LEP Plan Fact Sheet

INTRODUCTION TO WSDOT'S LIMITED ENGLISH PROFICIENCY PLAN

Inclusion is one of WSDOT's three goals within our strategic plan. Within this goal, WSDOT is strengthening our commitment to diversity and engagement in all WSDOT business processes, functions and services to ensure every voice is heard. Inclusion includes actively working to create an environment where everyone, regardless of what language they speak, is provided equal access to our services. The Office of Equal Opportunity (OEO) is responsible for ensuring everyone is afforded equal access to all of our programs and services (Title VI of the 1964 Civil Rights Act) and has developed this summary of the Limited English Proficiency (LEP) Accessibility Plan, for you to use to understand how to ensure accessibility for LEP persons.

WASHINGTON STATE LEP DEMOGRAPHICS

The greater the number or proportion of LEP persons of a particular language group in the service population, the more likely the need for language services. Multiple sources of information such as census and school data must be used to get an accurate estimate of the LEP population. To that end. WSDOT used multiple sources (school districts, Office of Financial Management, and Census) to determine the estimated statewide number of LEP persons, which is displayed in the table to the right.

The map above shows all counties where LEP persons comprise 5% or more of their total populations.

LANGUAGE	ESTIMATED LEP PERSONS
Spanish	468,254
Vietnamese	31,131
Russian	22,141
Chinese	11,319
Somali	9,730
Ukranian	9,720
Korean	8,889
Tagalog	8,815
Cambodian	6,535
Punjabi	6,412
Arabic	6,304

FREQUENCY OF CONTACT

WSDOT assessed the frequency of contacts it has been or should be having with LEP persons on a statewide basis. This was done to determine the extent of services needed to ensure accessibility. The more frequent the contact, the more likely enhanced language services are needed. WSDOT is not currently collecting its contacts with LEP persons. In the future, WSDOT will have to enact procedures that track the frequency of contact with LEP persons. Lacking internal data, WSDOT analyzed Health Care Authority interpreter request data to get estimates of LEP contact frequency. The table to the right shows the number of requests by language. The map below shows the concentration of interpreter requests by county. The greatest concentration of requests is in the counties of King, Pierce and Snohomish.

LANGUAGE	STATEWIDE TOTAL REQUESTS
Spanish	129,667
Russian	50,109
Vietnamese	21,177
Arabic	19,394
Cantonese	9,820
Somali	8,446
Korean	7,800
Farsi	5,014
Ukranian	5,001
Mandarin	4,898
Punjabi	4,800
Cambodian	4,484
Dari	4,165
Amharic	3,054
Tigrinya	2,351

CONCLUSIONS BASED ON THE STATEWIDE FOUR FACTOR ANALYSIS

FACTOR 1: DEMOGRAPHICS:

- More than 7.7% of Washington state's population has limited proficiency speaking and reading in English.
- The majority of LEP individuals are concentrated in the greater Seattle area.
- A majority of LEP individuals speak either Spanish, Russian, Vietnamese, Chinese, Korean, or Somali as their primary language.
- LEP individuals speaking Spanish and Russian are spread widely throughout the state.
- LEP populations speaking languages other than Spanish or Russian are highly concentrated in King, Snohomish, and Pierce counties.

FACTOR 2: FREQUENCY OF CONTACT:

- Data shows the highest accessibility need for four languages: Spanish, Russian, Vietnamese, and Korean.
- Frequency of contact with LEP individuals speaking Spanish or Russian were widespread throughout the entire state. WSDOT should therefore provide Spanish and Russian accessibility services in all geographic areas.
- Highest frequency of contact with LEP individuals is in King, Snohomish, and Pierce counties.

FACTOR 3: ASSESSMENT OF IMPACT:

- Frequency of contact with LEP individuals speaking other languages is highest in King, Snohomish, and Pierce counties.
- WSDOT's standard business practices should include procedures to provide language assistance to LEP individuals.
- WSDOT should reach out to community organizations that serve LEP individuals to determine the importance of each program, service, or activity to the lives of LEP individuals.

FACTOR 4: AVAILABLE RESOURCES AND COST:

- WSDOT should identify the most cost effective means of delivering timely, accurate, and effective language services to LEP individuals.
- WSDOT must document the reason why it is unable to offer any accessibility services.

Ensuring Accessibility for LEP Persons

CREATING A REGION/PROGRAM SPECIFIC LANGUAGE ACCESS PLAN

It is important that all regions, programs, and divisions conduct their own four factor analysis specific to their program or service area. Significant differences can emerge on a regional or project level. As a result, all regions and programs need to conduct a four factor analysis and then create their own language access plan that implements all the measures necessary for LEP accessibility identified by the four factor analysis.

CONDUCTING A FOUR FACTOR ANALYSIS:

A four factor analysis is the first stage in developing a language access plan. Each factor is a step that must be competed in order.

Factor 1: Number or Proportion of LEP Persons

Factor 2: Frequency of Contact with LEP Persons

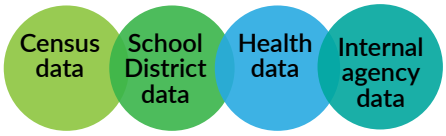
Factor 3: The Nature and Importance of the Program or Service

Factor 4: The Resources Available Balanced against the Costs

HOW TO ANALYZE THE FIRST FACTOR:

In order to understand what and how many accessibility services are needed, we must determine the size and proportion of people who are LEP. To accomplish this, we must use a wide variety of data sources.

GOOD DATA SOURCES INCLUDE:



The links to the right contain data sources that can be used to determine the amount of LEP persons residing in your service area. The Federal Highway Administration (FHWA) has also created instructions on how to use the Census tool American FactFinder.

HOW TO ANALYZE THE SECOND FACTOR OF THE FOUR FACTOR ANALYSIS:

Analyzing internal data, if available, is essential to determining the frequency of contact you have or should be having with LEP persons.

WHY DO WE NEED DATA?

Analyzing internal data, if available, is essential to determining the frequency of contact you have or should be having with LEP persons.

- Data is the foundation for disparate impact analysis.
- Action cannot be taken without analysis and analysis cannot happen without reliable data.
- Collection of statistical data on affected persons is required by federal law.

See FHWA's guide on data collection for more details

HELPFUL RESOURCES

American FactFinder American Community Survey Estimates

Office of Superintendent of Public Instruction school enrollment data

Office of Financial Managemnet LEP Population Estimates

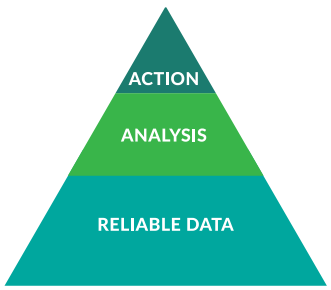
LEP.gov demographic data

Health Care Authority interpreter services dashboard

2011 Census Language Mapper

FHWA Resources for Title VI

FHWA Title VI Toolkit



LEP PLAN RECOMMENDATIONS

1: DEVELOP A LANGUAGE ACCESS POLICY

- Define goals and expectations of the agency
- Determine the legal basis or administrative authority for program
- Create a statewide workgroup to obtain input from people who provide or need access to the information, including employees from all levels, individuals in the community that speak other languages, and community organizations
- Establish standards for data collection and recording, provision of services to the public, and training
- Define division and staff responsibilities
- Outline performance measurements

2: EXAMPLES OF PUBLIC OUTREACH ON AVAILABILITY OF LANGUAGE ASSISTANCE SERVICES

- Multilingual signs or posters in offices and jobsites announcing the availability of language assistance services
- Distributing WSDOT's Language Access Card to all WSDOT employees.
- Including non-English information that is easily accessible to LEP individuals on the agency website
- Engagement on social networking websites (e.g. Facebook, Twitter)
- Emails to individuals and community groups
- Translated program outreach materials
- Notice to current applicants or recipients of WSDOT services about the availability of language assistance services
- Ongoing effort to obtain feedback from LEP individuals and community groups on the effectiveness of WSDOT's language access program and the language assistance services provided by the agency

3: DEVELOP PROCEDURES TO PROVIDE LANGUAGE ACCESS SERVICES, GATHER DATA, AND DELIVER SERVICES TO LEP PERSONS

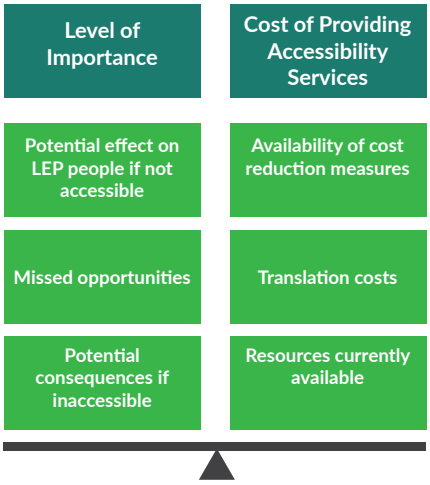
- Respond to telephone calls from non-English speakers
- Track and record preferred language information
- Inform individuals about available language assistance services
- Identify the language needs of individuals
- Respond to correspondence not in English (letters and email)
- Obtain in-person interpreter services
- Obtain telephone or video interpreter services
- Obtain services for translation of documents
- Use bilingual staff
- Develop process for filing and responding to language access complaints

FACTOR 3: ASSESSMENT OF IMPACT

The more important the service or the greater the possible consequences to LEP individuals, the more likely language services are needed. You must determine whether language inaccessibility could have serious, or even life-threatening implications for LEP individuals. Activities required by a governing entity, such as requiring a driver to have a license, can serve as strong evidence of the importance of the program or activity.

FACTOR 4: AVAILABLE RESOURCES AND COSTS

The level of resources and associated costs might affect the nature of the steps that are taken to provide meaningful access for LEP persons. In addition, "reasonable steps" might cease to be reasonable when costs substantially exceed the benefits. However, before limiting services due to resource concerns, you must still consider the most cost-effective and alternate means of delivering competent and accurate language services.

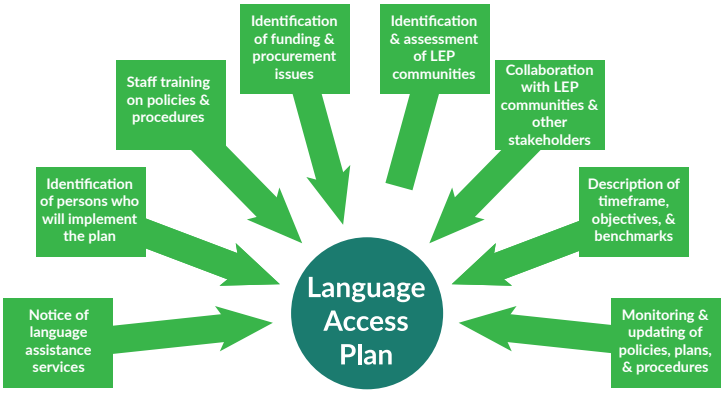


IMPORTANT QUESTIONS TO ASK:

- What are the available options for translation?
- What are the costs for each option?
- What is the relative cost to the size of our available resources?
- What can we do to mitigate the costs?
- How do the costs balance with the benefits?

BRINGING IT ALL TOGETHER: CREATING A LANGUAGE ACCESS PLAN

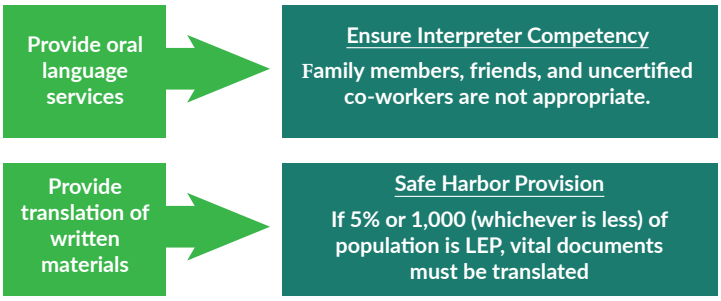
The goal of all language access planning and implementation is to ensure that we communicate effectively with LEP individuals. The language access plan is a tool that provides an administrative blueprint for bringing the agency into compliance with language access requirements. The plan describes how accessibility services and policies will be implemented.



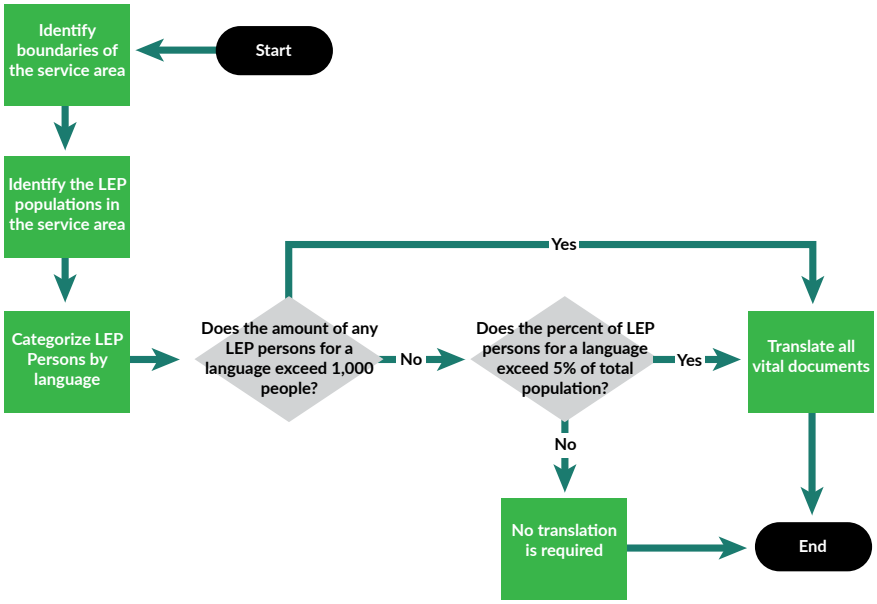
WHAT ARE LANGUAGE SERVICES?

In addition to the Four Factor Analysis, you must always consider the Safe Harbor Provision. It is the guaranteed minimum language-service action for being in compliance with Title VI. For example, you discover that there are LEP persons in the service population and that they do come in contact with the program. The program is important and you have some resources available to provide some language assistance services.

There are two main options for language services, oral language services (or interpreters) AND translation of written materials.



WSDOT must ensure that interpreters are competent. The use of family members (especially juveniles) or friends will not be appropriate. Currently, WSDOT is using language service contracts from Department of Enterprise Services which can be arranged over the phone. For written materials, WSDOT must meet the standards set by Safe Harbor. Safe Harbor provides the guaranteed minimum for remaining in compliance with Title VI.



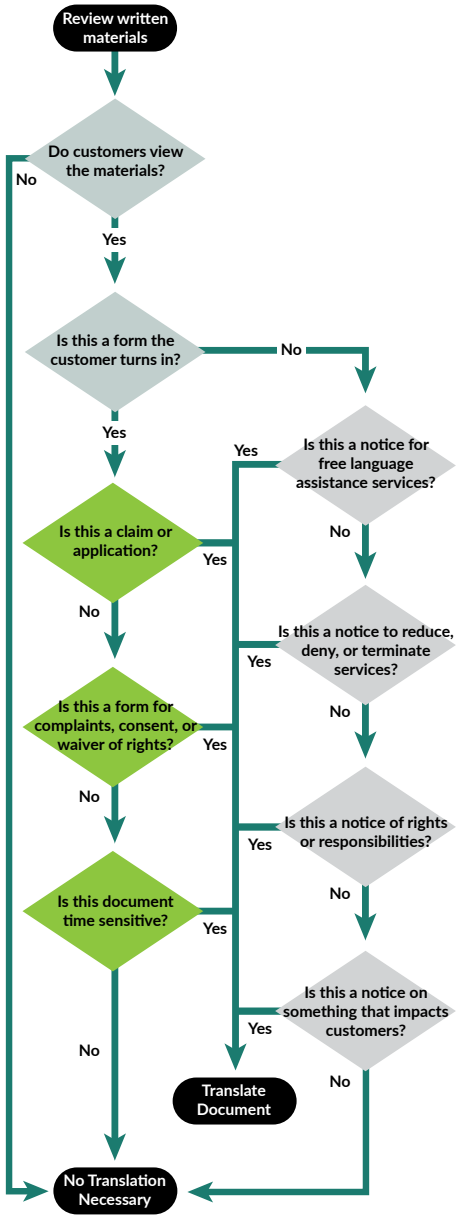
Even if 5 percent represents fewer than 50, written notice of free written translation upon request must still be provided.

IF YOU HAVE ANY QUESTIONS ABOUT WSDOT'S LEP PLAN, PLEASE CONTACT THE WSDOT OFFICE OF EQUAL OPPORTUNITY AT 360.705.7090 FOR MORE INFORMATION.

WHAT ARE VITAL DOCUMENTS?

WSDOT must make vital documents accessible to LEP individuals. Vital documents are paper and electronic documents and communications deemed significantly important to a LEP person's access to WSDOT programs, services and activities, or that are required by law.

The process diagram below walks through the process for identifying when a document can be considered "vital." A vital document should be translated to remain accessible to LEP persons.



All documents, vital and non-vital, must be translated upon request.

Americans with Disabilities Act (ADA) Information: This material can be made available in an alternate format by emailing the Office of Equal Opportunity at wsdotada@wsdot.wa.gov or by calling toll free, 855-362-4ADA(4232). Persons who are deaf or hard of hearing may make a request by calling the Washington State Relay at 711.

Title VI Notice to Public: It is the Washington State Department of Transportation's (WSDOT) policy to assure that no person shall, on the grounds of race, color, national origin or sex, as provided by Title VI of the Civil Rights Act of 1964, be excluded from participation in, be denied the benefits of, or be otherwise discriminated against under any of its programs and activities. Any person who believes his/her Title VI protection has been violated, may file a complaint with WSDOT's Office of Equal Opportunity (OEO). For additional information regarding Title VI complaint procedures and/or information regarding our non-discrimination obligations, please contact OEO's Title VI Coordinator at (360) 705-7090.

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