

Limited English Proficiency Plan

Bonneville Metropolitan Planning Organization

2013



Contents

Executive Order 13166	2
Executive Order 13166 Summary.....	4
Policy Statement	4
Plan Summary	4
Four Factor Analysis	5
Language Assistance	6
Language Assistance Measures.....	6
Steps in Providing Assistance	6
Training.....	7
Provide Notice to LEP Persons	7
Monitoring	7
Compliance and Enforcement.....	7
Demographic Data	8
Appendix 1~Complaints Based on Limited English Proficiency	9
Appendix 2~Language Identification Flashcards “I Speak” Cards.....	10
Appendix 3~Language Assistance Cards	13

LIMITED ENGLISH PROFICIENCY PLAN

EXECUTIVE ORDER 13166

Executive Order 13166--Improving Access to Services for Persons With Limited English Proficiency
Department of Justice
Enforcement of Title VI of the Civil Rights Act of 1964--National Origin Discrimination Against Persons With Limited English Proficiency; Notice
Presidential Documents

The President Executive Order 13166 of August 11, 2000

Improving Access to Services for Persons with Limited English Proficiency
By the authority vested in me as President by the Constitution and the laws of the United States of America, and to improve access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency (LEP), it is hereby ordered as follows:

Section 1. Goals.

The Federal Government provides and funds an array of services that can be made accessible to otherwise eligible persons who are not proficient in the English language. The Federal Government is committed to improving the accessibility of these services to eligible LEP persons, a goal that reinforces its equally important commitment to promoting programs and activities designed to help individuals learn English. To this end, each Federal agency shall examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services consistent with, and without unduly burdening, the fundamental mission of the agency. Each Federal agency shall also work to ensure that recipients of Federal financial assistance (recipients) provide meaningful access to their LEP applicants and beneficiaries. To assist the agencies with this endeavor, the Department of Justice has today issued a general guidance document (LEP Guidance), which sets forth the compliance standards that recipients must follow to ensure that the programs and activities they normally provide in English are accessible to LEP persons and thus do not discriminate on the basis of national origin in violation of title VI of the Civil Rights Act of 1964, as amended, and its implementing regulations. As described in the LEP Guidance, recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.

Section 2. Federally Conducted Programs and Activities.

Each Federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency's programs and activities. Agencies shall develop and begin to implement these plans within 120 days of the date of this order, and shall send copies of their plans to the Department of Justice, which shall serve as the central repository of the agencies' plans.

Section 3. Federally Assisted Programs and Activities.

Each agency providing Federal financial assistance shall draft title VI guidance specifically tailored to its recipients that is consistent with the LEP Guidance issued by the Department of Justice. This agency-specific guidance shall detail how the general standards established in the LEP Guidance will be applied to the agency's recipients. The agency-specific guidance shall take into account the types of services provided by the recipients, the individuals served by the recipients, and other factors set out in the LEP Guidance. Agencies that already have developed title VI guidance that the Department of Justice determines is consistent with the LEP Guidance shall examine their existing guidance, as well as their programs and activities, to determine if additional guidance is necessary to comply with this order. The Department of Justice shall consult with the agencies in creating their guidance and, within 120 days of the date of this order, each agency shall submit its specific guidance to the Department of Justice for review and approval. Following approval by the Department of Justice, each agency shall publish its guidance document in the Federal Register for public comment.

Section 4. Consultations.

In carrying out this order, agencies shall ensure that stakeholders, such as LEP persons and their representative organizations, recipients, and other appropriate individuals or entities, have an adequate opportunity to provide input. Agencies will evaluate the particular needs of the LEP persons they and their recipients serve and the burdens of compliance on the agency and its recipients. This input from stakeholders will assist the agencies in developing an approach to ensuring meaningful access by LEP persons that is practical and effective, fiscally responsible, responsive to the particular circumstances of each agency, and can be readily implemented.

Section 5. Judicial Review.

This order is intended only to improve the internal management of the executive branch and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers or employees, or any person.

(Presidential Sig.)

THE WHITE HOUSE,
August 11, 2000.

EXECUTIVE ORDER 13116 Summary

As stated in Federal Register Volume 65, No. 159 Wednesday, August 16, 2000, the President Executive Order 13166 of August 11, 2000 improving Access to Services for Persons with Limited English provides clarification of how federal agencies ensure persons are not discriminated against by national origin or language barrier. The goals of the executive order are established to ensure that federal agencies and agencies who receive federal assistance through these agencies review their programs and activities to ensure people with limited English proficiency are not denied service due to this fact.

The Department of Transportation issues a policy guidance concerning recipient's responsibilities to Limited English Proficient persons in the Federal Register dated December 14, 2005 (Volume 70, Number 239). In this guidance it was clear the BMPO is required to comply with the provision of the Department's guidance and develop an LEP plan.

POLICY STATEMENT

Bonneville Metropolitan Planning Organization (BMPO) is responsible as a recipient of federal financial assistance to provide a *Limited English Proficiency Plan* that relates to the needs of individuals with limited English skills. The BMPO has a memorandum of understanding with Idaho Transportation Department (ITD) to implement our Title VI requirements. This plan is 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.

The Limited English Proficiency Plan (LEP) is designed to be addendum to ITD's LEP. BMPO has agreed to and will follow ITD'S Title VI policies, but the LEP guidance from the U.S. Department of Transportation suggests each agency should conduct a self-evaluation of the needs in their specific service area.

It is also BMPO's policy that all employees and Policy Board members be familiar with the LEP plan.

PLAN SUMMARY

BMPO developed this plan to identify the necessary steps to ensure the agency is making reasonable efforts to provide language assistance for LEP persons seeking access to BMPO's programs and activities. A limited English proficiency person is one who does not speak English as their primary language and who has a limited ability to read, write, or understand English.

The plan details how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training, and how to notify persons that assistance is available. In developing the plan, BMPO referred to ITD’s LEP Plan and to the U.S. DOT guidance which outlines four factors an agency should use to determine the steps necessary to comply with LEP requirements. The factors are: 1) the number of or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity or service of the recipient; 2) the frequency with which LEP individuals come in contact with the program, activity, or service; 3) the nature and importance of the program, activity, or service provided by the recipient to people’s lives; and, 4) the resources available to the recipient and the cost.

FOUR FACTOR ANALYSIS

<p><i>1. The number of or proportion of LEP persons eligible to be served or likely to encounter a BMPO program, activity, or service of the recipient.</i></p>	<p>ITD LEP plan looks at counties and areas where the percentage of persons who speak English less than “very well” is at five percent. One in ten Idaho residents over the age of five speaks a language other than English at home. Bonneville County, which includes the planning boundaries of the BMPO, has an LEP percentage of 3.6%.</p>
<p><i>2. The frequency with which LEP individuals come in contact with a BMPO program, activity, or service.</i></p>	<p>Notification of meetings and placement of studies, planning documents, and other materials are placed on the BMPO website. These documents are in English. To date, the BMPO has had no requests for an interpreter and no request for translated program documents.</p>
<p><i>3. The nature and importance of the program, activity, or service provided by BMPO to people’s lives.</i></p>	<p>There is no large geographic concentration of any type of LEP individuals in the service area for the BMPO. The majority of the population in the BMPO speaks only English.</p>
<p><i>4. The resources available to BMPO and overall cost.</i></p>	<p>The BMPO has reviewed its documents and publications and determined that they can be translated as needed with assistance from partners in the community. One staff member speaks Spanish. The BMPO has identified additional resources with partner agencies such as Bonneville County Courts for a certified translator and TRPTA or City of Idaho Falls who have bilingual staff willing to assist with calls as needed.</p>

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 individual entitled to language assistance. 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.

BMPO personnel may identify an LEP person who needs language assistance through the following techniques:

- Develop “Request for Language Assistance” cards to be displayed at all public meetings and on public notices placed in alternate languages.
- Census Bureau “I Speak” cards will be available at public meetings. Staff will assist in identifying the language interpretation needed if the occasion arises.

LANGUAGE ASSISTANCE MEASURES

A procedure for staff to follow for each situation is identified. The following language assistance is for Spanish language. BMPO is preparing for this language as it is the predominate language other than English in the region. For additional languages the Language Line website will be used.

BMPO can obtain LEP services during normal business hours by contacting Bonneville County Courts Jenny Shultz, Teton Regional Transit Authority (TRPTA), City of Idaho Falls or other resource depending on language needed. Staff will be aware of methods in locating an interpreter. An interpreter will be provided in a timely manner at no cost to the individual.

Steps in providing assistance:

<i>Responding to a LEP individual at a public meeting or other public area.</i>	If no prior notice is given by the individual requesting language services the staff will follow procedures outlined above.
<i>Responding to callers who need language services.</i>	Staff will be provided with instructions for answering phone calls from a LEP individual, including a pre-written statement to request a number and time to call back with the appropriate translator. Staff will contact the Bonneville County Courts or appropriate person to get the suitable translator.
	This request will be handled on a case by case request. Depending on the language included in the request, staff will determine the best options for translation.

TRAINING

The following training will be provided for the staff:

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

Staff will be encouraged to take courses to become proficient in additional languages.

PROVIDE NOTICE TO LEP PERSONS

- All general public notices will include a statement that LEP accommodations are available. Statement: “Persons who require special accommodations under the Americans with Disability Act or persons who require translation services (free of charge) should contact (staff member name) at least two working days prior to the meeting date.”
- Post a sign for the public in the BMPO office indicating interpreter services are available upon request.

MONITORING

Monitoring and Updating the LEP Plan – BMPO will update the LEP Plan as required. At a minimum, the plan will be reviewed and updated when the data from the U.S. Census is available, or when it is clear that higher concentrations of LEP individuals are present in the BMAPA. Updates will include:

- The number of documented LEP person contacts encountered annually.
- How the need of LEP persons have been addressed.
- Determination of the current LEP population in the BMAPA.
- 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 if financial resources are sufficient to fund language assistance.
- Determine whether the BMPO 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.

COMPLIANCE AND ENFORCEMENT

BMPO staff shall have primary responsibility for ensuring compliance with the LEP Plan. Human Resources and the Civil Rights Officer will assess whether the programs’

policies and procedures allow LEP persons to overcome language barriers and participate in a meaningful way in the activities and benefits of the Company. Conversely, certain practices may constitute a violation of the program’s responsibility under the LEP Plan. It is important for BMPO to ensure the competency of interpreters and translation services.

Human Resources and the Civil Rights Officer shall institute a process for handling complaints from customers about language assistance, and data reporting. The complaint process shall inform customers and clients on how to file a complaint, and provide a means of recording and resolving complaints.

Complaints by LEP persons will be investigated in a manner prescribed by the laws governing federally assisted programs and activities. These procedures include complaint investigations, compliance reviews, efforts to secure voluntary compliance, and technical assistance.

Anyone who believes that he or she has been discriminated against because of their national origin may file a complaint with the:

Federal Transit Administration Office of Civil Rights
 Jackson Federal Building
 Attention: Title VI Program Coordinator
 915 Second Ave, Suite 3142
 Seattle, Washington 98174
 (206) 220-7954
 (206) 220-7959

BMPO Title VI Officer
 DaNiel Jose
 1810 W. Broadway #15
 Idaho Falls, ID 83402
 208-612-8509
djose@bmpo.org

DEMOGRAPHIC DATA

POPULATION OF BONNEVILLE COUNTY	POPULATION 5 YEARS AND OVER	ENGLISH SPEAKING ONLY	ENGLISH SPEAKING LESS THAN VERY WELL	PERCENTAGE BELOW VERY WELL
101,438	92,586	83,435	3,291	3.6%

Source: US Census Bureau/ American Community Survey

Appendix 1

BMPO
Complaints Based on
Limited English Proficiency

Contact Information

Name: _____

Address: _____

City: _____

Phone: _____

Email: _____

Complaint details: _____

Name of staff person that you believe discriminated against you:

Date of alleged incident: _____

<div style="display: flex; justify-content: space-between;"> 2004 Census Test United States Census 2010 </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>Խոսողո՞ւմ ե՞նք նշո՞ւմ կատարե՞ք այս քառակուսում, եթե խոսում կամ կարդում եք հայերեն:</p>	2. Armenian
<input type="checkbox"/> <p>যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন।</p>	3. Bengali
<input type="checkbox"/> <p>ឈ្លឹមបញ្ជាក់ក្នុងប្រអប់នេះ បើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។</p>	4. Cambodian
<input type="checkbox"/> <p>Motka i kahhon ya yangin ûntûngnu' manaitai pat ûntûngnu' 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 فارسي بلد هستيد، اين مربع را علامت بنويد.</p>	12. Farsi

DB-3309

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Economic and Statistics Administration
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- | | | |
|--------------------------|--|--------------------|
| <input type="checkbox"/> | Cocher ici si vous lisez ou parlez le français. | 13. French |
| <input type="checkbox"/> | Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen. | 14. German |
| <input type="checkbox"/> | Σημειώστε αυτό το πλαίσιο αν διαβάζετε ή μιλάτε Ελληνικά. | 15. Greek |
| <input type="checkbox"/> | Make kazyè sa a si ou li oswa ou pale kreyòl ayisyen. | 16. Haitian Creole |
| <input type="checkbox"/> | अगर आप हिन्दी बोलते या पढ़ सकते हैं तो इस बक्स पर चिह्न लगाएँ। | 17. Hindi |
| <input type="checkbox"/> | Kos lub voj no yog koj paub twm thiab hais lus Hmoob. | 18. Hmong |
| <input type="checkbox"/> | Jelölje meg ezt a kockát, ha megérti vagy beszéli a magyar nyelvet. | 19. Hungarian |
| <input type="checkbox"/> | Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano. | 20. Ilocano |
| <input type="checkbox"/> | Marchi questa casella se legge o parla italiano. | 21. Italian |
| <input type="checkbox"/> | 日本語を読んだり、話せる場合はここに印を付けてください。 | 22. Japanese |
| <input type="checkbox"/> | 한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오. | 23. Korean |
| <input type="checkbox"/> | ໃຫ້ໝາຍໃສ່ຊ່ອງນີ້ ຖ້າທ່ານອ່ານຫຼືປາກພາສາລາວ. | 24. Laotian |
| <input type="checkbox"/> | Prosimy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim. | 25. Polish |

DB-3309

U.S. DEPARTMENT OF COMMERCE
Economic and Statistics Administration
U.S. CENSUS BUREAU

<input type="checkbox"/>	Assinale este quadrado se você lê ou fala português.	26. Portuguese
<input type="checkbox"/>	Însemnați această căsuță dacă citiți sau vorbiți românește.	27. Romanian
<input type="checkbox"/>	Пометьте этот квадратик, если вы читаете или говорите по-русски.	28. Russian
<input type="checkbox"/>	Обележите овај квадратик уколико читате или говорите српски језик.	29. Serbian
<input type="checkbox"/>	Označte tento štvorček, ak viete čítať alebo hovoriť po slovensky.	30. Slovak
<input type="checkbox"/>	Marque esta casilla si lee o habla español.	31. Spanish
<input type="checkbox"/>	Markahan itong kuwadrado kung kayo ay marunong magbasa o magsalita ng Tagalog.	32. Tagalog
<input type="checkbox"/>	ให้ทำเครื่องหมายลงในช่องสี่เหลี่ยมหรือทุกภาษาไทย.	33. Thai
<input type="checkbox"/>	Maaka 'i he puha ni kapau 'oku ke lau pe lea fakatonga.	34. Tongan
<input type="checkbox"/>	Відмітьте цю клітинку, якщо ви читаете або говорите українською мовою.	35. Ukrainian
<input type="checkbox"/>	اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانے میں نشان لگائیں۔	36. Urdu
<input type="checkbox"/>	Xin đánh dấu vào ô này nếu quý vị biết đọc và nói được Việt Ngữ.	37. Vietnamese
<input type="checkbox"/>	באצייכנט דעם קעסטל אויב איר לייענט אדער רעדט אידיש.	38. Yiddish

DB-3309

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Appendix 3

Language Assistance Card for phone calls with a non-English speaking customer.

English	Spanish
I do not speak Spanish. I will need to get assistance and call you back. What is your name, phone number and the best time to call you back?	No hablo a español. Necesito ayuda y le devuelva la llamada. ¿Copia de lo que es su nombre, número de teléfono y la mejor hora para llamarle?
Thank You	Gracias