2006 language access survey of the federal government revealed significant variations in the extent to which federal agencies are aware of, and in compliance with, principles of language access. This conclusion is buttressed by an April 2010 Government Accountability Office (GAO) report on language access at federal agencies. That report offers concrete suggestions, some of which are incorporated in this memorandum, for improving our efforts to comply with Executive Order 13166. Further, federal interagency language access conferences held over the last few years reveal that, while the federal government as a whole has taken commendable strides toward providing language access in

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[1] 65 Fed. Reg. 50,121 (Aug. 16, 2000).

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CIRCULAR

U.S. Department
of Transportation

**Federal Transit
Administration**

FTA C 4702.1B

October 1, 2012

**Subject: TITLE VI REQUIREMENTS AND GUIDELINES FOR FEDERAL
TRANSIT ADMINISTRATION RECIPIENTS**

1. <u>PURPOSE</u>. The purpose of this Circular is to provide recipients of Federal Transit Administration (FTA) financial assistance with guidance and instructions necessary to carry out U.S. Department of Transportation ("DOT" or "the Department") Title VI regulations (49 CFR part 21) and to integrate into their programs and activities considerations expressed in the Department's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient ("LEP") Persons (70 FR 74087, December 14, 2005).

2. <u>CANCELLATION</u>. This Circular supersedes FTA Circular 4702.1A "Title VI and Title VI-Dependent Guidelines for Federal Transit Administration Recipients," dated May 13, 2007.

3. <u>AUTHORITY</u>.

   a. Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.

   b. Federal Transit Laws, Title 49, United States Code, Chapter 53.

   c. 49 CFR § 1.51.

   d. 49 CFR part 21.

   e. 28 CFR § 42.401 et seq.

4. <u>WAIVER</u>. FTA reserves the right to waive any requirements of this Circular to the extent permitted by law.

5. <u>FEDERAL REGISTER NOTICE</u>. In conjunction with publication of this Circular, FTA published a notice in the *Federal Register* on August 28, 2012, addressing comments received during development of the Circular.

APPENDIX A

TITLE VI PROGRAM CHECKLIST

Every three years, on a date determined by FTA, each recipient is required to submit the following information to the Federal Transit Administration (FTA) as part of their Title VI Program. Subrecipients shall submit the information below to their primary recipient (the entity from whom the subrecipient receives funds directly), on a schedule to be determined by the primary recipient.

General Requirements (Chapter III)

All recipients must submit:

- ☐ Title VI Notice to the Public, including a list of locations where the notice is posted
- ☐ Title VI Complaint Procedures (i.e., instructions to the public regarding how to file a Title VI discrimination complaint)
- ☐ Title VI Complaint Form
- ☐ List of transit-related Title VI investigations, complaints, and lawsuits
- ☐ Public Participation Plan, including information about outreach methods to engage minority and limited English proficient populations (LEP), as well as a summary of outreach efforts made since the last Title VI Program submission
- ☐ Language Assistance Plan for providing language assistance to persons with limited English proficiency (LEP), based on the DOT LEP Guidance
- ☐ A table depicting the membership of non-elected committees and councils, the membership of which is selected by the recipient, broken down by race, and a description of the process the agency uses to encourage the participation of minorities on such committees
- ☐ Primary recipients shall include a description of how the agency monitors its subrecipients for compliance with Title VI, and a schedule of subrecipient Title VI Program submissions
- ☐ A Title VI equity analysis if the recipient has constructed a facility, such as a vehicle storage facility, maintenance facility, operation center, etc.
- ☐ A copy of board meeting minutes, resolution, or other appropriate documentation showing the board of directors or appropriate governing entity or official(s) responsible for policy decisions reviewed and approved the Title VI Program. For State DOT's, the appropriate governing entity is the State's Secretary of Transportation or equivalent. The approval must occur prior to submission to FTA.
- ☐ Additional information as specified in chapters IV, V, and VI, depending on whether the recipient is a transit provider, a State, or a planning entity (see below)

Requirements of Transit Providers (Chapter IV)

All Fixed Route Transit Providers must submit:

- ☐ All requirements set out in Chapter III (General Requirements)
- ☐ Service standards

Implementing the Department of
Transportation's Policy Guidance
Concerning Recipients Responsibilities
to Limited English Proficient (LEP) Persons

A Handbook for Public Transportation
Providers

Prepared by:
The Federal Transit Administration
Office of Civil Rights

April 13, 2007

Checklist
For Developing a
Limited English Proficiency
(LEP)
Plan

Prepared by:
National Association
of State Workforce Agencies

August 6, 2003

State of Missouri

Program
Documentation
and
Guidance

Title VI Program
and requirement to provide meaningful access to LEP persons

Specifically, the Title VI Program includes a **requirement to provide *meaningful access* to LEP persons**.
(FTA C 4702.1B III-6)

What does meaningful access look like?

☐ Practices and operating procedures cannot have the effect of restricting meaningful participation by LEP persons.

☐ Language assistance, to whatever extent it is provided, must be _at no cost_ to the individual.

☐ It must be competent assistance.

Title VI Program
and requirement to provide meaningful access to LEP persons

Requirement to provide meaningful access to LEP persons applies to both recipients and subrecipients.

- ☐ Recipients
    - ☐ State DOT
    - ☐ Transit agency
    - ☐ Any public or private agency, organization, institution, department or other organizational unit receiving funding from USDOT/FTA.

- ☐ Sub-recipients
    - ☐ Any entity that receives USDOT/FTA financial assistance as a pass-through from another entity.

Title VI Program
and requirement to provide meaningful access to LEP persons

Title VI Program must include:

- ☐ **Summary of public outreach and involvement activities to engage minority and LEP populations.**

- ☐ Procedures for tracking and investigating Title VI complaints.

- ☐ List of any Title VI investigations, complaints, or lawsuits.

- ☐ Title VI notice and instructions on how to file a discrimination complaint.

- ☐ Document compliance by having a Title VI document in place with state DOT and Federal Transit Administration.

  - ☐ Update document regularly.

Title VI Program
and requirement to provide meaningful access to LEP persons

☐ In order to comply with the reporting requirements established in 49 CFR Section 21.9(b)*, **all recipients (organizations) shall develop procedures for investigating and tracking Title VI complaints** filed against them and make their procedures for filing a complaint available to members of the public.

☐ Recipients (organizations) must also develop a **Title VI complaint form**, and the form and procedure for filing a complaint shall be available on the recipient's (organization's) website.

*Code of Federal Regulations, Title 49 - Transportation

Title VI Program
and requirement to provide meaningful access to LEP persons

PROCEDURE FOR FILING A COMPLAINT
If you believe you have been discriminated against, or that there has been a violation of any laws or regulations, or if you have a problem regarding services received, you have the right to file a grievance.

When a complaint or grievance is filed, the following will happen:

- PVTA staff will contact you to meet to resolve the situation.
- Meeting will be documented in writing and all parties will receive a copy of the meeting notes.
- If the issue is resolved, no further actions will be taken.
- If no resolution is apparent, a formal, written complaint may be filed with:

> George L. Sparks, PVTA Administrator
> Pomona Valley Transportation Authority
> 2120 Foothill Blvd. Ste. 116
> La Verne, CA 91750
> (909) 596-7664 (phone)
> (909) 596-7399 (Fax)
> **glspvta@gmail.com** (e-mail)

If a resolution of the situation is not apparent in a reasonable time, the complaint or grievance may be forwarded to: U.S. Department of Transportation, Federal Transit Administration, Office of Civil Rights. The regional office is located at Federal Transportation, Region IX 201 Mission Street, Suite 1650, San Francisco CA 94105-1839

-- Pomona Valley Transportation Authority

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Title VI / LEP Complaint Form

Title VI Complaint Form

Missouri Department of Transportation
External Civil Rights Division

MoDOT is committed to ensuring that no person is excluded from participation in or denied the benefits of its services on the basis of race, color or national origin, as provided by Title VI of the Civil Rights Act of 1964, as amended. Title VI complaints must be filed within 180 days from the date of the alleged discrimination.

The following information is necessary to assist us in processing your complaint. If you require any assistance in completing this form, please contact the Title VI Coordinator by calling (573)751-4309. The completed form must be returned to: MoDOT External Civil Rights Division, Title VI Coordinator, 1617 Missouri Blvd, P.O. Box 270, Jefferson City, Missouri 65102-0270.

Name:

Street Address, City, State and Zip:

Phone Number & Email Address:

Alternate Phone Number:

Name of person(s) discriminated against (if someone other than complainant):

Street Address, City, State and Zip:

Phone Number & Email Address:

Alternate Phone Number:

Please check the reason(s) for which you believe you were discriminated:

☐ Race
☐ Color
☐ National Origin (Limited English Proficiency)

Person who are deaf or hard of hearing may contact ECR through Relay Missouri Services at (800)735-2966 or 711 (Toll Free – TTY)

Title VI Complaint Form

Date of Incident: _____

Please describe the alleged discrimination incident. Provide the name and title of all individuals involved if available. Explain what happened and who you believe was responsible. You may attach any written materials or other information that you believe is relevant to your complaint.

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Title VI / LEP Complaint Form

Title VI Complaint Form

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Please list any witness(es) to the alleged discrimination:

Name:
Street Address, City, State and Zip:
Phone Number & Email Address:
Name:
Street Address, City, State and Zip:
Phone Number & Email Address:

What corrective action would you like to see taken?

_____
_____
_____
_____

Person who are deaf or hard of hearing may contact ECR through Relay Missouri Services at (800)735-2966 or 711 (Toll Free – TTY)

Title VI Complaint Form

Have you filed a complaint with any other federal, state or local agency/ agencies/ court(s)?

☐ Yes   ☐ No

If so, please list the agencies in which you filed a complaint and provide their contact information:

Agency:
Contact Person:
Street Address, City, State and Zip:
Phone Number & Email Address:
Agency:
Contact Person:
Street Address, City, State and Zip:
Phone Number & Email Address:

I affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

_____   _____
Complainant's Signature   **Date**

_____   _____
Print Name of Complainant   **Date**

Person who are deaf or hard of hearing may contact ECR through Relay Missouri Services at (800)735-2966 or 711 (Toll Free – TTY)

Title VI Program
and requirement to provide meaningful access to LEP persons

Overview of requirements:

1. Identify LEP individuals who need language assistance.
2. Develop a Language Assistance (LA) Plan.
3. Implement and maintain your Language Assistance Plan.

> *The Language Assistance Plan is sometimes referred to as the LEP Plan. Most accurately, the Requirement to Provide Meaningful Access to LEP Persons (FTA C 4702.1B III-6) includes the two-fold process of conducting a <u>Four Factor Analysis</u>, and using those results to develop a <u>Language Assistance Plan</u> (or LEP Plan) (FTA C 4702.1B III-8).*

There are variable guidelines regarding incorporation of *written* translated materials (Safe Harbor provision) in the LA Plan.

Title VI Program
and requirement to provide meaningful access to LEP persons

Developing an Implementation Plan on Language Assistance

From Circular: Organizations have considerable flexibility in developing a Language Assistance Plan. The Plan shall, at minimum, include 5 elements:

Five Elements of a Language Assistance Plan*:

1. Identify LEP individuals who need language assistance.
2. Provide language assistance measures.
3. Provide notice to LEP persons about availability of language assistance.
4. Monitor and update the language assistance plan.
5. Train staff.

*these are "shorthand" descriptions of Language Assistance Plan elements.

MoDOT LEP WORKSHOP
2. Four Factor Analysis

Prepared by
Philips & Associates, Inc., Program Consultants

May 3, 2013

Outline

- ☐ Title VI Program and Requirement to Provide Meaningful Access to LEP persons

- ☐ **The Four Factor Analysis**

- ☐ Using Census Data for the Four Factor Analysis

- ☐ Vital Documents

- ☐ Monitoring/Evaluation of Language Assistance Plan

- ☐ Staff Training

- ☐ Non-Compliance with Language Assistance Plan

- ☐ LEP Plan Outline

- ☐ Summary

Four Factor Analysis

From the Title VI Program requirement to provide *meaningful access to LEP persons*:

The steps an organization takes to provide **"meaningful access"** depends on*:

- ❑ The **number or proportion of LEP persons** in organization's area.
- ❑ The **frequency of contact** between LEP persons and the organization's services.
- ❑ The **importance of the service** provided by the organization.
- ❑ The **resources available** to the organization and costs.

*these are "shorthand" descriptions of the **Four Factor** Analysis*

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Four Factor Analysis

From the Title VI Program requirement to provide *meaningful access to LEP persons*:

<u>The steps an organization takes to provide **"meaningful access"** depends on</u>*:

- ❑ The **number or proportion of LEP persons** in organization's area.
- ❑ The **frequency of contact** between LEP persons and the organization's services.

<u>**Five Elements of a Language Assistance Plan**</u>:
1. **Identify LEP individuals who need language assistance.**
2. Provide language assistance measures.
3. Provide notice to LEP persons about availability of language assistance.
4. Monitor and update the language assistance plan.
5. Train staff.

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External Civil Rights

Multimodal

Four Factor Analysis

Four-Factor Analysis

☐ **<u>Factor 1</u>: Number or proportion of LEP persons eligible to be served or likely to be encountered by the program or recipient (organization).**

☐ <u>Factor 2</u>: Frequency with which LEP persons come into contact with the program.

☐ <u>Factor 3</u>: Nature and importance of the program, activity, or service provided by the program to people's lives.

☐ <u>Factor 4</u>: Resources available to the organization for LEP outreach, as well as the costs associated with that outreach.

External Civil Rights | **Multimodal**

Four Factor Analysis

Four-Factor Analysis

☐ **Factor 1: Number or proportion of LEP persons eligible to be served or likely to be encountered by the program or recipient (organization).**

☐ *From particular language group(s).*

☐ *Eligible to be served or encountered.*

☐ *The greater the number or proportion, the more likely pre-arranged language service responses are needed.*

-- NCDOT Office of Civil Rights and Business Development, 2007

Four Factor Analysis

Four-Factor Analysis

☐ **<u>Factor 1</u>: Number or proportion of LEP persons eligible to be served or likely to be encountered by the program or recipient (organization).**

    a. <u>Begin with Preliminary Discussion</u>.

        ☐ Broadly determine the extent to which LEP persons could/can come into contact with the organization.

        ☐ Review <u>relevant</u> benefits, services, and information provided by your organization.

        Take the initiative to discuss how the <u>dynamics and characteristics</u> of your organization ***and** of the LEP community* may overlap.

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Four Factor Analysis

Four-Factor Analysis

☐ **Factor 1: Number or proportion of LEP persons eligible to be served or likely to be encountered by the program or recipient (organization).**

   b. **Become familiar with census data.**

      ☐ **Identify** the geographic boundaries of the area that your organization serves.

      ☐ **Obtain** census data on the LEP population in your service area.

      ☐ **Analyze** the data you have collected.

      ☐ **Understand** any concentrations of LEP persons within your service area.

MO Bootheel: LEP Population
"Speak English less than very well"

239
0.7%

Scott

Stoddard

Mississippi

135
1.0%

112
0.4%

New Madrid

133
0.8%

637
2.1%

Pemiscot

Dunklin

65
0.4%

Missouri   128,998 2.3%
6 Counties   1,321   0.9%

MoDOT LEP WORKSHOP
Using Census Data for the Four Factor Analysis

Missouri Department of Transportation

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Prepared by
Philips & Associates, Inc., program consultants

Four Factor Analysis

Four-Factor Analysis

☐ <u>Factor 1</u>: Number or proportion of LEP persons eligible to be served or likely to be encountered by the program or recipient (organization).

☐ **<u>Factor 2</u>: Frequency with which LEP persons come into contact with the program.**

☐ <u>Factor 3</u>: Nature and importance of the program, activity, or service provided by the program to people's lives.

☐ <u>Factor 4</u>: Resources available to the recipient (organization) for LEP outreach, as well as the costs associated with that outreach.

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Four Factor Analysis

Four-Factor Analysis

☐ **<u>Factor 2</u>: Frequency with which LEP persons come into contact with the program.**

☐ *From particular language group(s).*

☐ *With the recipient/subrecipient (organization).*

☐ *Also consider frequency/intensity of individual contact.*

☐ *Greater frequency = greater need for enhanced language services.*

-- NCDOT Office of Civil Rights and Business Development, 2007

External Civil Rights

Multimodal

Four Factor Analysis

Four-Factor Analysis

☐ **Factor 2: Frequency with which LEP persons come into contact with the program.**

   a. Document staff encounters with LEP persons:

      ☐ In the course of providing organization's services.

      ☐ At agency (organization) and public meetings and programs.

   b. Track contacts (calls) for assistance:

      ☐ Volume

      ☐ Volume as percentage of all customer service calls

      ☐ Trends

Maintain records of LEP person encounters.

Four Factor Analysis

Four-Factor Analysis

☐ <u>Factor 1</u>: Number or proportion of LEP persons eligible to be served or likely to be encountered by the program or recipient (organization).

☐ <u>Factor 2</u>: Frequency with which LEP persons come into contact with the program.

☐ **<u>Factor 3</u>: Nature and importance of the program, activity, or service provided by the program to people's lives.**

☐ <u>Factor 4</u>: Resources available to the recipient (organization) for LEP outreach, as well as the costs associated with that outreach.

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Four Factor Analysis

Four-Factor Analysis

☐ **<u>Factor 3</u>: Nature and importance of the program, activity, or service provided by the program to people's (LEP persons') lives.**

   a. **<u>Identify</u> your organization's most critical services/benefits.**

   b. <u>Interact</u> (outreach) with community and organizations that champion needs of LEP persons.

   c. Seek out <u>information</u> effectively from the community regarding the LEP experience.

   d. <u>Corroborate</u> results of community outreach efforts.

External Civil Rights **Multimodal**

Four Factor Analysis

Four-Factor Analysis

☐ **Factor 3: Nature and importance of the program, activity, or service provided by the program to people's (LEP persons') lives.**

    a. Identify your organization's most critical services/benefits.

        ☐ Think of consequences of failure to communicate, interact and interface effectively with LEP persons.

        ☐ Determine impact on actual and potential beneficiaries of delays in the provision of LEP language services.

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Four Factor Analysis

Four-Factor Analysis

☐ **Factor 3: Nature and importance of the program, activity, or service provided by the program to people's (LEP persons') lives.**

    b. Interact (outreach) with community and organizations that champion needs of LEP persons.

        ☐ Plan and hold **community meetings** for purpose of obtaining information regarding needs of LEP persons.

        ☐ Partner with **community organizations** where similar goals can be achieved.

        ☐ **Publicize** organization's language assistance measures (with non-English media, where possible).

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Four Factor Analysis

Four-Factor Analysis

☐ **Factor 3: Nature and importance of the program, activity, or service provided by the program to people's (LEP persons') lives.**

    c. **Seek out information effectively** from the community regarding the LEP experience.

        ☐ **from groups**

        ☐ from individuals

Community groups sought out should include employers, colleges and universities, organizations with international experience (e.g. International Institute). Health care and nursing care agency human resource managers (employing LEP persons) are another source of information regarding the needs of the LEP community.

External Civil Rights **Multimodal**

Interaction within Your Community

<u>Questions to ask community groups serving LEP persons</u>:

☐ What geographic area does your organization serve?

☐ How many people does your organization provide services to?

☐ Has the size of the population you serve increased, stayed the same, or decreased over the past five years?

☐ What are the languages spoken by the population you serve?

☐ What is the age and gender of your population?

☐ Do the transit needs and travel patterns of the population vary depending on age or gender?

-- Implementing Policy Guidance, 2007

Interaction within Your Community

Questions to ask community groups serving LEP persons:

☐ What needs or expectations for public services has this population expressed?

☐ Has the population inquired about how to access public transportation or expressed a need for public transportation service?

☐ What are the most frequently traveled destinations?

☐ Are there locations that the population has expressed difficulty accessing via the public transportation system?

☐ What is the best way to obtain input from the population?

-- Implementing Policy Guidance, 2007

External Civil Rights | **Multimodal**

Interaction within Your Community

Input from LEP community:

☐ *"Bi-lingual drivers are needed."*

☐ *"Translated web sites are not particularly useful."*

☐ *"Outreach and public involvement with LEP persons is not sufficient."*

☐ *"People are unaware of the existence of language access measures."*

-- Co-sponsored community-based survey

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External Civil Rights

Multimodal

Four Factor Analysis

Four-Factor Analysis

☐ **Factor 3: Nature and importance of the program, activity, or service provided by the program to people's (LEP persons') lives.**

    c. Seek out information effectively from the community regarding the LEP experience.

        ☐ from groups

        ☐ **from individuals**

External Civil Rights **Multimodal**

Interaction within Your Community

<u>Conduct periodic surveys of LEP persons served or likely to be encountered by the organization</u>.

- ☐ **Individual Interviews**
  - ☐ can include questions to quantify LEP riders, their travel patterns, and route use.
- ☐ **(Periodic) Satisfaction Surveys**
  - ☐ can include detailed information about passenger demographics and travel patterns
- ☐ **(Periodic) Transit Origin-Destination Surveys**
- ☐ **Focus Groups**
  - ☐ advantage of pursuing directed lines of inquiry through facilitated discussions with LEP interest groups.

Interaction within Your Community

Questions to ask LEP focus groups:

☐ Do you use public transportation?

If a person answers "yes" ask the following questions:

☐ How often do you use public transportation?

☐ What kinds of public transportation do you use?

☐ When do you use public transportation? What purpose?

☐ Are you satisfied with the transportation you use?

☐ Do you have any suggestions how the people who run transportation services could improve it to make it work better for you? Please be as specific as you can.

-- Implementing Policy Guidance, 2007

External Civil Rights **Multimodal**

Interaction within Your Community

Questions to ask LEP focus groups:

☐ Do you use public transportation?

If a person answers "no" ask the following questions:

☐ How do you travel if you have to go somewhere in your area?

☐ Would you use public transportation if the transit services were set up differently? How might it look?

☐ How can the people that run the transit services make it work for you to use?

-- Implementing Policy Guidance, 2007

External Civil Rights | **Multimodal**

Interaction within Your Community

Input from LEP community:

☐ *"Guidance and instructions are difficult to understand."*

☐ *"People experience difficulty trying to get oral information from bus drivers."*

☐ *"Driver sensitivity and training is a problem."*

☐ *"Lack of transit services to places where LEP persons want to go is a problem."*

-- New Jersey Transit Focus Groups

Four Factor Analysis

Four-Factor Analysis

☐ **Factor 3: Nature and importance of the program, activity, or service provided by the program to people's (LEP persons') lives.**

 d. **Corroborate results** of community outreach efforts.

  ☐ (Potential gap analysis - desirable outcome).

> **a.** **Identify** your organization's most critical **services/benefits.**
>
> **b.** **Interact (outreach) with community and** organizations that champion needs of LEP persons.
>
> **c.** **Seek out information effectively** from the community regarding the LEP experience.
>
> **d.** **Corroborate results** of community outreach efforts.

Four Factor Analysis

Four-Factor Analysis

☐ <u>Factor 1</u>: Number or proportion of LEP persons eligible to be served or likely to be encountered by the program or recipient (organization).

☐ <u>Factor 2</u>: Frequency with which LEP persons come into contact with the program.

☐ <u>Factor 3</u>: Nature and importance of the program, activity, or service provided by the program to people's lives.

☐ **<u>Factor 4</u>: Resources available to the recipient (organization) for LEP outreach, as well as the costs associated with that outreach.**

Four Factor Analysis

Four-Factor Analysis

☐ **Factor 4: Resources available to the recipient (organization) for LEP outreach**, as well as the costs associated with that outreach.

Five Elements of a Language Assistance Plan:

1. Identify LEP individuals who need language assistance.
2. **Provide language assistance measures.**
3. Provide notice to LEP persons about availability of language assistance.
4. Monitor and update the language assistance plan.
5. Train staff.

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External Civil Rights **Multimodal**

Resources

Organization's Website

You are here: Home > Rider Guide > Non-English Resources

Non-English Resources

Traducciones en español

View KCATA's Limited English Proficiency Plan. [PDF]

If you or someone you know need language interpretation to understand Metro service information, several Metro bus schedules include Spanish translation. Or, refer them to 816-221-0660. The Call Center agent will provide assistance by connecting callers with the TeleLanguage Service.

TeleLanguage Service

The Metro has access to interpreters who can assist riders with bus schedule information in more than 50 languages. If you or someone you know needs to speak to a non-English interpreter for over-the-phone answers to your questions about riding The Metro, please call us at 816-221-0660. This free service is available from 6 a.m. to 7 p.m., Monday through Friday.

Spanish Translation
The following Metro documents are also printed in Spanish:
Reduced farecard applications En Espanol.
Senior
Youth
Persons with Disabilities

www.kcata.org

Resources

Traducciones en español

Si usted o alguien que usted conoce necesita servicios de interpretación de idiomas para entender la información de los servicios del Metro, sepa que hay varios horarios de autobuses del Metro escritos en español. También se puede llamar al 816-221-0660. Un agente del Centro de Llamadas le ayudará a conectar a las personas que llamen con los servicios de TeleLanguage.

Servicio TeleLanguage

El Metro tiene acceso a intérpretes que pueden ayudar con información sobre los horarios de los autobuses en más de 50 idiomas. Si usted o alguien que usted conoce necesita hablar a través de un intérprete para obtener respuestas por teléfono a sus preguntas sobre tomar El Metro, favor de llamarnos al 816-221-0660. Este servicio gratuito está disponible desde las 6 a.m. to 7 p.m., de lunes a viernes, en todos los idiomas.

Traducciones en español

Los siguientes documentos del Metro también están disponibles en español.
Solicitudes de Tarjeta de Costo Reducido
- Personas de la Tercera Edad
- Menores
- Personas con Discapacidadas

www.kcata.org

Resources

Pectograms

☐ "I Speak Cards" are an appropriate "front-line" tool for identifying language of LEP persons.

☐ "I Speak Cards" can be customized to characteristics of your organization's LEP population.

☐ Website/application ("app") translators

An Interpreter Will Be Provided At No Cost To You

POINT TO YOUR LANGUAGE

World Wide Interpreters

Resources

Translation service options:

☐ Bilingual staff

☐ Staff interpreters

☐ Contract interpreters

☐ Telephone interpreter services

☐ Formal agreements with community volunteers

Language assistance is an enforceable regulation. Organizations should develop list of LEP resources in each service region, and for each language group. Many organizations schedule rides in advance, which gives the organization time to call upon their resources.

External Civil Rights **Multimodal**

Resources

Translated pocket schedules and route maps:

☐ Available at transit service centers, community-based organization offices, community centers, health agencies, on-board transit vehicles, etc.

SEE ALSO:

MoDOT LEP WORKSHOP
4. Vital Documents

Missouri Department of Transportation

External Civil Rights **Multimodal**

Prepared by
Philips & Associates, Inc., Program Consultants
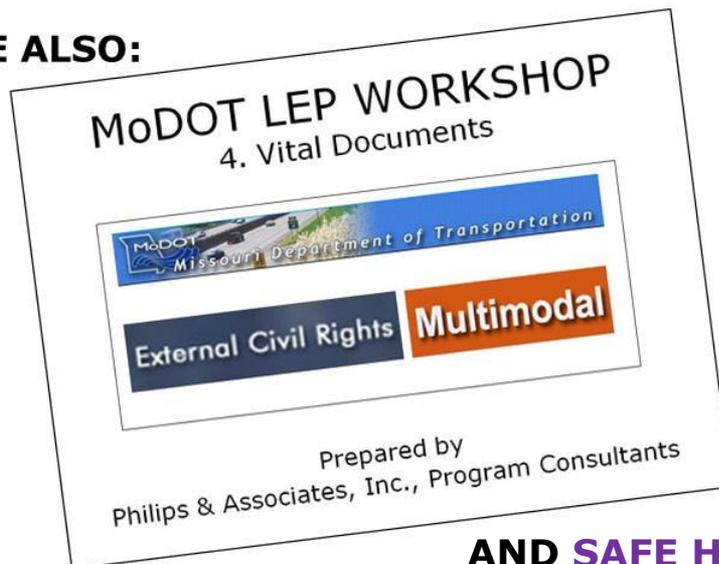
AND SAFE HARBOR DOCUMENTS DISCUSSION

- 1 Census Data
- 2 Services Statistics
- 3 Community Interface
- **4 Identify Resources**

External Civil Rights

Multimodal

Four Factor Analysis

Four-Factor Analysis

☐ **Factor 4:** Resources available to the recipient (organization) for LEP outreach, **as well as the costs associated with that outreach.**

    a. **Inventory** language assistance measures currently being provided, along with associated costs.

    b. **Determine** what additional services are needed.

    c. **Consider cost effective practices.**

        ☐ Language assistance products developed and paid for by local, regional, state government agencies.

        ☐ Bilingual staff to serve as interpreters/translators.

        ☐ Use telephone interpretation services.

    d. **Plan** your budget.

Four Factor Analysis

Summary Guidance

☐ Developing a sound language assistance plan:

  ☐ What specific steps should be taken will depend on:

    ☐ The information gathered from census, other data.

    ☐ Fieldwork with LEP individuals and the organizations that serve them.

    ☐ Analysis of organization resources and costs of providing (different types of) language assistance.

Successful plan will demonstrate organization's commitment to **reasonable steps –** consistent with organization's mission and capacity.

MoDOT LEP WORKSHOP
3. Using Census Data for the Four Factor Analysis
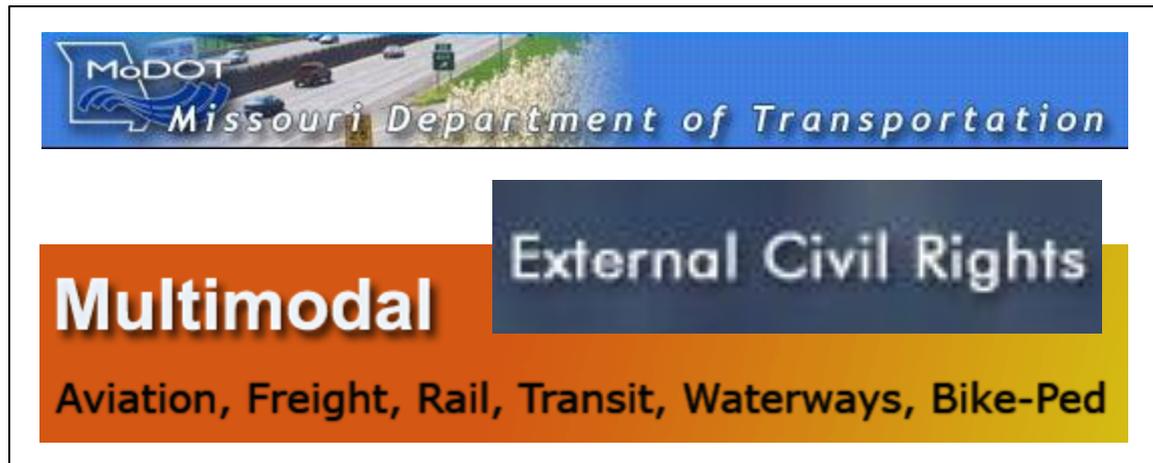
Prepared by
Philips & Associates, Inc., Program Consultants

May 3, 2013

Outline

- ☐ Title VI Program and Requirement to Provide Meaningful Access to LEP persons

- ☐ The Four Factor Analysis

- ☐ **Using Census Data for the Four Factor Analysis**

- ☐ Vital Documents

- ☐ Monitoring/Evaluation of Language Assistance Plan

- ☐ Staff Training

- ☐ Non-Compliance with Language Assistance Plan

- ☐ LEP Plan Outline

- ☐ Summary

www.census.gov website

From
Factor 1:

☐ **Identify** the geographic boundaries of the area that your organization serves.

☐ **Obtain** census data on the LEP population in your service area.

☐ **Analyze** the data you have collected.

☐ **Understand** any concentrations of LEP persons within your service area.

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www.census.gov website

☐ Click on **Data**, then **American FactFinder**

www.census.gov website

☐ Enter relevant **table name** (B16001) and **state**

www.census.gov website

□   Select **county**

Scott County

www.census.gov website

☐ Select minor geography: **5 digit zip code tabulation areas**

Scott County (south): zip codes
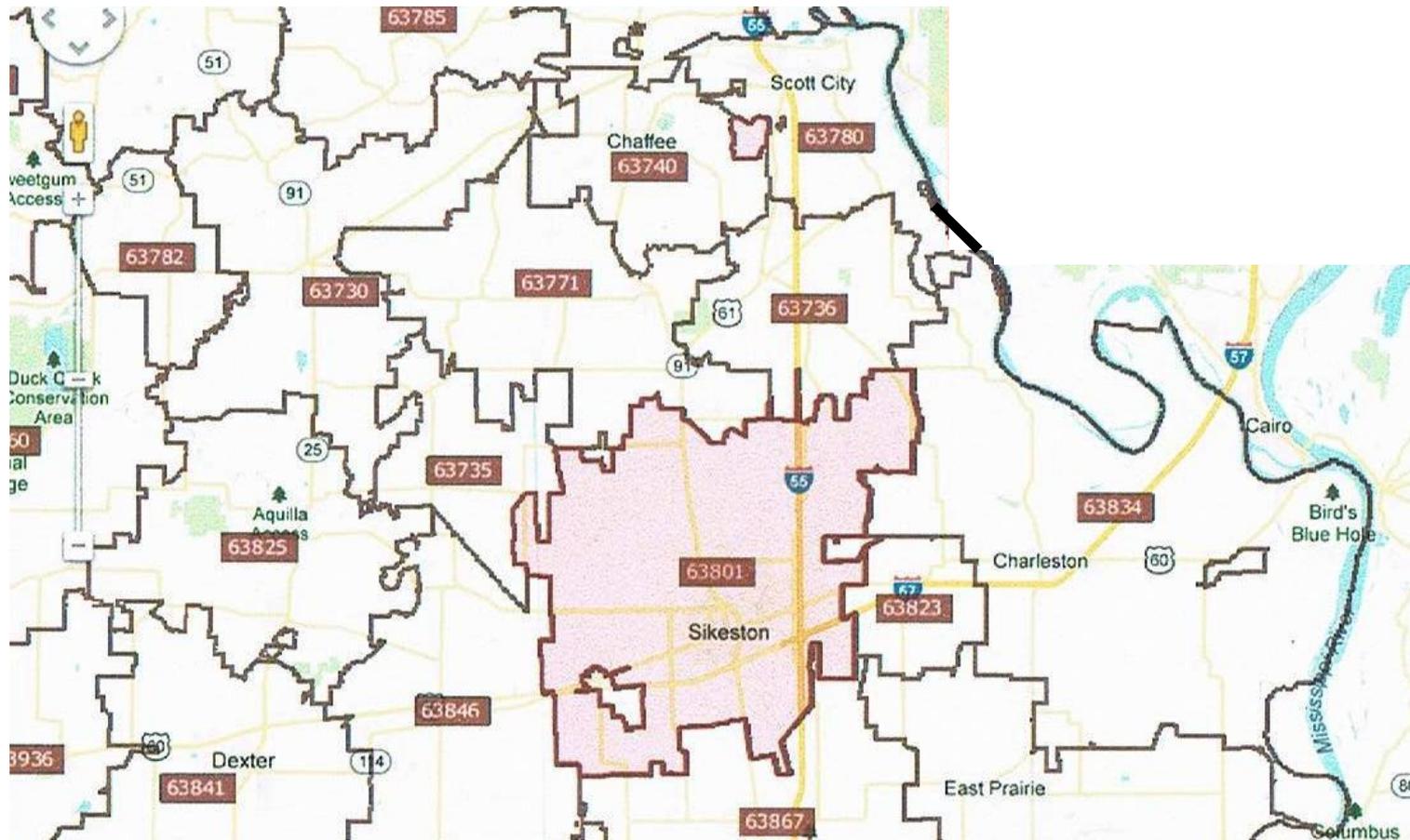
www.census.gov website

☐ close top layer to reveal dataset.

☐ select dataset: **2011 ACS 5 year estimates**

☐ select "print" or "download" (excel$^{®}$, PDF) option

---

www.census.gov website

U.S. Census Bureau

AMERICAN
FactFinder 🔍

B16001 | LANGUAGE SPOKEN AT HOME BY ABILITY TO SPEAK ENGLISH FOR THE POPULATION 5 YEARS AND OVER
Universe: Population 5 years and over
2007-2011 American Community Survey 5-Year Estimates

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the Data and Documentation section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the Methodology section.

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities and towns and estimates of housing units for states and counties.

*ABOVE IS **TOP** OF REPORT.*

www.census.gov website

*THIS IS **DETAIL** OF REPORT*

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the **Methodology** section.

Page 1 of 3

	Missouri		St. Charles County, Missouri	
	Estimate	Margin of Error	Estimate	Margin of Error
Total:	5,568,887	+/-617	332,028	+/-86
Speak only English	5,231,415	+/-4,554	311,914	+/-1,219
Spanish or Spanish Creole:	150,245	+/-2,694	8,710	+/-801
Speak English "very well"	91,147	+/-2,071	6,588	+/-689
Speak English less than "very well"	59,098	+/-2,262	2,122	+/-412
French (incl. Patois, Cajun):	14,218	+/-993	1,603	+/-348
Speak English "very well"	11,188	+/-807	1,364	+/-325
Speak English less than "very well"	3,030	+/-449	239	+/-105
French Creole:	732	+/-247	4	+/-8
Speak English "very well"	367	+/-127	0	+/-85
Speak English less than "very well"	365	+/-236	4	+/-8
Italian:	4,560	+/-514	392	+/-145
Speak English "very well"	3,664	+/-458	345	+/-137
Speak English less than "very well"	896	+/-198	47	+/-36
Portuguese or Portuguese Creole:	2,232	+/-451	296	+/-194
Speak English "very well"	1,455	+/-297	258	+/-196
Speak English less than "very well"	777	+/-300	38	+/-36
German:	23,299	+/-1,419	1,204	+/-244
Speak English "very well"	18,412	+/-1,260	1,027	+/-216
Speak English less than "very well"	4,887	+/-586	177	+/-88

Scott County: *LEP persons by zip code*

Scott County MO 2007-2011 5-Year Estimates p.1	Missouri		Scott County		ZCTA5 63736		ZCTA5 63801		ZCTA5 63825		ZCTA5 63834		ZCTA5 63846	
	Estimate	% TL	Estimate	% TL	Estimate	% TL	Estimate	% TL	Estimate	% TL	Estimate	% TL	Estimate	% TL
Total:	5,568,887		36,546		3,029		21,578		4,045		6,379		1,666	
Speak only English	5,231,415		35,831		2,979		21,047		4,007		6,128		1,643	
Spanish or Spanish Creole:	150,245		435		36		282		12		246		23	
Speak English "very well"	91,147		307		17		160		12		111		17	
Speak English less than "very well"	59,098	1.1%	128	0.4%	19	0.6%	122	0.6%	0	0.0%	135	2.1%	6	0.4%
French (incl. Patois, Cajun):	14,218		22		0		22		0		0		0	
Speak English "very well"	11,188		13		0		13		0		0		0	
Speak English less than "very well"	3,030	0.1%	9	0.0%	0	0.0%	9	0.0%	0	0.0%	0	0.0%	0	0.0%
Italian:	4,560		3		3		0		0		0		0	
Speak English "very well"	3,664		3		3		0		0		0		0	
Speak English less than "very well"	896	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Portuguese or Portuguese Creole:	2,232		10		0		10		0		0		0	
Speak English "very well"	1,455		10		0		10		0		0		0	
Speak English less than "very well"	777	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
German:	23,299		55		11		13		25		5		0	
Speak English "very well"	18,412		55		11		13		25		5		0	
Speak English less than "very well"	4,887	0.1%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Other West Germanic languages:	6,856		0		0		0		0		0		0	
Speak English "very well"	4,358		0		0		0		0		0		0	
Speak English less than "very well"	2,498	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%

Due to space limitations, some zip codes and some languages not shown on above chart.

www.census.gov website

☐ Select minor geography: **census tract**

Sikeston (Scott County): census tracts

www.census.gov website

☐ close top layer to reveal dataset.

☐ select dataset: **2011 ACS 5 year estimates**

☐ select "print" or "download" (excel$^®$, PDF) option

Sikeston (Scott Co.): LEP persons by census tract

Scott County MO 2007-2011 5-Year Estimates p.1	Missouri		Scott County		Census Tr 7806		Census Tr 7807		Census Tr 7812		Census Tr 7813	
	Estimate	% TL	Estimate	% TL	Estimate	% TL	Estimate	% TL	Estimate	% TL	Estimate	% TL
Total:	5,568,887		36,546		4,015		2,569		5,865		2,926	
Speak only English	5,231,415		35,831		3,886		2,501		5,779		2,841	
Spanish or Spanish Creole:	150,245		435		67		46		68		6	
Speak English "very well"	91,147		307		24		26		68		6	
Speak English less than "very well"	59,098	1.1%	128	0.4%	43	1.1%	20	0.8%	0	0.0%	0	0.0%
French (incl. Patois, Cajun):	14,218		22		22		0		0		0	
Speak English "very well"	11,188		13		13		0		0		0	
Speak English less than "very well"	3,030	0.1%	9	0.0%	9	0.2%	0	0.0%	0	0.0%	0	0.0%
Italian:	4,560		3		0		0		0		0	
Speak English "very well"	3,664		3		0		0		0		0	
Speak English less than "very well"	896	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Portuguese or Portuguese Creole:	2,232		10		0		0		10		0	
Speak English "very well"	1,455		10		0		0		10		0	
Speak English less than "very well"	777	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
German:	23,299		55		0		0		0		13	
Speak English "very well"	18,412		55		0		0		0		13	
Speak English less than "very well"	4,887	0.1%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Other West Germanic languages:	6,856		0		0		0		0		0	
Speak English "very well"	4,358		0		0		0		0		0	
Speak English less than "very well"	2,498	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%

Due to space limitations, some census tracts and some languages are not shown on above chart.

Missouri Regional Planning Commissions and Metropolitan Planning Organizations
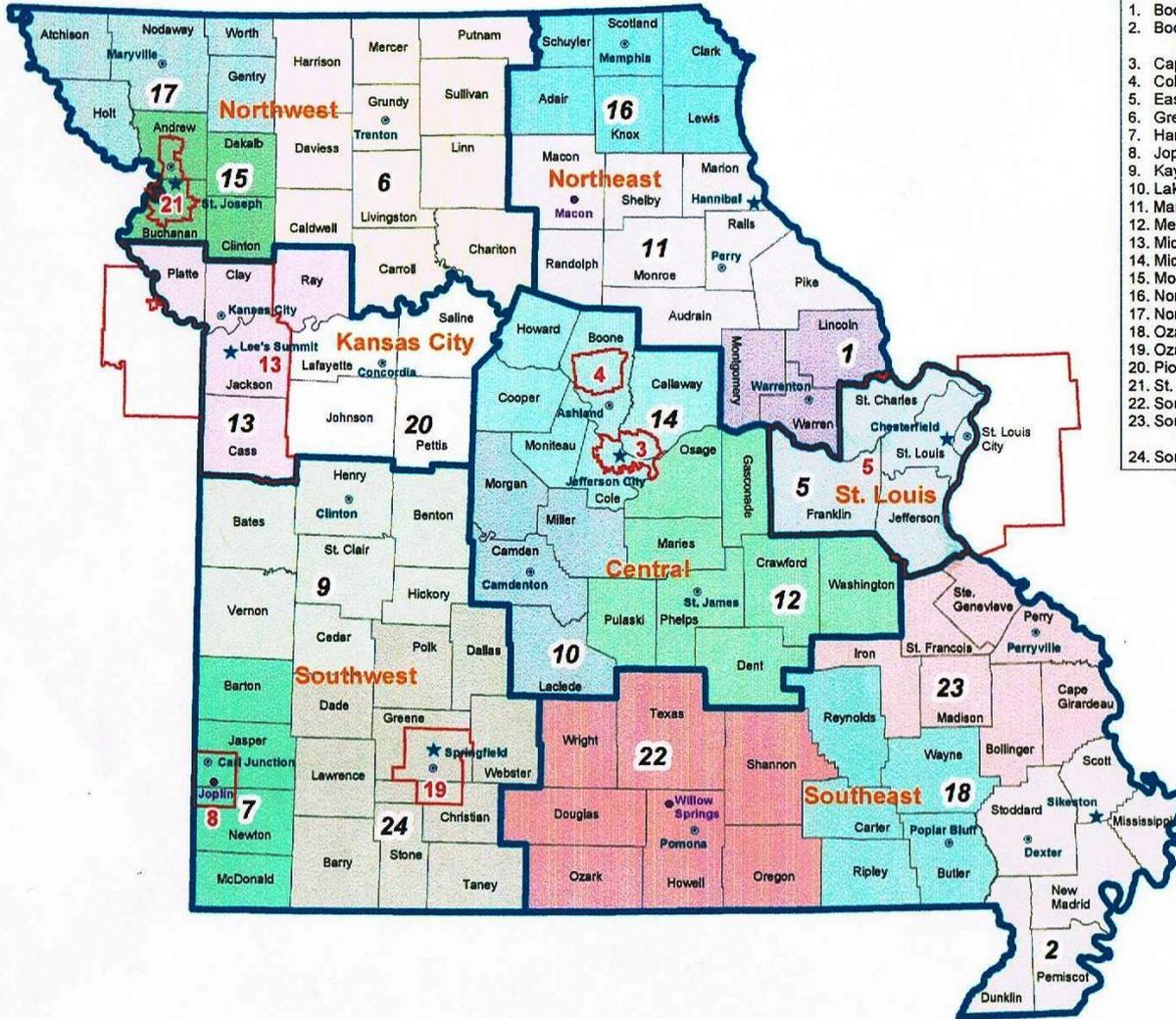
1. Boonslick Regional Planning Commission — 636-456-3473
2. Bootheel Regional Planning & Economic Development Commission — 573-614-5178
3. Capital Area Metropolitan Planning Organization — 573-634-6410
4. Columbia Area Transportation Study Organization — 573-874-7239
5. East-West Gateway Council of Governments* — 314-421-4220
6. Green Hills Regional Planning Commission — 660-359-5636
7. Harry S Truman Coordinating Council — 417-782-3515
8. Joplin Area Transportation Study Organization — 417-624-0820
9. Kaysinger Basin Regional Planning Commission — 660-885-3393
10. Lake of the Ozarks Council of Local Governments — 573-346-5692
11. Mark Twain Regional Council of Governments — 573-565-2203
12. Meramec Regional Planning Commission — 573-265-2993
13. Mid-America Regional Council* — 816-474-4240
14. Mid-Missouri Regional Planning Commission — 573-657-9779
15. Mo-Kan Regional Council — 816-233-3144
16. Northeast Missouri Regional Planning Commission — 660-465-7281
17. Northwest Missouri Regional Council of Governments — 660-582-5121
18. Ozark Foothills Regional Planning Commission — 573-785-6402
19. Ozarks Transportation Organization — 417-864-5442
20. Pioneer Trails Regional Planning Commission — 660-463-7934
21. St. Joseph Area Transportation Study Organization — 816-271-4653
22. South Central Ozark Council of Governments — 417-256-4226
23. Southeast Missouri Regional Planning & Economic Development Commission — 573-547-8357
24. Southwest Missouri Council of Governments — 417-836-6900

* = Organizations functioning as both RPC and MPO
(Boundaries for the Mid-America Regional Council RPC and MPO vary)

- ▢ MoDOT District
- 19 Regional Planning Commission
- 7 Metropolitan Planning Organization
- ★ MoDOT District Office
- ● Regional Office
- ◉ RPC Office

MoDOT Districts 1-888-ASK-MODOT (275-6636)

Prepared by
Missouri Department of Transportation
Transportation Planning
2217 St. Marys Blvd.
Jefferson City, MO 65109
Phone (573) 526-8058 Fax (573) 526-8052

June 27, 2011

MoDOT

Four Factor Workshop Exercise

For discussion:

☐ Using summary census data for the region, provide a **short but specific narrative description of the LEP population**.

☐ Clearly, identifying LEP persons who need language assistance goes beyond census tabulation. **What additional information might you need?**

- ■ Give specific examples of **ways your organization might interface with the community**, to identify LEP persons.

- ■ What types of **community-based organizations** would be equipped to provide insight regarding LEP persons?

- ■ How can your organization demonstrate that it can **communicate and provide its services effectively** to its clients, including LEP persons?

☐ What **resources** can your organization make available to LEP persons who need language assistance?
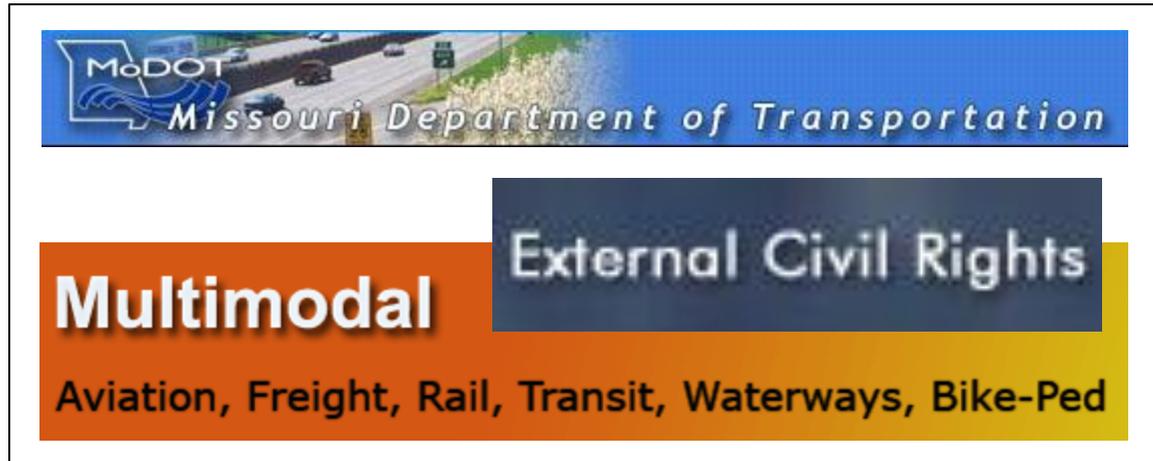
MoDOT LEP WORKSHOP
4. Vital Documents

Prepared by
Philips & Associates, Inc., Program Consultants

May 3, 2013

Outline

- ☐ Title VI Program and Requirement to Provide Meaningful Access to LEP persons

- ☐ The Four Factor Analysis

- ☐ Using Census Data for the Four Factor Analysis

- ☐ **Vital Documents**

- ☐ Monitoring/Evaluation of Language Assistance Plan

- ☐ Staff Training

- ☐ Non-Compliance with Language Assistance Plan

- ☐ LEP Plan Outline

- ☐ Summary

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Vital Documents

Vital (Critical) Documents

☐ Determination whether a document is vital (or critical), or not, is to be made by the recipient/subrecipient (organization), and will **depend on the consequence to the LEP person (or group) if the information is <u>not</u> provided.**

☐ Vital information should be translated into the language of each frequently-encountered LEP group served and/or likely to be affected by the program. (See "Safe Harbor" discussion.)

Vital Documents

Vital (Critical) Documents <u>may</u> include:

- ☐ **Employment applications**
- ☐ **Documents** critical for accessing agency (organization) services or benefits.
- ☐ Information on **the right to file a complaint**
- ☐ **Complaint forms**
- ☐ Key information regarding **where an LEP person may obtain further, *translated,* information**
- ☐ **Outreach materials** directed to the greater, inclusive community served by the agency (organization).
- ☐ **Letters** requiring response from clients.

Vital Documents

Vital (Critical) Documents includes:

☐ **Notices** advising LEP persons of the availability of free language assistance.

   ☐ Post notices advising LEP persons of availability of free language assistance, and include "notice of availability of language assistance" in all publicly directed agency (organization) efforts.

Five Elements of a Language Assistance Plan:
1. Identify LEP individuals who need language assistance.
2. Provide language assistance measures.
3. **Provide notice to LEP persons about availability of language assistance.**
4. Monitor and update the language assistance plan.
5. Train staff.

Vital Documents

Dissemination of recipient's (organization's) LEP plan

KCATA posts its LEP plan on its website at the following link:
http://www.kcata.org/rider_guide/non_english_resources/
Any person or agency with Internet access will be able to access and download the plan from the KCATA website.

Alternatively, any person or agency may request a copy of the plan via telephone, email, fax, mail, or in person and shall be provided a copy of the plan at no cost. Requests for copies of KCATA's LEP plan and questions or comments about the plan should be directed to the following:

KCATA Planning Department
1200 E. 18th Street
Kansas City, MO 64108
Phone: 816-346-0200
Fax: 816-346-0305
Email: metro@kcata.org

-- KCATA LEP Plan, January 2012

Vital Documents

Safe Harbor Provision

LEP guidelines overview –

- ☐ Provide "meaningful access" to LEP persons.

- ☐ Select language assistance and translation services.

- ☐ Identify critical documents.

- ☐ **Understand when safe harbor provision is applicable.**

- ☐ Recognize and address elements of an effective LEP plan.

- ☐ Have in place processes for monitoring and compliance.

Vital Documents

Safe Harbor Provision:

☐ A "safe harbor" [a legal term] means that if a recipient (organization) provides **written translations** *under this provision*, such action will be considered strong evidence of compliance with the recipient's (organization's) written translation obligations.

☐ The failure to provide written translations under this provision does not dictate there is noncompliance. This provision merely provides a guide for recipients (organizations) that would like *greater certainty of compliance*.

Vital Documents

Safe Harbor Provision:

☐ The Safe Harbor Provision applies to the translation of written documents only. It does not affect the require-ment to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and reasonable.

☐ Requires written translations of vital (critical) documents *for each LEP group that meets the threshold*.

Vital Documents

Safe harbors for written translations:

Size of Language Group	Recommended Provision of Written Language Assistance
1,000 or more in the eligible population in the service area or among current beneficiaries.	Translated vital documents.
More than 5% of the eligible population or beneficiaries *and* **more than 50** in number.	Translated vital documents.
More than 5% of the eligible population or beneficiaries *and* **50 or less** in number.	Translated written notice* of right to receive free oral interpretation of documents.
5% or less of the eligible population or beneficiaries and **less than 1,000** in number.	No written translation is required.

*in the primary language of the LEP language group.

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Vital Documents

"Speak English less than very well"
total, and by geographic subdivision

Safe Harbor Discussion			Speak English "Less than Very Well"									
Geographic Area (Place)	**Population Age 5+**	**Speak only English**		**Spanish**		**Other Indo-European**		**Asian or Pacific Islander**		**All Other Languages**		**Estimated Total LEP Population**	
Blue Springs, MO	44,344	42,699	96.29%	255	0.58%	172	0.39%	106	0.24%	26	0.06%	**559**	**1.26%**
Gladstone, MO	24,842	23,730	95.52%	208	0.84%	87	0.35%	58	0.23%	11	0.04%	**364**	**1.47%**
Independence, MO	105,757	100,518	95.05%	1,358	1.28%	389	0.37%	393	0.37%	116	0.11%	**2,256**	**2.13%**
Kansas City, KS	135,070	112,899	83.59%	10,893	8.06%	541	0.40%	1,092	0.81%	158	0.12%	**12,684**	**9.39%**
Kansas City, MO	409,894	370,142	90.30%	11,200	2.73%	2,434	0.59%	3,603	0.88%	1,010	0.25%	**18,247**	**4.45%**
Lee's Summit, MO	65,321	62,641	95.90%	408	0.62%	236	0.36%	126	0.19%	61	0.09%	**831**	**1.27%**
Liberty, MO	24,359	23,398	96.05%	157	0.64%	120	0.49%	36	0.15%	-	-	**313**	**1.28%**
N. Kansas City, MO	4,468	3,601	80.60%	192	4.30%	245	5.48%	69	1.54%	43	0.96%	**549**	**12.29%**
Raytown, MO	28,623	27,385	95.67%	282	0.99%	150	0.52%	82	0.29%	5	0.02%	**519**	**1.81%**
Riverside, MO	2,756	2,455	89.08%	105	3.81%	7	0.25%	81	2.94%	-	-	**193**	**7.00%**
KCATA Service Area	**845,434**	**769,468**	**91.01%**	**25,058**	**2.96%**	**4,381**	**0.52%**	**5,646**	**0.67%**	**1,430**	**0.17%**	**36,515**	**4.32%**

-- KCATA LEP Plan, January 2012

MoDOT LEP WORKSHOP
5. Monitoring/Evaluation of Plan
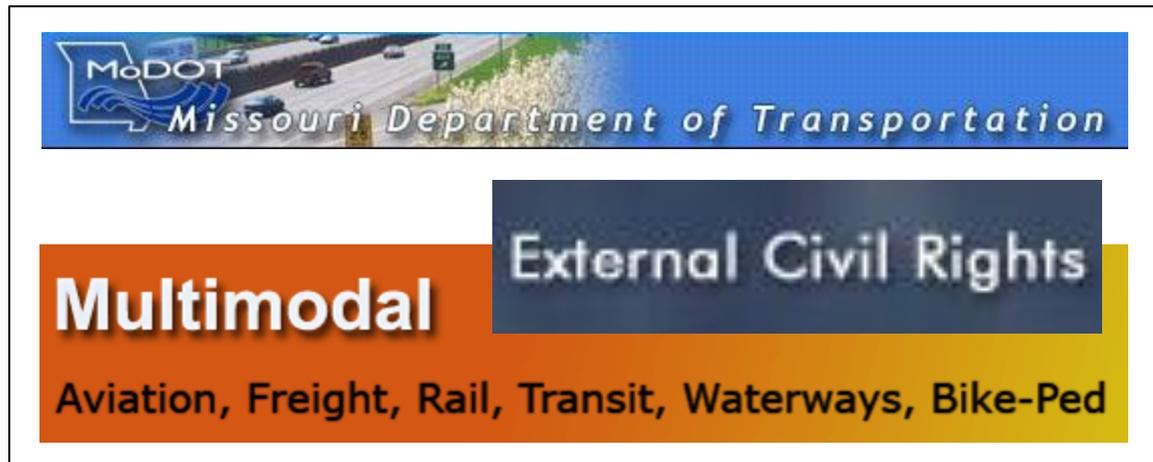
Prepared by
Philips & Associates, Inc., Program Consultants

May 3, 2013

Outline

- ☐ Title VI Program and Requirement to Provide Meaningful Access to LEP persons

- ☐ The Four Factor Analysis

- ☐ Using Census Data for the Four Factor Analysis

- ☐ Vital Documents

- ☐ **Monitoring/Evaluation of Language Assistance Plan**

- ☐ Staff Training

- ☐ Non-Compliance with Language Assistance Plan

- ☐ LEP Plan Outline

- ☐ Summary

Monitoring/Evaluation of Plan

Describe how the recipient (organization) monitors, evaluates and updates the language assistance plan.

    a. **Establish a process to <u>obtain feedback</u>.**

        ☐ Solicit feedback on plan effectiveness from:

            ☐ LEP persons

            ☐ LEP advocates,

            ☐ Agency (organization) operations staff.

        ☐ Use feedback to make appropriate changes.

<u>Five Elements of a Language Assistance Plan</u>:

1. Identify LEP individuals who need language assistance.
2. Provide language assistance measures.
3. Provide notice to LEP persons about availability of language assistance.
4. **Monitor and update the language assistance plan.**
5. Train staff.

Monitoring/Evaluation of Plan

Describe how the recipient (organization) monitors, evaluates and updates the language assistance plan.

b. **Survey staff** who typically come in contact with LEP persons to gain their experience.

Include:

☐ bus drivers, dial-a-ride schedulers

☐ service department planners

c. **Monitor staff compliance** with LEP program.

☐ Ensure that procedures are understood.

☐ Make changes that improve staff understanding.

Monitoring/Evaluation of Plan

Describe how the recipient (organization) monitors, evaluates and updates the language assistance plan.

   d. **Inventory organization marketing efforts** targeted to LEP persons.

   e. **Review community outreach efforts** and measure their effectiveness in terms of positive engagement with LEP communities.

   ☐ Document staff encounters with LEP persons at community outreach events.

   ☐ Be proactive in understanding potential LEP experiences that affect your organization.

Organizations conducting the review of their prior experiences with LEP persons will have listed the programs, activities, and services with which the LEP persons most frequently come into contact.

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Monitoring/Evaluation of Plan

Describe how the recipient (organization) monitors, evaluates and updates the language assistance plan.

f.   **Review and update plan regularly.**

- ☐   Changes in data
- ☐   Changes in ridership patterns
- ☐   Public comments about the plan

Monitoring/Evaluation of Plan

Updates will include the following:

☐ How the needs of LEP persons are being addressed.

☐ If **organization's financial resources** are sufficient to fund language assistance resources needed.

☐ Determination whether the organization has fully **complied with its stated goals of the plan**.

☐ Determination whether complaints have been received and **proper processing of complaints** per requirements.

MoDOT LEP WORKSHOP
6. Staff Training
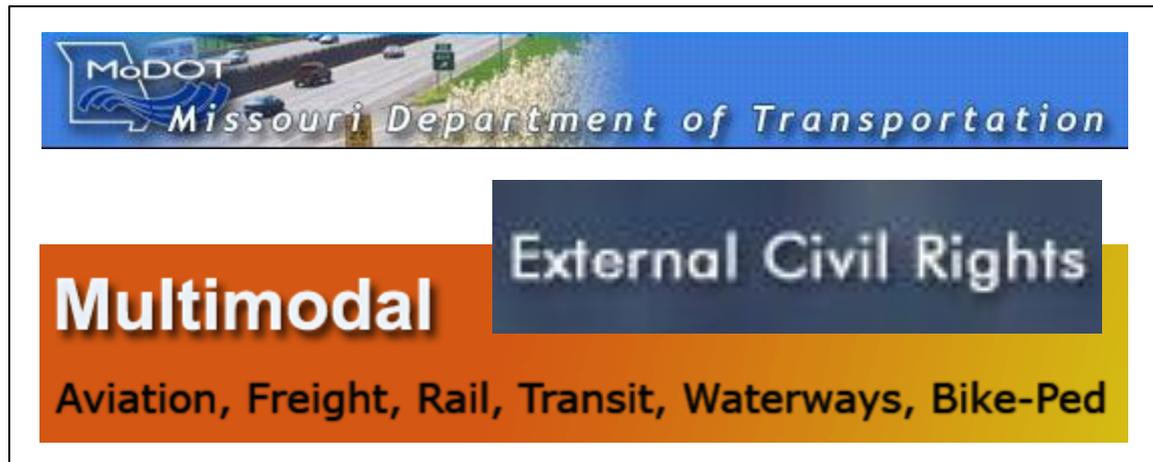
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Staff Training

Describe how recipient (organization) trains employees to provide timely and reasonable language assistance to LEP populations.

☐ Conduct **training for staff at all levels**.

☐ **All staff** should be familiar with the plan, LEP person language groups, and persons likely to encounter organization's services.

Five Elements of a Language Assistance Plan:
1. Identify LEP individuals who need language assistance.
2. Provide language assistance measures.
3. Provide notice to LEP persons about availability of language assistance.
4. Monitor and update the language assistance plan.
5. **Train staff.**

Staff Training

Conduct <u>**training for staff at all levels**</u>.

☐ **Management** should be held accountable for understanding the importance of implementing and maintaining the Plan.

☐ **Customer service** staff should understand how meet the needs of LEP populations.

☐ **Marketing** and development staff should be trained to recognize specific LEP interest groups and be able to carry out focused outreach efforts.

☐ **Front-line staff** should be trained in proper tech-niques and responsibilities for assisting LEP persons.

Staff Training

Staff training topics:

- ☐ Instructions to customer service staff and other staff who regularly take phone calls and/or written communication from the general public – on how to respond to an LEP caller/writer. (See also Protocols for Staff.)

- ☐ Instructions to vehicle operators, station managers, and others who regularly interact with the general public on how to respond to an LEP customer.

  - ☐ Staff having contact with the public is trained to **work effectively** with in-person and telephone interpreters.

Staff Training

Staff training topics:

☐ Training on agency (organization) Title VI procedures and LEP responsibilities.

☐ Knowledge of language assistance services offered to the public.

☐ Use of LEP materials, especially translation materials.

☐ Documentation of language assistance requests.

☐ How to handle potential Title VI/LEP complaint.

Staff Training

Protocols for staff, including front-line staff

☐ **Do** treat every client as a client, regardless of his or her ability to speak English.

☐ **Don't** judge whether client could speak English (if they wanted to).

　　☐ You are not in the foreign language assessment field.

Staff Training

Protocols for staff, including front-line staff

☐ **Don't** suggest, expect, or even allow <u>minors</u> to act as interpreters.

☐ **Don't** suggest, expect, or even allow <u>other clients</u> to act as interpreters.

☐ **Discourage** use of <u>family and friends</u> (conflict of interest, reduced candidness).

Clearly document any occasion when a friend of the client or a family member (cannot use a minor child) is used as an interpreter.

Litmus test: Did the client make the decision, after being clearly informed that they have a right to free language assistance?

MoDOT LEP WORKSHOP
7. Non-compliance with Language Assistance Plan
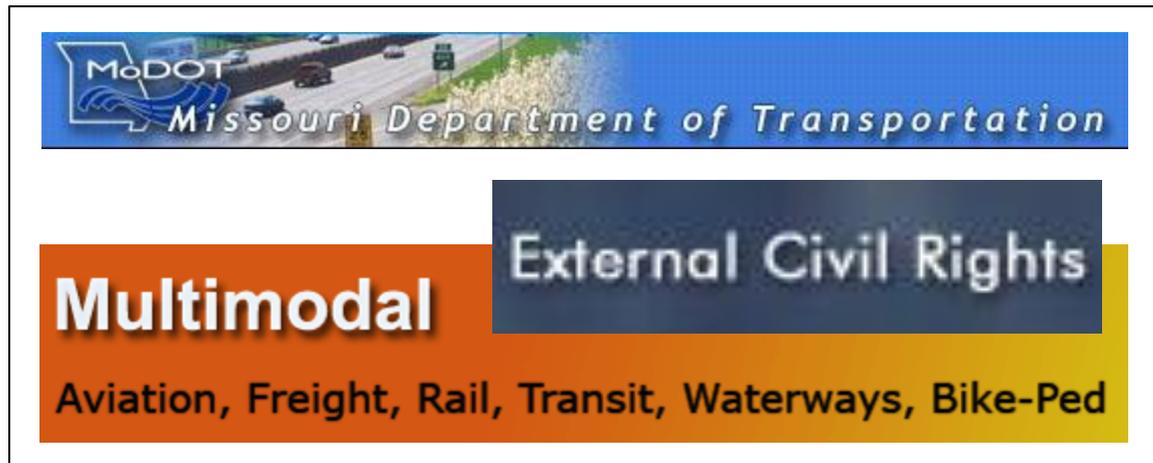
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☐ Staff Training

☐ **Non-Compliance with Language Assistance Plan**

☐ LEP Plan Outline

☐ Summary

Non-Compliance with Language Assistance Plan (LEP Plan)

REVIEW

LEP guidelines overview –

☐   Provide "meaningful access" to LEP persons.

☐   Select language assistance and translation services.

☐   Identify critical documents.

☐   Understand when safe harbor provision is applicable.

☐   Recognize and address elements of an effective LEP plan.

☐   **Have in place processes for compliance.**

Non-Compliance with Language Assistance Plan (LEP Plan)

Consequences and Methods of LEP Enforcement (Enforcement Mechanisms)

☐ Lawsuits by individuals

    ☐ Class actions and private actions

☐ Complaints by individuals

    ☐ Complaints to state ECR or federal OCR

☐ Federal agency action

    ☐ Lawsuits, informal action, other

☐ State of Missouri action

    ☐ Investigation, funding termination, corrective action plans, other

It is the responsibility of the recipient and subrecipient (organization) to comply with the requirements of Title VI and Executive Order 13166.

Non-Compliance with Language Assistance Plan (LEP Plan)

Consequences and Methods of LEP Enforcement (Enforcement Mechanisms) - Federal Remedies

- ☐ Federal <u>informal action</u>
  - ☐ Preferred mechanism
- ☐ Federal <u>corrective action plan</u>
- ☐ Federal <u>funding termination</u>
  - ☐ Federal government can terminate funding for actual or threatened non-compliance
  - ☐ Hearing rights

It is the responsibility of the recipient and subrecipient (organization) to comply with the requirements of Title VI and Executive Order 13166.

Non-Compliance with Language Assistance Plan (LEP Plan)

Consequences and Methods of LEP Enforcement (Enforcement Mechanisms) - State Remedies

- ☐ State <u>informal action</u>

  - ☐ Preferred mechanism

- ☐ State <u>corrective action plan</u>

- ☐ <u>Financial penalties</u> for "responsible entities"

  - ☐ Withhold funding.

  - ☐ Sanctions including possible re-possession of grant-funded equipment or vehicles.

It is the responsibility of the recipient and subrecipient (organization) to comply with the requirements of Title VI and Executive Order 13166.

MoDOT LEP WORKSHOP
8. LEP Plan Outline
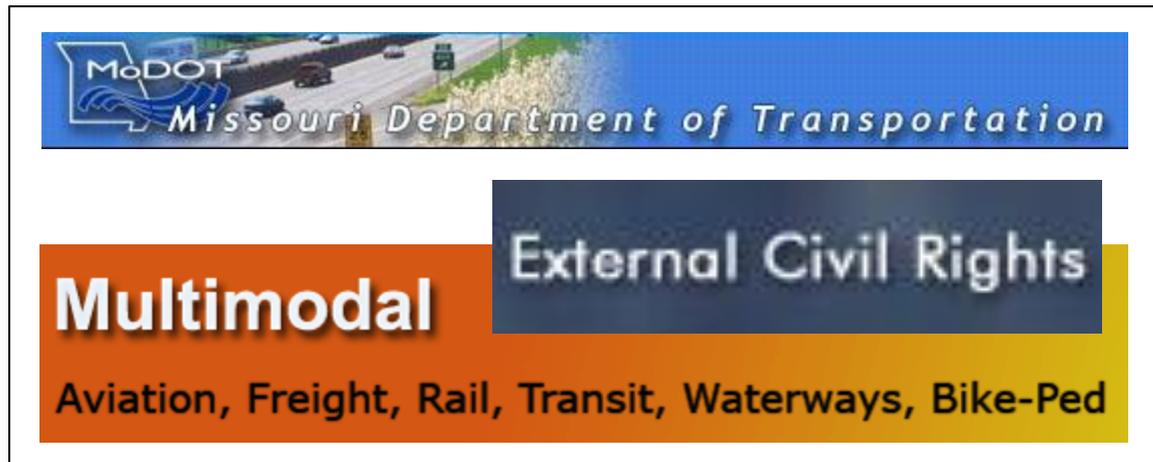
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- ☐ Staff Training

- ☐ Non-Compliance with Language Assistance Plan

- ☐ **LEP Plan Outline**

- ☐ Summary

LEP Plan Outline

Implementation of LEP Plan

☐ Develop **written draft LEP Plan**.

  ☐ Purpose of LEP Plan

  ☐ Goal of LEP Plan

  ☐ Recipient's (organization's) System Overview

  ☐ LEP Plan

    ☐ Four Factor Analysis

    ☐ Language Assistance Plan (LEP Plan)

☐ Utilize ad hoc committee for **review of draft**.

☐ **Develop plan for implementation (including roll-out timeline).**

LEP Plan Outline

Implementation of LEP Plan

☐ Make clear that the plan is **for use by staff**.

☐ Establish **performance measures**.

☐ Describe how management will be held **accountable**.

☐ Provide opportunity for (periodic) input in planning and **revision** stages.

Five Elements of a Language Assistance Plan:
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2. Provide language assistance measures.
3. Provide notice to LEP persons about availability of language assistance.
4. Monitor and update the language assistance plan.
5. Train staff.

☐ Sample LEP Plan Timeline

Capital Projects & Facilities

ITEM	NOW	FY07	FY08	FY09
Assess the LEP population in areas affected by construction. • Code businesses and residents who are LEP along the project in TriMet's database. • Develop an outreach plan targeting LEP residents and businesses in construction areas.		X		
Use of in-person interpreter services upon request for public meetings and important events (community relations staff will provide notification to the community about availability of interpretive services).	X			
Translate vital documents.			X	
Provide notice of right to language assistance, at no cost, on non-vital yet important outreach documents.		X		

Legal/Human Resources

ITEM	NOW	FY07	FY08	FY09
Develop/review contract language to ensure all contractors providing goods and services for TriMet are in compliance with Title VI regulations (Title VI of the Civil Rights Act of 1964, "Nondiscrimination under Programs Receiving Federal Financial Assistance" through the U.S. Department of Transportation").		X		
Determine which TriMet documents meet the definition of "vital documents"; stay aware of new documents that may be considered "vital".	X			
Develop curriculum and train frontline and other key staff in: • awareness of type of language services available • how staff and/or LEP customers can obtain these services • how to respond to LEP callers • how to respond to correspondence from LEPs • how to respond to LEPs in person • how to document LEP needs • how to respond to civil rights complaints.		X		
Incorporate LEP plan information into the new employee orientation, handbook and TriNet.			X	

Marketing & Customer Services

ITEM	NOW	FY07	FY08	FY09
Provide telephone interpretation for basic transit questions and trip planning assistance in virtually any	X			

ITEM	NOW	FY07	FY08	FY09
language.				
Establish competency standards for interpreters and translators.	X			
Draft a TriMet policy that states that all interpretation and written translation must be performed by approved vendors/individuals whose competency has been established.		X		
Add a question to the O&D Survey to assess respondents' English proficiency and primary spoken language.	X			
Develop a process for determining: • if a particular document needs to be translated • into which languages it should be translated.		X		
Establish an agency-wide workflow whereby all written translation requests are routed through and managed by Marketing to ensure consistency.		X		
Translate vital documents identified by TriMet's Legal Department, including: • signage that communicates hazardous pedestrian access in areas of high LEP concentration • signage that indicates prohibited behavior in areas of high LEP concentration		X		
Place a notice of right to language assistance, at no cost, on important outreach documents and on TriMet's website.		X		
Develop formal procedures for documenting the number of requests by LEPs for ticket/pass purchases at CAO and from LIFT personnel; investigate whether it is possible to track TVM transactions that are completed in Spanish.		X		
Provide information in multiple languages about TriMet's complaint process	X			
Create sign in multiple languages informing LEP clients about available language services at post at TTO.		X		
Identify routes serving areas with high concentrations of LEP individuals.		X		
Identify service disruptions in areas with high concentrations of LEP individuals and translate appropriate signage.		X		
Create protocol for responding to foreign language correspondence and communication.		X		
Day-to-day administration of LEP program, ensuring compliance and correct implementation.		X		

Sample LEP Plan Timeline (page 2)

Operations

ITEM	NOW	FY07	FY08	FY09
Provide training to operators, fare inspectors and other frontline employees in LEP policies and procedures (see Legal/Human Resources section for details).		X		
Coordinate training with TriMet's Human Resources and Diversity & Transit Equity departments.		X		

Diversity & Transit Equity

| ITEM	NOW	FY07	FY08	FY09
Identify areas within the service district that have high concentrations of LEP individuals.	X			
Conduct an evaluation of TriMet's LEP plan to gauge its effectiveness and determine if updates are needed every two years. Transit Equity staff will lead the evaluation with the help of staff familiar with Title VI language access requirements and the LEP plan. The evaluation will: • determine the number of LEP individuals in TriMet's service district • assess whether existing language assistance services are meeting the needs of clients with LEP • assess whether staff members understand TriMet's LEP policies and procedures, how to carry them out, and whether language assistance resources and arrangements for those resources are still current and accessible • seek feedback from LEP communities, including customers and community organizations, about the effectiveness of TriMet's LEP plan				X

Additional Services

ITEM	NOW	FY07	FY08	FY09
Provide key transit information and online Trip Planner in Spanish on TriMet's website.	X			
Provide Transit Tracker by Phone information in Spanish via 238-RIDE.	X			
Record MAX announcements in both Spanish and English.	X			
Place foreign-language ads in publications serving second language populations to demonstrate TriMet's commitment to full information; to share current significant, service-related announcements; to increase comfort levels regarding access to information in a native language.	X			
Provide Spanish-language interface for TVM transactions.	X			
Provide one-on-one and group travel training to LEPs by working through an interpreter.			X	
Establish partnerships and work closely with community organizations that serve LEP populations.	X			
Design new pictograms with community input to replace text in signage when possible		X		
Offer Spanish classes through TriMet U for key personnel.			X	
Identify service changes affecting areas with high concentrations of LEP individuals and develop mitigation strategies.		X		
Create one-stop LEP info center for agency.		X		
Survey TriMet staff to determine existing bilingual resources.		X		
Develop standards to certify TriMet staff as qualified translators and/or interpreters.		X		

www.**fta.dot.gov**/documents/TriMetimplementationplan(2).doc

MoDOT LEP WORKSHOP
9. Summary
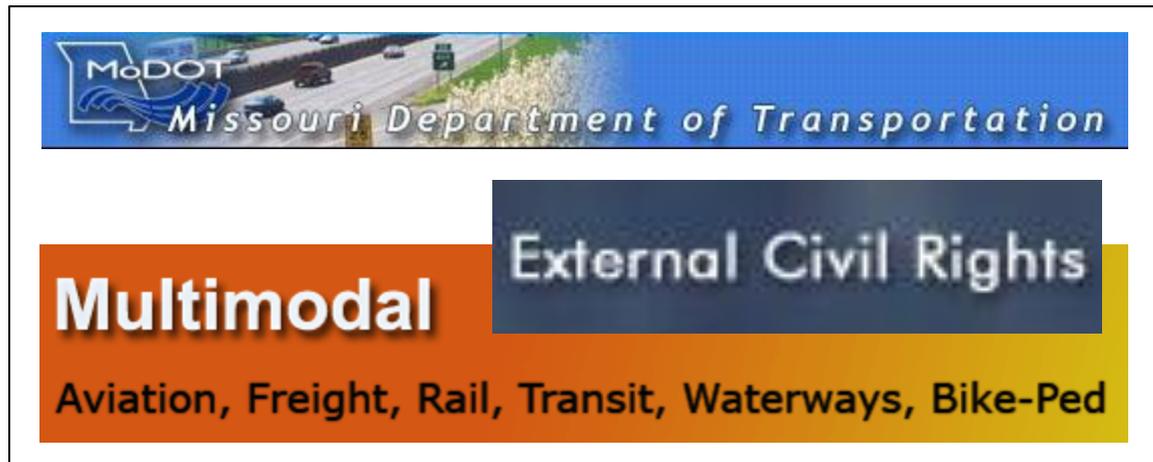
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- ☐ LEP Plan Outline

- ☐ **Summary**

Workshop Summary

Indicators of LEP compliance:

1. I am aware of – and can describe – **general requirements of the Title VI Program for Federal Transit Administration (FTA) recipients** (FTA Circular C 4702.1B, <u>Appendix A, General Requirements</u>, and additional requirements also summarized in Appendix A, as applicable).

2. I am aware of – and can generally describe – **the rights of individuals as described by Title VI of the Civil Rights Act of 1964**, and in particular, **the rights of limited English proficient (LEP) populations.**

3. I am aware of – and can specifically describe – **Title VI complaint procedures** (i.e., instructions to the public regarding how to file a Title VI discrimination complaint).

Workshop Summary

Indicators of LEP compliance:

4. I am aware of – and can generally describe – the **components of a Language Assistance Plan including the Four Factor Analysis for providing language assistance to persons with limited English proficiency (LEP)**

5. I am aware of – can access, and can generally describe – **my organization's Language Assistance Plan**, including outreach methods to engage LEP populations.

6. Based on a comparison of **4. and 5.**, I can identify **components of my organization's Language Assistance Plan needing programmatic planning (implementation) and/or renewal (i.e., gap analysis and response).**

Workshop Summary

Indicators of LEP compliance:

7. I am aware of **submittal requirements and timelines** (and ramifications due to non-compliance **regarding my organization's Title VI Program, as stated by the Federal Transit Administration (FTA) and by the Missouri Department of Transportation (MoDOT)** – and can respond accordingly.