

Metropolitan Topeka Planning Organization (MTPO)

Limited English Proficiency Plan (LEP)

Adopted July 1, 2011

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Introduction

“Individuals, who have a limited ability to read, write, speak, or understand English are limited English proficient or “LEP.” According to the 2000 U.S. Census, more than 10 million people reported that they do not speak English at all, or do not speak English well. The number of persons reporting that they do not speak English at all or do not speak English well grew by 65 percent from 1990 to 2000. Among limited English speakers, Spanish is the language most frequently spoken, followed by Chinese (Cantonese or Mandarin), Vietnamese, and Korean.

“Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq., and its implementing regulations provide that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination under any program or activity that receives Federal financial assistance. The Supreme Court, in *Lau v. Nichols*, 414 U.S. 563 (1974), interpreted, Title VI regulations prohibit conduct that has a disproportionate effect on LEP persons because such conduct constitutes national origin discrimination.

“Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency,” reprinted at 65 FR 50121 (August 16, 2000), directs each Federal agency to examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services. Every Federal agency that provides financial assistance to non-Federal entities must publish guidance for their respective recipients in order to assist them with their obligations to LEP persons under Recipients of federal funds range from state and local agencies, to nonprofits and other organizations such as metropolitan planning organizations.

“The U.S. DOT published revised guidance for its recipients on December 14, 2005. This document states that Title VI and its implementing regulations require that DOT recipients take responsible steps to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are Limited English Proficient (LEP) and that recipients should use DOT LEP Guidance to determine how best to comply with statutory and regulatory obligations to provide meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are LEP.

Who is a Limited English Proficient Person?

Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be limited English proficient, or “LEP”. These individuals may be entitled to language assistance with respect to a particular type of service, benefit, or encounter. The 2000 United States Census defines LEP individuals as those who speaks a language at home other than English as their primary language, and who speak or understand English “not well” or “not at all”.

Four Factor Analyses:

Factor 1: The number or proportion of LEP persons eligible to be served or likely to encounter an MTPO program, activity, or service.

With regards to the census data as it pertains to Limited English Proficient persons (LEP) Spanish persons had the highest percentage of total population 5 years of age and over that spoke a language other than English at home. The total Spanish speaking population 5 years of age and older, in the MTPO area was 6,345 or 4.28% of the 148,241 total population 5 years of age and over in the MTPO area. (See U.S. 2000 Census Bureau Data in Table 1 below) The number of Spanish speaking persons that spoke English either “not well” or “not at all” was 1,472 or 1.0% of the total MTPO population age 5 and over. The total number of all persons 5+ years of age, in the MTPO Area who speak English less than well is 1,762 or 1.19% of the total 5+ population.

The MTPO area includes the jurisdictions of the City of Topeka and portions of the unincorporated area of Shawnee County (**Appendix B**). Also in Appendix B is a map showing the geographic boundaries of the most concentrated area of LEP persons within the MTPO boundary according to the 2000 U.S. Census. Table 1 shows a comparative analysis of LEP persons in both the MTPO Area and the LEP concentration area.

U.S. Census Bureau information from the 2000 Census was used in the analysis of the MTPO’s LEP persons. The MTPO staff will update this data as 2010 census data becomes available. As of the publishing of this document that data is not yet available. Table 1 shows a summary of the Census 2000 data.

Table 1: Analysis of LEP Persons in the MTPO Area and the LEP Concentration area

Number of Non-English Indo-European Language Speaking Persons 5+ Years of Age who Speak English Less than “Well”

	MTPO Planning Area	LEP Concentration Area	Percent MTPO	Percent LEP Area
Total number of Spanish Speaking Persons 5+ Years of Age	6,345	3,411	4.28%	10.0%
Number of Non-English Indo-European Language Speaking Persons 5+ Years of Age who Speak English Less than “Well”	177	23	.12%	.09%
Number of Spanish Speaking Persons 5+ Years of Age who Speak English Less than “Well”	1,472	1,093	1.0%	3.2%
Number of All Persons 5+ Years of Age who Speak English Less than “Well”	1,762	1,122	1.19%	3.28%
Number of Persons 5+ Years of Age	148,241	34,115		
<i>Source: U.S. Census Bureau, 2000 Census</i>				

Factor 2: The frequency with which LEP individuals come in contact with an MTPO program, activity, or service.

Per the 2000 census data, the MTPO does not have a large LEP population and has not had requests for services in another language other than English. The City of Topeka water department and Legal departments have been providing some information in Spanish, with the legal department also providing an interpreter if needed.

The MTPO have had very limited contact with LEP persons. In recent history, there has been no contact at meetings, through Board or Committee members, through phone contact, or by personal visits. Website access by LEP persons is not known.

Factor 3: The Nature and Importance of the Program, Activity, or Service Provided by the MTPO to the LEP Community.

The MTPO is a federal mandated and federally funded transportation policy-making organization that is made up of representatives from local governments and governmental transportation authorities. In 1962, the United States Congress passed legislation that required the formation of an MPO for any urbanized area (UA) with a population greater than 50,000. Federal funding for transportation projects and programs are channeled through this planning process. Congress created MPOs in order to ensure that existing and future expenditures of governmental funds for transportation projects and programs are based on a continuing, cooperative, and comprehensive (“3-C”) planning process. Statewide and metropolitan transportation planning processes are governed by federal law (49 and 23 CFR)

While their numbers are low, it is important that access and input to the MTPO process by LEP persons is available to ensure that everyone is involved in the process and therefore equally represented. Title VI also requires that participation in the MTPO process by LEP persons not be hindered due to national origin. Given the importance of equal participation and representation by LEP persons, the MTPO has incorporated this LEP Plan for guidance when situations warrant translation of MTPO documents or processes.

Data was gathered from the following sources to identify information on persons who speak languages other than English at home and who speak it less than well or not at all and therefore considered as limited English proficient or “LEP”:

- a. 2000 Census Data.
- b. Census Bureau’s American Community Survey and Fact Finder Surveys.
- c. Department of Labor LEP Special Tabulation website.

Factor 4: The Resources Available to the MTPO and Overall Costs.

The MTPO’s community outreach initiatives have yielded a list of community organizations that service populations with limited English proficiency. The following is a list of community organizations that were contacted by the MTPO in an attempt to gathering information as to what services are most frequently sought by the LEP population. The following organizations indicated

that they provide some degree of language translation or comprehension service to the public, free of charge: **(See Appendix A for complete contact list.)**

- a. LULAC Senior Center
- b. The Salvation Army
- c. Let's Help
- d. Community Action
- e. Washburn University International House Language Bank
- f. Topeka Public Library
- g. The Kansas Relay Center

A review of City of Topeka and MTPO activities and services that are being offered revealed the following:

- a. The City of Topeka has available bilingual persons in the Planning department building that speak and read Spanish.
- b. The MTPO utilizes software that translates written English documents into written Spanish documents.
- c. The MTPO is also researching the feasibility of purchasing a more in depth voice recognition translation software which will also be utilized in the reproduction or translation of some MTPO documents and materials (cost estimate; \$200).
- d. Title VI brochures are currently available in both English and Spanish.
- e. LEP information will be posted on MTPO website.

Plan for Assisting Persons of Limited English Proficiency

When LEP persons request translation of any core document (Unified Planning Work Program, Transportation Improvement Program, Public Participation Plan or the Metropolitan Transportation Plan) of the MTPO, efforts will be made to accommodate them. The MTPO will have to evaluate the projected financial resources and personnel needed to provide the LEP assistance requested by the LEP persons and organizations. At a minimum, the MTPO will contact the community organizations that serve LEP persons, and/or utilize in-house personnel resources to the extent that each circumstance dictates. Below are a few of the procedures that will be adhered to as a means of planning for the assistance of LEP persons:

- Each request for language assistance will be addressed in accordance to the degree to which assistance is needed.
- The MTPO will examine records requests for language assistance from past public notice meetings and events to anticipate the possible need for assistance at upcoming public meetings
- An inventory of past and current language assistance needs will help staff plan for language needs for the future.
- Post a notice of available language assistance on MTPO/City website;

For less complex translation services such as the written translations of minutes or agendas, the MTPO will utilize existing resources such as Google Translate or Microsoft Translator. Also, if there is an expressed need for other translation methods such as Sign Language or Braille materials, the MTPO will determine the feasibility and possibilities of providing these services as well.

Language Assistance Measures

When an interpreter is needed, in person or on the telephone, first it should be determined what language is required. For face to face interactions with LEP persons, language determination can be acquired through the use of primary Language Identification Flashcards obtained from the U.S. Census Bureau website, <http://www.lep.gov/ISpeakCards2004.pdf>. These are cards contain the phrase “Mark this box if you read or speak [name of language]”, and are translated into 38 different languages.

The MTPO has a few Spanish interpreters available during normal business hours. If staff is not available, then there are some resources for interpreters in the area, as described in the resources section of this plan, as well as in Appendix A. The MTPO has received confirmation from these organizations that they can provide a Spanish interpreter. The Washburn University International Language House Bank is capable of Spanish, Chinese and various other languages.

As for document translation, The MTPO staff is currently researching the possibility of purchasing translation software which utilizes advanced voice recognition. It is expected that with the acquisition of this software and the use of City Spanish speaking personnel, document translation will be possible to a greater extent. If needed, the Washburn University foreign language department could also be used as a resource. Currently, the MTPO’s Title VI brochure has been translated to Spanish. Outside of these measures, the MTPO has limited resources. However, the MTPO will, to the extent possible, ensure LEP individuals have the opportunity to participate in the MTPO process.

Outreach Techniques

When running a general public meeting notice, staff should insert “Si usted necesita la ayuda de un traductor del idioma español, por favor comuníquese con la Carlton Scroggins al teléfono (785) 368-3728, cuando menos 48 horas antes de la junta,” which asks persons who need Spanish language assistance to make arrangements with the MTPO within two days of the publication notice. This will not be a guarantee that a translator will be available, but the MTPO will make every effort to accommodate the LEP request in some form through consultation with the resources identified in this plan.

Monitoring and Updating the LEP Plan

This plan is designed to be flexible and is one that can be easily updated. At a minimum, the MTPO will follow the Title VI program update schedule (which is annually) for the LEP plan. Each update should examine all plan components such as:

1. How many LEP persons were encountered?
2. Were their needs met?
3. What is the current LEP population in the MTPO area?
4. Has there been a change in the types of languages where translation services are needed?
5. Is there still a need for continued language assistance for previously identified MTPO core documents? Are there other services or that should be included?
6. Has the MTPO’s available resources such as technology, staff, and financial costs changed?

7. Has the MTPO fulfilled the goals of the LEP plan?
8. Were there any complaints received?

Dissemination of the MTPO Transit Limited English Proficiency Plan

The MTPO Transit will post the LEP plan on its website at www.topeka.org. Any person, including social service, non-profit, and other community partners with internet access will be able to access the plan. For those without personal internet access, the Topeka Shawnee County Library offers free internet access. Copies of the LEP plan will be available in the City Planning Office and to any person or agency requesting a copy. An LEP person may obtain copies of the plan upon request. Any questions or comments regarding this plan should be directed to the MTPO Title VI Coordinator:

Carlton Scroggins
City of Topeka Planning Dept.
620 SE Madison St. Unit #11
Topeka KS 66607
Phone – 785-368-3728
Fax – 785-368-2535
Email – cscroggins@topeka.org

Appendix A

Organizations that Serve LEP Population

1. **Salvation Army** 233-9648
 - Tim Hall, Facility General, ext. 308
 - Jorge Madriugal, Pastor, Bilingual, ext. 306
 - Sherry Martinez, Corps member, bi-lingual, main number
2. **Let's Help** 234-6208
3. **Community Action** 235-9561
 - Dragon Naturally Speaking 9 Translation Software, voice recognition technology that translates spoken words into scrolling print, displayed on projected or television screen.
4. **WU International House Language Bank** 670-1634 (1051)
 - Topeka Language Bank, 670-1634 ext. 1051
 - Several International Professors, most available given 72 hours notice
5. **Topeka Public Library** 580-4400
 - Personal interpreter services on call
6. **The Kansas Relay Center** 1-800-766-3777
 - A billable service which facilitates communications between non-English speaking people and the agencies that serve them.
 - More than 140 languages are available and interpreters are trained to handle all types of communications.

APPENDIX B
Title VI/LEP Complaint Procedures

The following pertains only to Title VI complaints regarding the programs of the MTPO.

Title VI, 42 U.S.C. §2000d et seq., was enacted as part of the Civil Rights Act of 1964. At the heart of the regulation is the statement that:

No person in the United States 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.

The MTPO has in place a Title VI Complaint Procedure, which outlines a process for local disposition of Title VI complaints and is consistent with guidelines found in Chapter VII of the Federal Transit Administration Circular 4702.1, dated May 26, 1988. If you believe that the MTPO's programs have discriminated your civil rights on the basis of race, color, or national origin you may file a written complaint by following the procedure outlined below:

TITLE VI COMPLAINT PROCEDURE

1. Submission of Complaint. Any person who feels that he or she, individually or as a member of any class of persons, on the basis of race, color, or national origin has been excluded from or denied the benefits of, or subjected to discrimination caused by the MPO may file a written complaint with the MTPO's Transportation Manager. A sample complaint form may be downloaded or is available in hard copy from the MTPO. Such complaints must be filed within 180 calendar days after the date the discrimination occurred. *Note: Upon request, assistance in the preparation of any necessary written material will be provided to a person or persons as requested.* Complaints should be mailed to:

MTPO
Title VI Coordinator
620 SE Madison St. Unit 11
Topeka KS 66607

2. Referral to Review Officer. Upon receipt of the complaint, MTPO's Secretary shall appoint one or more staff review officers, as appropriate, to evaluate and investigate the complaint, in consultation with an approved MTPO Attorney. The Complainant shall meet with the staff review officer(s) to further explain his or her complaint. The staff review officer(s) shall complete their review no later than 45 calendar days after the date the MPO received the complaint. If more time is required, the MTPO's Chairperson shall notify the Complainant of the estimated timeframe for completing the review. Upon completion of the review, the staff review officer(s) shall make a recommendation regarding the merit of the complaint and whether remedial actions are available to provide redress. Additionally, the staff review officer(s) may recommend improvements to the MPO's processes relative to Title VI, as appropriate. The staff review officer(s) shall forward their recommendations to the MTPO's Chairperson for concurrence. If the MTPO's Chairperson concurs, he or she shall issue the MTPO's written response to the Complainant. *Note: Upon receipt of a complaint, the MTPO shall forward a copy of this complaint and the resulting written response to the appropriate KDOT, FHWA, and FTA-Region 7 contacts.*

3. Request for Reconsideration. If the Complainant disagrees with the MTPO's Secretary's response he or she may request reconsideration by submitting the request, in writing, to the MTPO's Chairperson within 10 calendar days after receipt of the MTPO's Chairperson's response. The request for reconsideration shall be sufficiently detailed to contain any items the Complainant feels were not fully understood by the MTPO's Secretary. The MTPO's Chairperson will notify the Complainant of his or her decision either to accept or reject the request for reconsideration within 10 calendar days. In cases where the MTPO's Chairperson agrees to reconsider, the matter shall be returned to the staff review officer(s) to re-evaluate in accordance with Paragraph 2 above.

4. Appeal. If the request for reconsideration is denied, the Complainant may appeal The MTPO's Chairperson's response by submitting a written appeal to the MTPO Board no later than 10 calendar days after receipt of the MTPO's Chairperson's written decision rejecting reconsideration.

5. Submission of Complaint to the State of Kansas Department of Transportation. If the Complainant is dissatisfied with the MTPO's resolution of the complaint, he or she may also submit a written complaint within 180 days after the alleged date of discrimination to the State of Kansas Department of Transportation for investigation.

KDOT Office of Civil Rights
Eisenhower State Office Building
700 Southwest Harrison
3rd Floor West
Topeka, KS 66603

APPENDIX C
Title VI\LEP Complaint Form
—MTPO

The purpose of this form is to assist you in filing a complaint with the MTPO. You are not required to use this form; a letter containing the same information will be sufficient. It is important, however, to include all information related to items marked with a star (*), whether or not the form is used.

1.* State your name and address

Name: _____

Address: _____

Telephone Number:

Home: (____) _____ Work: (____) _____

2.* Person discriminated against if different from above:

Name: _____

Address: _____

Telephone Number:

Home: (____) _____ Work: (____) _____

Please explain your relationship to this person(s):

3.* Agency, department, or program that discriminated:

Name: _____

Any individual (if known): _____

Address: _____

Telephone Number: (____) _____

4A.* Non-Employment: Does your complaint concern discrimination in the delivery of services or in other discriminatory actions of the MTPO in its treatment of you or others? If so, please indicate below the base(s) on which you believe these discriminatory actions were taken (e.g., "Race: African American" or "Sex: Female).

_____ Race/Color: _____

_____ National Origin: _____

_____ Sex: _____

_____ Religion: _____

_____ Age: _____

_____ Disability: _____

4B.* Employment: Does your complaint concern discrimination in employment by the MTPO? If so, please indicate below the base(s) on which you believe these discriminatory actions were taken (e.g., "Race: African American" or "National Origin: Canadian").

_____ Race/Color: _____

_____ National Origin: _____

5. What is the most convenient time and place for us to contact you about this complaint?

6. If we will not be able to reach you directly, you may wish to give us the name and phone number of a person who can tell us how to reach you and/or provide information about your complaint:

Name: _____

Telephone Number: (____) _____

7. If you have an attorney representing you concerning the matters raised in this complaint, please provide the following:

Name of attorney: _____

Address of attorney: _____

Telephone number of attorney: (____) _____

8.* To your best recollection, on what date(s) did the alleged discrimination take place?

Earliest date of discrimination: _____

Most recent date of discrimination: _____

9.* Please explain as clearly as possible what happened, why you believe it happened, and how you were discriminated against. Please indicate who was involved. Be sure to include how other persons were treated differently from you. (Please use additional sheets if necessary and attach a copy of written materials pertaining to your case).

10. The laws we enforce prohibit recipients of federal funds programmed through the MPO from intimidating or retaliating against anyone because he or she has either taken action or participated in action to secure rights protected by these laws. If you believe that you have been retaliated against (separate from the discrimination alleged in #9), please explain the circumstances below. Be sure to explain what actions you took which you believe were the basis for the alleged retaliation.

11. Please list below any persons (witnesses, fellow employees, supervisors, or others), if known, whom we may contact for additional information to support or clarify your complaint.

Name Address Area Code/Telephone Numbers

12. Do you have any other information that you think is relevant to our investigation of your allegations?

13. What remedy are you seeking for the alleged discrimination?

14. Have you (or the person discriminated against) filed the same or any other complaints with other agencies such as the KDOT Office of Civil rights, etc.?

Yes _____

No _____

If so, do you remember the complaint number?

Against what agency and department or program was it filed?

Address: _____

Telephone Number: (____) _____

Date of filing: _____ Agency: _____

Briefly, what was the complaint about?

What was the result?

15. Have you filed or do you intend to file a charge or complaint concerning the matters raised in this complaint with any of the following?

_____ U.S. Equal Employment Opportunity Commission

_____ Federal or State Court

_____ Your State Equal Opportunity Office and/or local Office of Human Rights

16. If you have already filed a charge or complaint with an agency indicated in #15 above, please provide the following information (attach additional pages if necessary):

Agency: _____

Date Filed: _____

Case or Docket Number: _____

Date of Trial/Hearing: _____

Location of Agency/Court: _____

Name of Investigator: _____

Status of Case: _____

Comments:

17. How did you learn that you could file this complaint?

18.* We cannot accept a complaint if it has not been signed. Please sign and date this complaint form below.

(Signature) (Date)

Please feel free to add additional sheets to explain the present situation to us.

Please mail the completed, signed Discrimination Complaint Form (please make one copy for your records) to:

MTPO

Attn: Title VI Coordinator

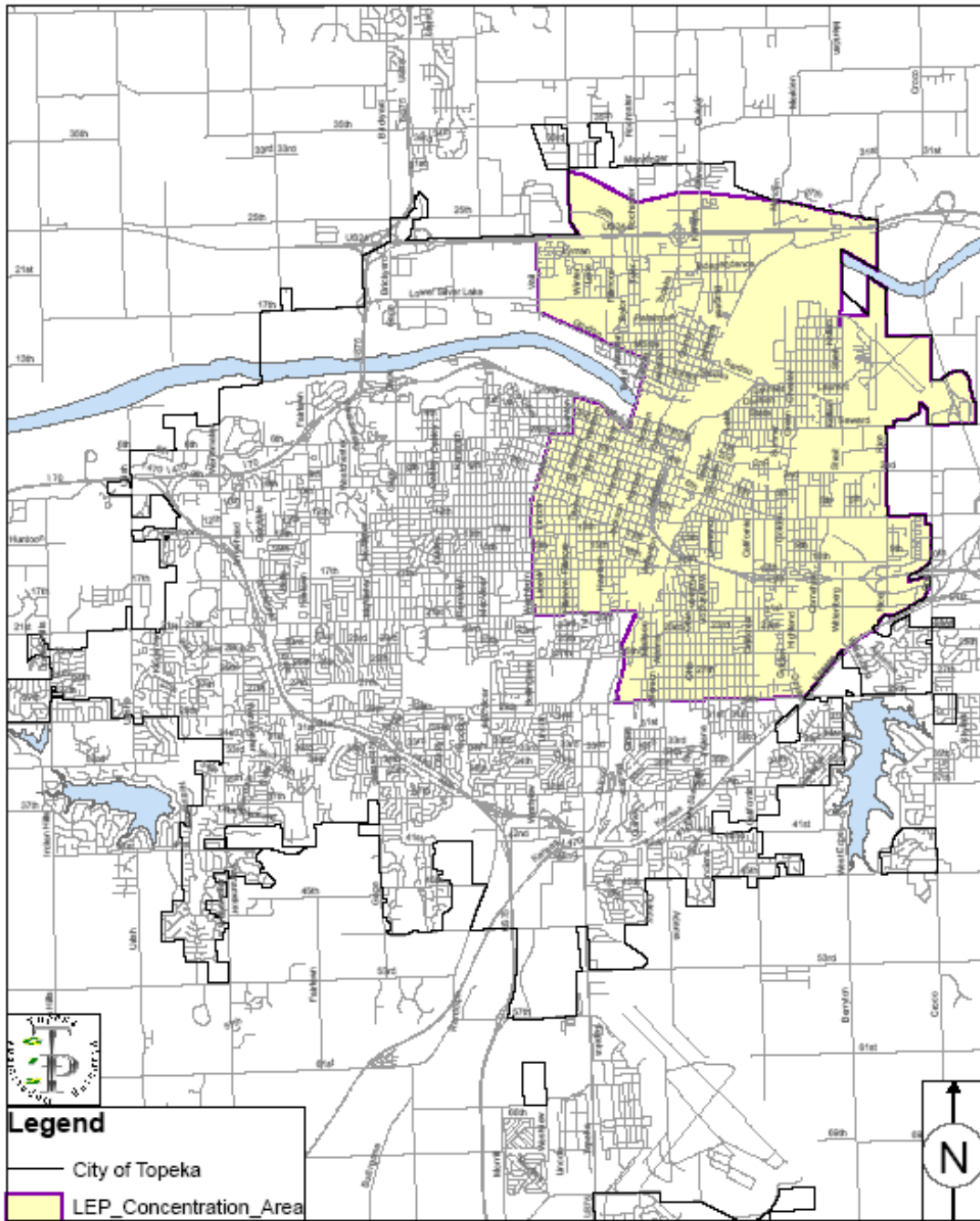
620 SE Madison St.

Topeka KS 66607

Phone: (785) 368-3728

Appendix D

MTPO LEP Concentration Areas



Appendix D
(con't.)

