

**South Carolina  
Department of Transportation**

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***“Limited English Proficiency Plan”***

**August 2019**



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**Office of Minority & Small Business Affairs**

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## **Introduction**

This *Limited English Proficiency (LEP) Plan* is a resource tool that will serve as a guide in addressing responsibilities as a recipient of federal financial assistance from the U.S. Department of Transportation (USDOT) concerning the needs of individuals with limited English language skills. This plan was 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 under any DOT-assisted program or activity because they face challenges communicating in English.

Most individuals living in the United States of America read, write, speak, and understand English. For some, English is not their primary language. For instance, according to the 2010 census, over 34.5 million individuals 5 years and older speak Spanish, 10.3 million speak an Indo-European Language, and over 8.3 million speak an Asian or Pacific Island Language at home.

A number of these individuals have little or no trouble with the English language. However, others have a limited ability to read, write, speak, or understand English and are considered to be "Limited English Proficient" persons, or "LEP" persons. According to the 2010 U.S. Census, South Carolina has over 319,834 individuals (6.9% of the State's population) speak a language other than English at home\*. Of this number, almost 127,811 individuals speak English less than "very well".

***\*Age five years and older.***

## **Bases of Authority**

Discrimination against a person because of their limited ability to use the English language is a form of national origin discrimination, which is prohibited by Title VI of the Civil Rights Act of 1964. 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 that is subject to the requirements of Title VI to publish guidance for its respective recipients clarifying that obligation to ensure discrimination does not occur.

Executive Order 13166 further directs that all such guidance documents be consistent with the compliance standards and framework detailed in the Department of Justice's (DOJ's) Policy Guidance entitled "*Enforcement of Title VI of the Civil Rights Act of 1964--National Origin Discrimination Against Persons With Limited English Proficiency*." (See 65 FR 50123, August 16, 2000 DOJ's General LEP Guidance).

The USDOT issued policy guidance, “*DOT Guidance to Recipients on Special Language Services to Limited English Proficient (LEP) Beneficiaries*” to clarify the responsibilities of recipients of federal financial assistance and to ensure compliance with LEP regulations. These regulations impact state agencies, including the South Carolina Department of Transportation (SCDOT), private and non-profit entities, and other sub-recipients of USDOT-assisted funding.

### **Plan Summary**

SCDOT has developed a *Limited English Proficiency Plan (LEP)* to help identify reasonable steps to provide language assistance for persons seeking meaningful access to SCDOT services as required by Executive Order 13166.

This plan details procedures on how to identify a person who may need language assistance, the ways in which assistance may be provided, the approach for training staff, how to notify LEP persons that assistance is available, and information for future plan updates.

In developing this plan, SCDOT will utilize the U.S. Department of Transportation Four-Factor LEP Analysis which considers the following:

- 1) The number or proportion of LEP persons in the SCDOT service area who may be served or likely to encounter an SCDOT LEP Plan;
- 2) The frequency with which LEP individuals come in contact with an SCDOT service;
- 3) The nature and importance of the program, activity or service provided by SCDOT to the LEP population; and
- 4) The resources available to SCDOT and overall cost to provide LEP assistance.

A brief description of these considerations is provided in the following section.

### **Four-Factor Analysis**

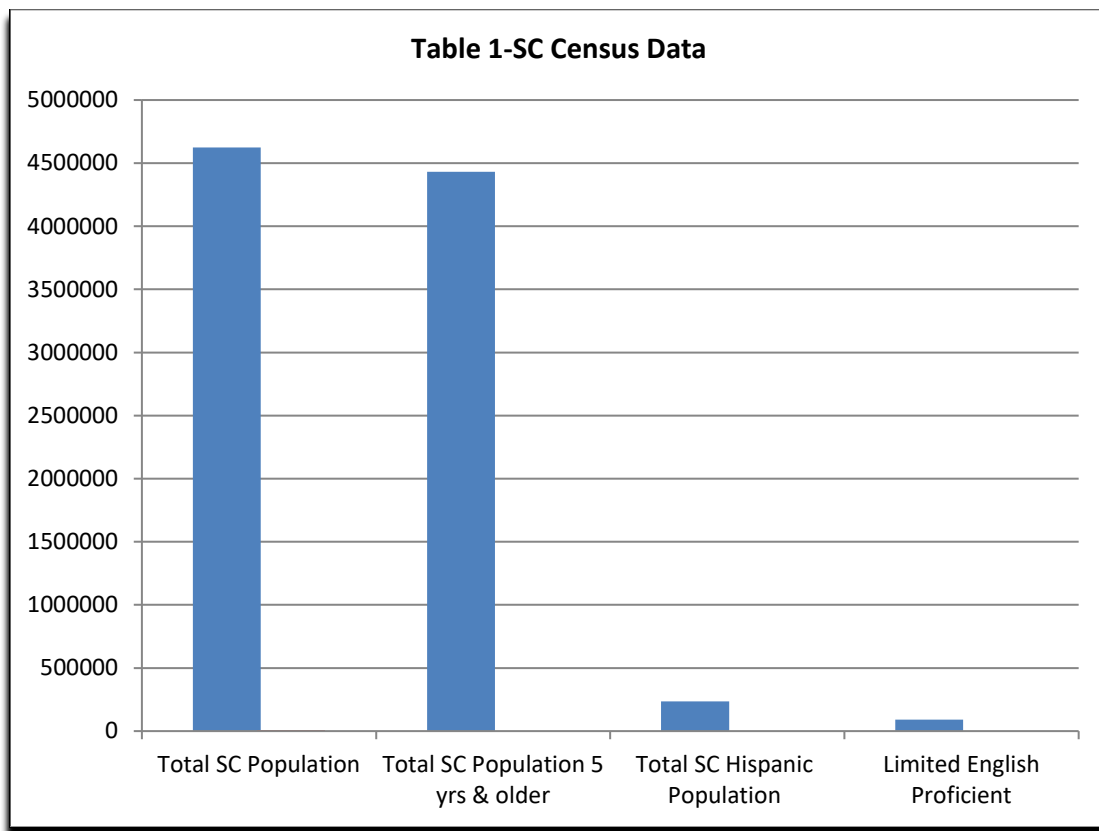
#### **1. The number or proportion of LEP persons in the SCDOT service area who may be served or likely to encounter an SCDOT program, activity, or service.**

At the time of the 2010 Census, South Carolina’s population was 4,625,364 those five (5) years and older being counted at 4,603,480. In assessing the population by ethnic background, the Hispanic/Latino population ranks highest with reported representation at 235,682 (5.1%) persons, of which 205,469 spoke Spanish at home.

With regard to the ability to speak English, 90,311 persons reported that they spoke English “Less than very well”; of this number, 205,469, Spanish-speaking individuals accounted for 44% of the population who do not speak English very well. Other languages spoken by LEP individuals include:

<u>Language</u>	<u>Population</u>	<u>LEP</u>
• Indo-European	59,822	15,035
• Asian and Pacific Islander	42,471	19,155
• Other Languages	12,072	3,310

Individuals who have identified themselves as speaking English less than “very well” are considered to be limited English proficient based on their limited ability to read, write, speak or understand English. This deficiency makes it difficult for them to have meaningful access to programs that may be offered by the department.



The Hispanic/Latino group makes up approximately five percent of the State’s total population. Since it is the largest LEP group in South Carolina, all service requests have been related to Spanish. Therefore, SCDOT focus will

be on targeting this community. Language assistance is available to other limited English speaking individuals in the community as the need arises.

**2. The frequency with which LEP individuals come in contact with an SCDOT program, activity or service.**

Contact with LEP individuals can be described as infrequent. During 2019, SCDOT received forty-eight (48) requests for language assistance. The requests were from contractors and employees of contractors. All requests have been “Spanish translation” requests and have been handled by an individual on SCDOT “Fluent Bi-Lingual Employee” list.

At present, SCDOT has no documented evidence or history that any requests for assistance relate to the application/interview process. In addition to this, no determination can be made as to why there are so few requests; however, additional efforts will be made to ensure that the department’s customers are aware of services that are available.

**3. The nature and importance of the program, activity, or service provided by the SCDOT to LEP community.**

Aside from obvious safety concerns on construction sites, SCDOT’s most critical services are those related to public transportation, rights of way acquisitions, public involvement (public information or planning meetings), and the ability to file complaints.

SCDOT will continue assessing this area by communicating with community organizations that serve LEP persons, as well as with LEP persons. With regard to public transportation, SCDOT will monitor use by LEP persons to determine whether some particular routes or modes of transportation are more important to the LEP population.

**4. The resources available to the SCDOT and overall costs.**

SCDOT’s primary resource is its employee volunteers, who are listed on the Human Resource “Fluent Bi-Lingual Employee list”. These volunteers have successfully handled all requests for assistance. At present, cost has not been a deterrent or imposition to the department’s ability to provide LEP services to SCDOT customers.

In situations where SCDOT employees cannot or should not provide services, i.e., an unfamiliar language or dialect, a legal matter or need for expert testimony, SCDOT will acquire professional translators and/or interpreters.

## **Language Assistance Measures**

Title VI designees will be responsible for ensuring that their program area is familiar with these measures:

### **A. Type of Language Services Available**

The type of language services available by the department include:

- Bilingual staffing as reflected on the “Fluent Bi-Lingual Employee” list
- Translation services under contract with professional translators/interpreters, as needed
- Use of “I Speak” flashcards to identify languages. These cards can be downloaded at <https://www.lep.gov/ISpeakCards2004.pdf>

### **B. How Recipients Can Obtain Services**

All requests for language services should be made through the appropriate District personnel or Program Area Title VI Designee, who will coordinate assistance arrangements. If the Title VI Designee is unavailable, then Title VI Coordinator should be contacted.

When utilizing SCDOT employees, consideration will be given in regards to the individual’s workload, availability, and supervisor’s consent. Employees who provide language services do so strictly on a voluntary basis and receive no remuneration.

Additionally, SCDOT developed a Hispanic brochure to assist LEP individuals in understanding their rights under Title VI.

### **C. How to Respond to LEP Callers**

SCDOT personnel, including those who regularly take calls from the general public, will forward LEP calls to the Title VI Designee for the respective program area. The Title VI Designee will record the date and time of the call, name of caller, language (if it can be determined), nature of call and disposition. The Designee will also submit the information as part of his/her Title VI quarterly report.

If the Title VI Designee is unavailable, the call will be forwarded to the Title VI Coordinator in the Office of Minority & Small Business Affairs. The Title VI Coordinator will advise the Designee or the appropriate Administrator or Manager of the call, nature of the request and disposition.

#### **D. How to Respond to Written Communications from LEP Persons**

SCDOT personnel who receive written communications from LEP individuals will contact Title VI Designee for the respective program area who will record the date of receipt, name of LEP individual, language (if it can be determined), nature of the correspondence, and disposition.

#### **E. How to Respond to LEP Individuals Who Have In-Person Contact with Staff**

SCDOT personnel who have in-person contact with LEP individuals will address the issues and/or concerns. They will record the date of receipt, name of LEP individual, language (if it can be determined through familiarity with the language, use of “I Speak” cards, etc.), nature of the correspondence, and disposition of the encounter and forward the information to the appropriate Title VI designee. In cases where language barriers cannot be overcome, personnel will contact the Title VI Coordinator.

#### **F. How to Ensure Competency of Interpreters and Translation Services**

SCDOT will ensure, to the greatest extent possible, the competency of interpreter and translation services. Applicable Departmental Directives will be observed when selecting consultants for service. Employees who serve as interpreters and/or translators will be required to complete the “SCDOT Interpreter’s Code of Professional Conduct Form” and attest:

- a. Their ability to communicate or translate information accurately in both English and the other language;
- b. That they will not deviate into a role as counselor, legal advisor, or any other role aside from interpreting or translating;
- c. That they do not have a conflict of interest on the issues they would be providing services.

#### **G. SCDOT Staff Training**

SCDOT staff that has Title VI responsibilities will continue to attend Title VI seminars and workshops on an annual basis. Also, SCDOT will seek the assistance of FHWA in training Title VI Designees and sub-recipients. Staff will be provided a copy of the LEP Plan and educated on procedures. Suggested training topics are listed below:



- Understanding the Title VI policy and LEP responsibilities
- What language assistance services the SCDOT offers?
- Use of LEP “I Speak Cards”
- How to use the interpretation and translation services
- Documentation of language assistance requests
- How to handle a Title VI and/or LEP complaint

## **H. Outreach Techniques**

SCDOT does not have a formal practice of outreach techniques due to the small LEP population and resources available. However, the following are options that SCDOT will incorporate if the need arises for LEP outreach:

- If staff knows that they will be presenting a topic that could be of potential importance to an LEP person or if staff will be hosting a meeting or a workshop in a geographic location with a known concentration of LEP persons, meeting notices, fliers, advertisements, and agendas will be printed in an alternative language, based on known LEP population in the area.
- When advertising public meetings, staff will insert the clause, based on the LEP population and when relevant, that translates into “A (insert alternative Language) translator will be available”. For example: “Un traductor del idioma español estará disponible” This means “A Spanish translator will be available”.
- Key printed materials, including but limited to schedules and maps, will be translated and made available at transit centers, and in communities where a concentrated LEP population is identified.

## **I. Monitoring and Updating the LEP Plan**

This plan is designed to be flexible and easily updated. However, major updates most likely will not occur until the next Census in 2020 unless SCDOT finds it necessary and crucial for an update before such time.

SCDOT will update this LEP plan by obtaining data from other sources, such as other state and local government agencies (i.e., Commission on Minority Affairs, Departments of Social Services (DSS) and Education, and Regional Transit Authorities (RTAs), Metropolitan Planning Organizations (MPOs), and Councils of Government (COGs), as well as organizations that serve LEP persons.

Each update should examine all plan components such as:

- How many LEP persons were encountered?
- Were their needs met?
- What is the current LEP population in South Carolina? Has there been a change in the types of languages where translation services are needed?
- Is there still a need for continued language assistance for previously identified SCDOT programs? Are there other programs that should be included?
- Have SCDOT's available resources, such as technology, staff, and financial costs changed?
- Has SCDOT fulfilled the goals of the LEP Plan?; and
- Were any complaints received?

Title VI Quarterly Reports serve as a means of tracking relevant data to identify trends and practices. Major program area designees will be responsible for collecting and analyzing requested information, providing technical assistance to their program area, assisting in investigating external complaints of discrimination, and assisting with training opportunities. The areas include the following offices:

- |                           |                           |
|---------------------------|---------------------------|
| A. Rights of Way          | D. Materials and Research |
| B. Construction           | E. Planning               |
| C. Environmental Services | F. Public Transit         |

**J. Dissemination of the SCDOT Limited English Proficiency Plan**

The LEP Plan will be shared with Title VI Designees and senior management. Also, SCDOT will include the LEP plan on the SCDOT website ([www.SCDOT.org](http://www.SCDOT.org)) together with its Title IV Policy and Complaint Procedures. Copies of this Plan will be provided upon request. LEP persons may also obtain a translated copy of this document upon request.

Any questions or comments regarding this plan should be directed to the SCDOT Title VI Coordinator at the address listed below:

South Carolina Department of Transportation  
 Title VI Coordinator  
 955 Park Street  
 Columbia, SC 29202  
 Phone: 803-737-5095  
 Fax: 803-737-2021  
 Email: [SmithA@scdot.org](mailto:SmithA@scdot.org)