

**Limited English Proficiency Persons
Four Factor Analysis
&
Language Assistance Plan**



**South East Texas Regional Planning Commission
Transportation & Environmental Resources Department
(South East Texas Transit)**



May 22, 2017

INTRODUCTION

This *Limited English Proficiency Plan* has been prepared to address the South East Texas Transit's (SETT), responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited English proficiency language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq, and its implementing regulations, which state that no person shall be subjected to discrimination on the basis of race, color or national origin.

Executive Order 13166, titled *Improving Access to Services for Persons with Limited English Proficiency*, indicates that differing treatment based upon a person's inability to speak, read, write or understand English is a type of national origin discrimination. It directs each agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies which receive federal funds, including all SETT's departments receiving federal grant funds.

Plan Summary

The SETRPC has developed this *Limited English Proficiency Plan* to help identify reasonable steps for providing language assistance to persons with limited English proficiency (LEP) who wish to access services provided. As defined Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write or understand English. This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and how to notify LEP persons that assistance is available.

In order to prepare this plan, the SETT used the four-factor LEP analysis which considers the following factors:

1. The number or proportion of LEP persons served or encountered by the eligible service population.
2. The frequency with which LEP individuals come in contact with SETT services.
3. The nature and importance of services provided by the SETT to the LEP population.
4. The resources available to the SETT and overall cost to provide LEP assistance.

A summary of the results of the four-factor analysis is in the following section.

MEANINGFUL ACCESS: FOUR-FACTOR ANALYSIS

1. The number or proportion of LEP persons in the service area who may be served or are likely to require SETT services.

SETT provides transportation service to residents in the rural areas of Jefferson, Orange and Hardin Counties. Staff reviewed the American Community Survey (ACS) 2011-2015 data to determine the proportion of the population within its service area that is of limited English proficiency. The ACS showed that 4,835 or 3.55% of the population within the SETT service area is of limited English proficiency; that is, they speak English less than "very well."

The only LEP language group that meets the threshold of the Safe Harbor Provision (a language group that constitutes five percent or 1,000 persons, whichever is less, of the total population of persons eligible to be served or encountered) is the Spanish language group. The ACS was utilized to identify these language groups, as it provides a detailed breakdown by numerous languages. According to the ACS 2011-2015, there are 3,935 LEP individuals in the Spanish language group.

2. The frequency with which LEP persons come in contact with SETT services.

The SETT staff reviewed the frequency with which the office staff and bus drivers have, or could have, contact with LEP persons. This includes surveying staff and conducting ride-alongs on the vehicles. To date, the SETT has had no requests for interpreters and no requests for translated program documents. However, LEP persons were helped by using family members as translators and SETT has brochures and notices translated into the Spanish language. The office staff and bus drivers have reported to have had very little contact with LEP persons.

3. The nature and importance of services provided by the SETT to the LEP population.

South East Texas Transit operates a paratransit service that provides transportation for critical needs such as medical appointments, nutrition, employment, pharmacies and education as well as transportation to places that improve quality of life. SETT will transport riders to entertainment facilities, friend's houses, salons and barber shops and any other place that riders need transportation to access. Per the ACS 2011-2015, the overwhelming majority of the population within the SETT service area, 91.69% (149,936 people), speaks only English, while 9.97% (13,585 people) of the population speaks a language other than English. Of this 9.97% that speak a language other than English, only 3.55% (4,835 people) speak English less than "very well." This 3.55%, Spanish or Spanish Creole speakers, comprises South East Texas Transit's limited English proficiency population.

4. The resources available to the SETT, and overall costs to provide LEP assistance.

The SETT reviewed its available resources that could be used for providing LEP assistance, which of its documents would be most valuable to be translated if the need should arise, and contracted services through a Disadvantaged Business Enterprise (DBE) to provide those document translations. Spanish translation, if needed within a reasonable timeframe, will be done through the DBE. Emergency or time sensitive translations will be done through agency staff. Other language translation would be provided through a telephone interpreter line, Language Line, for which the Public Transportation program would pay the fees.

LANGUAGE ASSISTANCE

A person who does not speak English as their primary language and who has a limited ability to read, write, speak or understand English may be a Limited English Proficient person and may be entitled to language assistance with respect to SETT services. Language assistance can include interpretation, which means oral or spoken transfer of a message from one language into another language and/or translation, which means the written transfer of a message from one language into another language.

How the SETT staff may identify an LEP person who needs language assistance:

- Post notice of LEP Plan and the availability of interpretation or translation services free of charge in languages LEP persons would understand.
- All SETT drivers are provided with "I Speak" cards to assist in identifying the language interpretation needed if the occasion arises.
- SETT staff will be informally surveyed annually on their experience concerning any contact with LEP persons.
- When the SETT sponsors an informational meeting or event, an advanced public notice of the event will be published including special needs related to offering a translator (LEP) or interpreter (sign language for hearing impaired individuals). Additionally, a staff person may greet participants as they arrive. By informally engaging participants in conversation it is possible to gauge each attendee's ability to speak and understand English. Although translation services may not be able to be provided at that particular event, it will help identify the need for future events.

Language Assistance Measures

Although there is a very low percentage in the SETT of LEP individuals, that is, persons who speak English "not well" or "not at all", it will offer the following measures:

1. The SETT staff will take reasonable steps to provide the opportunity for meaningful access to LEP clients who have difficulty communicating English.
2. The following resources will be available to accommodate LEP persons:
 - Brochures translated in Spanish made available at social services, workforce, transit, religious agencies, City Halls, and Regional Planning Commission.
 - Language interpretation will be accessible for all languages through Language Line, a telephone interpretation service.

STAFF TRAINING

The following training is provided to all staff:

- Information on the Title VI Policy and LEP responsibilities.
- Description of language assistance services offered to the public.
- Use of the "I Speak" cards.
- Documentation of language assistance requests.
- How to handle a potential Title VI/LEP complaint.

All contractors or subcontractors performing work for South East Texas Transit will be required to follow the Title VII/LEP guidelines.

TRANSLATION OF DOCUMENTS

The South East Texas Transit weighed the cost and benefits of translating documents for potential LEP groups. Considering the expense of translating the documents, the likelihood of frequent changes

in documents and other relevant factors, at this time it is an unnecessary burden to have all documents translated. SETT has translated brochures, flyers, billboards and LEP notices into the language of the limited English population most encountered. According to the data collected from the 2011-2015 ACS, SETRPC is required to provide translations of vital documents into Spanish or Spanish Creole in accordance with Safe Harbor Provisions because the service area meets the thresholds of an eligible LEP group consisting of five percent (5%) or 1,000 persons, whichever is less, of the total population of persons eligible to be served or likely to be served.

Due to the very small local LEP population, SETT does not have a formal outreach procedure in place, as of 2017. Translation resources have been identified and are limited in this region. However, when and if the need arises for LEP outreach, SETT will consider the following options:

- When staff prepares a document, or schedules a meeting, for which the target audience is expected to include LEP individuals, then documents, meeting notices, flyers, and agendas will be printed in an alternative language based on the known LEP population.

MONITORING

Monitoring and Updating the LEP Plan - South East Texas Transit will update the LEP Plan as required. At a minimum, the plan will be reviewed and updated when new U.S. Census is available, or when it is clear that higher concentrations of LEP individuals are present in the SETT service area. Updates will include the following:

- The number of documented LEP person contacts encountered annually.
- How the needs of LEP persons have been addressed.
- Determination of the current LEP population in the service area.
- Determination as to whether the need for translation services has changed.
- Determine whether local language assistance programs have been effective and sufficient to meet the need.
- Determine whether the SETT's financial resources are sufficient to fund language assistance resources needed.
- Determine whether the SETT fully complies with the goals of this LEP Plan.
- Determine whether complaints have been received concerning the agency's failure to meet the needs of LEP individuals.
- Maintain a Title VI complaint log, including LEP to determine issues and basis of complaints.

EQUITY ANALYSIS FOR FACILITIES

SETRPC has not built any facilities therefore no equity analysis is required.

DISSEMINATION OF THE SOUTH EAST TEXAS TRANSIT LEP PLAN

- Post signs at conspicuous and accessible locations notifying LEP persons of the LEP Plan and how to access language services.
- State on agendas and public notices in the language LEP persons would understand that documents are available in that language upon request at 409-899-8444 ext 6601.

UPDATES

Original - August 1, 2012

Updated - May 22, 2017