



Limited English Proficiency (LEP) Language Assistance Plan

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Office of Civil Rights

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This document is available online at:

[Limited English Proficiency \(LEP\)/Language Assistance Plan](#)

I. Introduction

Transportation plays an important role in the lives of all people in Idaho and Idaho Transportation Department (ITD) is committed to provide safe and reliable transportation services. ITD's Limited English Proficiency (LEP)/Language Access Plan is a resource tool designed to ensure that ITD and its subrecipients' conduct activities, policies, programs and services in accordance with Title VI of the Civil Rights Act of 1964, the Executive Order 13166, and with all other related nondiscrimination authorities.

II. Authorities

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, provides that no person 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.”

Code of Federal Regulations 23 CFR § 201 “provides guidelines for: (a) Implementing the Federal Highway Administration (FHWA) Title VI compliance program under Title VI of the Civil Rights Act of 1964 and related civil rights laws and regulations, and (b) Conducting Title VI program compliance reviews relative to the Federal-aid Highway Program” (FHP).

Executive Order 13166 August 2000 Improving Access to Services for Persons with Limited English Proficiency (LEP) ensures that persons with Limited English proficiency (LEP) have meaningful access to federally conducted and funded programs and activities (Consistent with Title VI). The Order requires Recipients of Federal financial assistance to issue guidance and to create plans with sound measures and reasonable steps to ensure meaningful access to their activities, programs, and services. This Executive Order also requires agencies to ensure that federally assisted activities—that recipients of federal financial assistance carry out—comply with the nondiscrimination prohibitions of Title VI of the Civil Rights Act of 1964 and its implementing regulations.

Department of Justice (DOJ) June 2002 policy guidance document for Federal Financial Assistance Recipients pursuant to EO 13166 clarifies long-standing LEP responsibilities under Title VI and the Title VI regulations and provides a description of the factors recipients should consider when fulfilling their responsibilities to LEP persons.

The Memorandum dated February 2011 to Federal Agencies from Attorney General Eric Holder, Reaffirming the Mandates of Executive Order 13166, directs each federal agency to develop and implement a system by which Limited English Proficient (LEP) persons can meaningfully access the agency's services. Additionally, it

directs each agency that provides federal financial assistance to issue guidance to recipients of such assistance on their legal obligations to take reasonable steps to ensure meaningful access to LEP persons under the national origin nondiscrimination provisions of Title VI of the Civil Rights Act of 1964, and implementing regulations.

U. S. DOT Order 5610.2 (a), dated May 2012, Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (77 FR 27534) states, in complying with this Order, DOT will rely upon existing authority to collect data and conduct research associated with environmental justice concerns. To the extent permitted by existing law and whenever practical and appropriate, the US DOT will assure that recipients identify disproportionately high and adverse effects on minority or low-income population.

FTA Circular FTA 4703.1 July 2012 Environmental Justice Policy Guidance for Federal Transit Administration Recipients provides recommendations to State Departments of Transportation and other recipients of FTA funds how to engage environmental justice populations in the public transportation decision-making process. The Circular also provides guidance on how to determine if transportation planning, projects, or activities subject environmental justice populations to disproportionately high and adverse human health or environmental effects, and how to avoid, minimize, or mitigate these effects.

Federal Motor Carrier Safety Administration 49 CFR Part 303 February 2005 Title VI Regulations for FMCSA-only programs or activities states Federal financial assistance recipients or grantees will continue to apply and use the Departmental Title VI provisions at 49 CFR part 21. For joint and multi-agency programs/projects, FMCSA Federal assistance recipients or grantees must use the Title VI requirements at 49 CFR part 21, unless agreement is reached by the Federal funding agencies for the recipients to use the Title VI procedures of another agency.

The Executive Order 12898, February 1994, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations: this Executive Order directs federal agencies to identify and address the disproportionately high and adverse human health or environmental effects of Agency actions on minority and low-income populations, to the greatest extent practicable and permitted by law. The Order also directs each agency to develop a strategy for implementing environmental justice. The Order also promotes nondiscrimination in all federal programs that affect human health and the environment, as well as affords minority and low-income communities' access to public information and public participation.

III. Limited English Proficiency/Language Access Plan Development

Who is an LEP Person?

Limited English Proficiency (LEP) is a term used to describe individuals who do not speak English as their primary language and who also may have a limited ability to read, write, or understand English. Additionally, linguistically isolated household is one in which no member fourteen years old and over (1) speaks only English or (2) speaks a non-English language and speaks English "very well." In other words, all members 14 years old and over have at least some difficulty with English.

Compliance with LEP Requirements

EO 13166 directs recipients and subrecipients of Federal financial assistance to take reasonable steps to provide LEP individuals with meaningful access to its activities, programs, and services. The key to providing meaningful access for LEP persons is to ensure that effective communication exists between the ITD and LEP persons. In accord with EO 13166, ITD performs a self-assessment using the four-factor analysis to evaluate the Department's efforts to provide meaning access to LEP individuals, as follows:

Four Factors Self-Evaluation

Executive Order 13166 requires a recipient of Federal financial assistance to apply the four-factor analysis to provide meaningful access for LEP individuals to all of its federally conducted programs and activities. This requires an agency to develop a plan for taking reasonable steps to provide meaningful access for LEP persons. These four factors include:

1. Perform a need assessment on the number or proportion of LEP persons from a particular language group served or encountered in the surrounding community area during the planning and project development process. The greater the number or proportion of LEP persons served or encountered; the more likely it is to need language services. Using available statistics Idaho communities where the LEP population equals five percent or more for a given language automatically triggers providing language assistance services for that language.

There is a variety of sources for demographic information. The Census Bureau is one potential source. The Department of Education (DOE) provides an alternative source of facts. At the DOE, ITD can obtain information detailing school enrollment, the makeup of the students, and the racial and ethnic profiles of each student, including identifying the various languages spoken. In addition, ITD can likewise obtain other significant statistical data.

Moreover, ITD regularly uses community-based organizations to identify language needs. According to the 2010 census, it estimates that the make-up of Idaho's population is 1,567,582; 89% white; 11% Hispanic; 1.4% American Indian; 1.2% Asian, with all other races having a population of less than 1%. Furthermore, the 2010 Census states, 39.6% of the individuals in Idaho speak English less than "very well," and they speak mostly Spanish. The breakdown is as follows:

- District 1, North Idaho .33%;
- District 2 North-Central Idaho .59%;
- District 3 Southwest Idaho 3.48%;
- District 4 South-Central Idaho 10.54%;
- District 5 Southeast Idaho 3.34%
- District 6 East Idaho 5.42%.

2. **Frequency of Contact:** The more frequent the contact with a particular language group, the more likely to need enhanced services in that language. It is also important to consider the frequency of different types of language contacts.

ITD's staff evaluates the appropriate outreach efforts for specific LEP persons in an effort to increase the frequency of contact with these groups.

3. **Importance of Contact:** The more important the activity, information, program or service, or the greater the possible consequences of the contact with LEP individuals. ITD staff makes decisions on how to notify the public on project that may impact them and determine what language services will be necessary. [The Public Outreach Planner](#) is a guide designed to provide ITD staff and subrecipients the ability to analyze the public outreach needs for project development.
4. **Resources Available & Cost:** ITD currently utilizes Linguistica International and volunteer employees to provide interpretation and translation of material. Where an ITD employee cannot provide a specific language translation service (i.e. unqualified language or dialect) then ITD uses the service of language assistance provider via a phone. As part of new employee orientation and annual training ITD staff is trained and aware of the process and procedures to engage the outside vendor Linguistica International.

Providing Language Assistance

ITD does not pass the cost of any language service onto the customer and the LEP person(s) is not required to provide their own interpreter.

Informing Customers of Language Assistance

ITD informs LEP individuals of language assistance services via ITD websites and program specific notices such as brochures and language access posters placed in conspicuous locations describing in multiple languages the availability of language assistance services, how the Department uses “I Speak” language identification cards (Appendix A), and by including instructions in non-English languages on telephone menus.

- **Translation of Vital Documents in languages other than English**

Translation is the replacement of written text from one language into equivalent comprehensive text in another language.

ITD determined a vital document is any document that conveys information critically affecting the ability for the recipient/customer to make decisions about his or her participation in the program. ITD translates all necessary vital documents as needed. Customers may request translation service if not available in the language needed by contacting the ITD [Office of Civil Rights](#).

- **Training**

To ensure ITD staff understands the LEP Plan and their roles and responsibility to provide meaningful access to programs and services by LEP individuals, ITD regularly provides training to Program Area Coordinators and to any staff that potentially interacts or communicates with LEP individuals.

- **Monitor, Evaluate and Update ITD’s LEP/Language Access Plan**

ITD Office of Civil Rights periodically monitors Idaho demographics to analyze:

- The current LEP composition of all service or potential areas,
- The current communication needs of LEP persons,
- Whether existing assistance methods meets LEP demand,
- Whether staffs are knowledgeable about policies and procedures and how to implement them, and
- Whether sources, methods, and provisions for assistance are current and viable

IV. Data Collection

Critical to effectively monitoring program compliance is data collection and record keeping. Analyzing data collection provides an indication of how to maintain services and how to meet customer demand. Code of Federal Regulations 23 § 200.9 requires recipients and subrecipients of Federal financial assistance to collect statistical data (race, color, national origin, sex, disability and age). Data provides measurable evidence of the Department's performance relating to Title VI activities, outcomes, and reporting of successes and challenges the annual reporting cycle. Periodically analyzing data allows ITD to determine if there are any significant changes in the demographics of Idaho and to help it determine if the program needs any revision.

Data ensures that transportation activities, programs, and services effectively meet the needs of "all persons" in Idaho without having any discriminatory affects. Data collected is analyzed to identify:

- Transportation needs for all persons within the boundaries of planned projects
- To determine potential Impacts and persons affected
- And develop and implement strategies to address any potential impacts
- Prioritizing fair and impartial transportation investments
- Developing strategies to disseminate information

V. Compliance and Reporting

ITD Supervisors and Managers ensure that meaningful access, in purview of their respective area, is provided to LEP persons. Additionally, the designated Title VI Program Area Coordinator (PAC) will continuously monitor their respective area to ensure LEP requirements are fulfilled. The Title VI LEP Program Area Review Questionnaire is used to collect data, evaluate and report the Division's program activities annually to the ITD Title VI/Nondiscrimination Coordinator by the Title VI Program Coordinator (Attachment B). The ITD Title VI/Nondiscrimination Coordinator will assess each Division's program procedures to ensure LEP persons participate in a meaningful way in the activities, programs and services.

Local Public Agencies and Metropolitan Planning Organizations Title VI and LEP compliance is monitored as part of ITD's Civil Rights Office review of these organizations. Any deficiency in the Plans or implementation is addressed by the ITD Contract Compliance Officer.

ITD Internal Language Assistance Resources

- ITD maintains an up-to-date listing of employees (statewide) who volunteer their interpreting skills. The Department utilizes *Linguistica International* when an interpreter is unavailable internally ([Linguistica International Sustainable Language Services](#)).
- “I Speak Card” - Language identification card allows the LEP person to communicate his or her language visually (Appendix A or <https://www.lep.gov/ISpeakCards2004.pdf>).
- Any person may request language assistance at: <http://itd.idaho.gov/ocr/ocrREQUESTS.aspx>.

VI. Technical Assistance

ITD Title VI/Nondiscrimination Coordinator supports all ITD Divisions with technical assistance. This includes advising staff of LEP requirements and assisting with the development of individual program plans and processes for implementation. The ITD Contract Compliance Officer frequently assists and monitors Local Public Agency and Metropolitan Planning Organization with Title VI compliance and ensures that all policies, procedures, and/or activities incorporate LEP principles.

VII. Complaint Process

ITD handles complaints in accord with 49 CFR § 21.11(e) which states,

“No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purposes of interfering with any right or privilege secured by Section 601 of the Act or this part, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this Part.”

Any person, specific class of persons, or entity that believes he/she were subject to discrimination as prohibited by the legal provisions of Title VI on the basis of race, color, national origin, sex, age, disability, Limited English Proficiency or income status may file a formal complaint with ITD’s Office of Civil Rights. The complaint form and policy is located at the [Office of Civil Rights](#) or a complaint can be voice directly by contacting the ITD Title VI/Nondiscrimination Coordinator at (208) 334-8884.

VIII. LEP Resources

The U.S. Department of Transportation Guidance to Recipients on Special Language Services to Limited English Proficient Beneficiaries, Federal Register/Vol. 66, No. 14/Monday, January 22, 2001. <https://www.gpo.gov/fdsys/pkg/FR-2001-01-22/pdf/01-1745.pdf>

The U.S. DOJ Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs. Federal Coordination and Compliance Section Civil Rights Division

U.S. Department of Justice May 2011.
http://www.lep.gov/resources/2011_Language_Access_Assessment_and_Planning_Tool.pdf

Language Assistance Self-Assessment and Planning Tool
<https://www.lep.gov/selfassesstool.htm>

U. S. Census Language Identification Flashcards
<http://www.lep.gov/ISpeakCards2004.pdf>

Limited English Proficiency Resources and Information
<https://www.lep.gov/resources/resources.html>

ITD Office of Civil Rights Website [Office of Civil Rights \(Includes Google Translation\)](#)
[ITD Environmental Justice Plan](#)

VIV. Appendices

Appendix A: I Speak Flashcard

<div style="display: flex; justify-content: space-between;"> 2004 Census Test 2010 Census </div>	
LANGUAGE IDENTIFICATION FLASHCARD	
<input type="checkbox"/> <p>ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية.</p>	1. Arabic
<input type="checkbox"/> <p>Ինչպե՞ս եմք 'արևմտյան ամերիկացիներ' կամ 'արևելյան ամերիկացիներ'։</p>	2. Armenian
<input type="checkbox"/> <p>যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বক্সে দাগ দিন।</p>	3. Bengali
<input type="checkbox"/> <p>ឈ្មោះអ្នកក្នុងប្រអប់នេះ បើអ្នកអាច ឬនិយាយភាសា ខ្មែរ ។</p>	4. Cambodian
<input type="checkbox"/> <p>Motka i kabhon ya yangin ününöngu' manaitai pat ününöngu' kumentos Chamorro.</p>	5. Chamorro
<input type="checkbox"/> <p>如果你能读中文或讲中文，请选择此框。</p>	6. Simplified Chinese
<input type="checkbox"/> <p>如果你能讀中文或講中文，請選擇此框。</p>	7. Traditional Chinese
<input type="checkbox"/> <p>Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.</p>	8. Croatian
<input type="checkbox"/> <p>Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.</p>	9. Czech
<input type="checkbox"/> <p>Kruis dit vakje aan als u Nederlands kunt lezen of spreken.</p>	10. Dutch
<input type="checkbox"/> <p>Mark this box if you read or speak English.</p>	11. English
<input type="checkbox"/> <p>اگر خواندن و نوشتن فارسی بلد هستید، این مربع را علامت بزنید.</p>	12. Farsi

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