

Airport Nondiscrimination Compliance Program (Title VI)



U.S. Department
of Transportation
**Federal Aviation
Administration**

Limited English Proficiency (LEP) Overview and Workshop

Office Of Civil Rights

*ACHIEVING SAFETY
THROUGH DIVERSITY*

Presented to: Airport Sponsors

Prepared by: FAA Office of Civil Rights

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“Title VI and its regulations require recipients to take reasonable steps to ensure ‘meaningful’ access to the information and services they provide.”

Executive Order 13166

Agenda

Limited English Proficiency Overview

- Regulations
- Definitions and Concepts
- Four-Factor Analysis
- Strategies for Providing Language Assistance Services

LEP Plan

- LEP Plan Overview
- Five Minimum Elements of a LEP Plan
- Creating a LEP Plan

Limited English Proficiency (LEP) Overview

- **Regulations**
- **Definitions and Concepts**
- **Four-Factor Analysis**
- **Strategies for Providing Language Assistance Services**



Regulations

- **Executive Order 13166**

“Improving Access to Services for Persons with Limited English Proficiency” dated August 11, 2000

- **U.S. Department of Transportation** issued LEP guidance for recipients in December 2005 found in **Federal Register, Volume 70, No. 239**

“Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons”

Definitions and Concepts

- **LEP Individual** – a person who does not speak English as their primary language and has a limited ability to read, write, speak or understand English
- **Interpretation** – the act of listening to something in one language (source language) and orally translating it into another language (target language)
- **Translation** – the replacement of written text from one language (source language) into an equivalent written text in another language (target language)

Definitions and Concepts (continued)

- **Effective Communication** – communication sufficient to provide the LEP person with substantially the same level of access to services received by individuals who are not LEP
- **Language Assistance Services** – oral and written language services needed to assist LEP persons to communicate effectively with staff, and to provide LEP persons with meaningful access to airport sponsor programs or activities
- **Meaningful Access** – language assistance that results in accurate, timely and effective communication at no cost to the LEP person

Definitions and Concepts (continued)

- **Multilingual staff or employee** – a staff person or employee who has demonstrated proficiency in English and reading, writing, speaking or understanding at least one other language as authorized by his or her airport sponsor
- **Qualified Translator or Interpreter** – an in-house or contracted translator or interpreter who has demonstrated his or her competence to interpret or translate through court certification or is authorized to do so by contract with the airport sponsor

Definitions and Concepts (continued)

- **Vital Document** – paper or electronic written material that contains information that is critical for accessing an airport sponsor’s program or activities, or is required by law
- **Primary Language** – an individual’s primary language is the language in which an individual most effectively communicates

Four-Factor Analysis - Overview

Airport sponsors should apply these four factors to determine the extent of their obligation to provide LEP services:

1. Number/proportion of LEP persons in an airport sponsor's area
2. Frequency of contact between LEP persons and the airport sponsor's services
3. Importance of the service provided by the airport sponsor
4. Resources available to the airport sponsor and costs

Four-Factor Analysis – 1st Factor

Number/proportion of LEP persons in an airport sponsor's area

- The greater number or proportion of LEP persons in the service area, the more likely language services will be needed
- Ask yourself “Who will be excluded without efforts to remove language barriers?”
- How can a you determine the LEP population in your area, if any?

Four-Factor Analysis – 2nd Factor

Frequency of contact between LEP persons and the airport sponsor's services

- The more frequent the contact between the services and the LEP population, the more likely the need for enhanced language services
- The Census data will not capture non-resident LEP persons who access airport services, e.g. tourists, layover passengers
- How can a you determine the frequency of contact between LEP persons and your services?

Four-Factor Analysis – 3rd Factor

Importance of the service provided by the airport sponsor

- The more important the activity or service or the greater consequences of the contact to the LEP persons, the more likely language services are needed
- In essence, if a delay or denial of access to a particular service could have serious health or life threatening implications it is probably “important”
- DOT guidance states: “Transportation is considered an essential service to participation in modern society”

Four-Factor Analysis – 4th Factor

Resources available to the airport sponsor and costs

- An airport sponsor's level of resources and the costs imposed may have an impact on the nature of steps they should take in providing meaningful access for LEP persons to provide the same level of language assistance as larger airports with greater resources
- The budget of the largest entity that supervises the airport sponsor will be considered

Strategies for Providing Language Assistance Services

Identify LEP Populations through

- Communities and stakeholders
- Translation “I Speak” cards with LEP flying public

Providing Notice to LEP Populations by

- Posting language assistance services
- Advertising
- Marketing

Strategies for Providing Language Assistance Services (continued)

Provide Interpretation by

- Using bilingual staff or community volunteers
- Providing interpretation services

Provide Translation by

- Using universal symbols and pictograms where appropriate
- Translated documents

LEP Plan

- **LEP Plan Overview**
- **Five Minimum Elements of a LEP Plan**
- **Creating a LEP Plan**



LEP Plan Overview

Why develop a LEP Plan?

- To address the identified needs of the LEP populations you serve based on the four-factor analysis
- May be useful for training, administration, planning and budgeting by airport sponsors

Is there a required format and/or length for the LEP Plan?

- No
- It should be sufficiently detailed enough to address items identified during the four-factor analysis

LEP Plan Overview (continued)

Do airport sponsors receiving Federal financial assistance have to submit a written LEP Plan to the FAA each year?

- No
- There is no blanket requirement that the plans be submitted

Is a copy of the LEP Plan ever requested by the FAA?

- Possibly
- In certain circumstances, such as in complaint investigations or compliance reviews, airport sponsors may be required to provide the FAA a copy of any plan they have created

LEP Plan Overview (continued)

Does every airport sponsor have to create a written LEP Plan?

- No
- Airport sponsors serving very few LEP persons and airport sponsors with very limited resources, may choose not to develop a written LEP plan

Are airport sponsors encouraged to have a written LEP Plan?

- Yes
- The absence of a written LEP Plan does not remove the underlying obligation to ensure meaningful access by LEP persons to program or activities

LEP Plan Overview (continued)

What makes a good LEP Plan?

- Based on sound planning
- Adequately supported so that implementation has a realistic chance of success
- Periodically evaluated and revised, if necessary
- In writing (electronically and/or hard copy)
- Communicated

Who uses the LEP Plan?

- Airport sponsor employees
- Potentially FAA during complaint investigations or compliance reviews

Five Minimum Elements of a LEP Plan - Overview

An effective LEP Plan should include, at a minimum the following elements

1. Identification of LEP persons
2. Language assistance measures
3. Training staff
4. Provide notices to LEP persons
5. Monitoring and updating the LEP Plan

Five Minimum Elements of a LEP Plan - 1st Element

Identification of LEP persons

- Consider information obtained from the first two factors of the four-factor analysis
 1. *Number/proportion of LEP persons in an airport sponsor's area*
 2. *Frequency of contact between LEP persons and the airport sponsor's services*
- Determine LEP persons with whom you have contact
- Identify what barriers to communications currently exist

Five Minimum Elements of a LEP Plan – 2nd Element

Language assistance measures

- Consider including information about the ways language assistance will be provided
- For example, you may want to include information on:
 - Types of language services available
 - How staff can obtain those services
 - How to respond to LEP callers
 - How to respond to written communications from LEP persons
 - How to respond to LEP persons who have in-person contact with your staff

Five Minimum Elements of a LEP Plan – 3rd Element

Training staff

- Staff should know of the airport sponsor's obligations to provide meaningful access for LEP persons
- Consider including training for staff in LEP Plan
- Training should address:
 - LEP policies and procedures
 - How to work effectively with in-person and telephone interpreters
- May want to include this training as part of new employee orientation training
- May also want to train tenants

Five Minimum Elements of a LEP Plan – 4th Element

Provide notices to LEP persons

- It is important to let LEP persons know that language services are available and that they are free of charge
- You should provide this notice in a language LEP persons will understand
- Some ways of accomplishing this objective include:
 - Posting signs
 - Stating in brochures, booklets, etc., in appropriate languages, that language services are available
 - Working with community-based organizations
 - Using a telephone voice mail menu in the most common languages encountered

Five Minimum Elements of a LEP Plan – 5th Element

Monitoring and updating the LEP Plan

- Have a process for determining whether new documents, programs, services, and activities need to be made accessible for LEP persons
- Consider whether changes in demographics, types of services, or other needs require annual reevaluation of your LEP Plan
- One good way to evaluate your LEP Plan is to seek feedback from the community

Creating a LEP Plan

Four-factor analysis

- Conduct a four-factor analysis

OR

- Find a copy of the most recent four-factor analysis conducted
- Review the results

Creating a LEP Plan (continued)

Pull pertinent data from the four-factor analysis

- For example:
 - LEP population demographics
 - Frequency of contact with LEP persons
 - Importance of services, information, program or activity
 - Costs versus resources and benefits

Incorporate data into the first element of the LEP Plan

- Identification of LEP persons

Creating a LEP Plan (continued)

Identify the LEP assistance to provide

- Types of assistance and source
- Procedures for providing assistance
- Points of contact

Incorporate data into the second element of the LEP Plan

- Language assistance measures

Creating a LEP Plan (continued)

Identify what to do with the LEP Plan

- Distribute
- Training
- Notify

Incorporate data into the third and fourth elements of the LEP Plan

- Training staff
- Provide notices to LEP persons

Creating a LEP Plan (continued)

Determine if LEP Plan is current and still appropriate to meet language assistance needs

- Periodically review
- Seek feedback from local community
- Check with airport staff
- Ensure identified sources are still available and viable
- Four-factor analysis

Incorporate data into the fifth element of the LEP Plan

- Monitoring and updating the LEP Plan

Creating a LEP Plan – sample table of contents

Introduction

Plan Summary/Overview

Four-Factor Analysis

- Number /proportion of LEP persons
- Frequency of contact with LEP persons
- Importance of service(s) provided
- Resources available and overall cost

LEP Plan Outline

- Identification of LEP persons
- Language assistance measures
- Staff training
- Outreach / notification techniques
- Monitoring and updating the LEP Plan

“A federal aid recipient’s failure to assure that people who are not proficient in English can effectively participate in and benefit from programs and activities may constitute national origin discrimination prohibited by Title VI.”

Executive Order 13166

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