



**Title VI/Nondiscrimination Policy & Plan  
Including - Limited English Proficiency  
(LEP)**

**Four Factor Analysis and  
Implementation Plan**

**Indian Trail Improvement District**

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13476 61<sup>st</sup> Street North West Palm Beach, Florida 33412

(561)793-0874

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Chief Human Resource Officer/LAP Title VI Coordinator

13476 61<sup>st</sup> Street North West Palm Beach, Florida 33412

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**May 17, 2021**

## **I. Policy Statement**

Indian Trail Improvement District (the “District”) values diversity and welcomes input from all interested parties, regardless of cultural identity, background or income level. Moreover, the District believes that the best programs and services result from careful consideration of the needs of all of its communities and when those communities are involved in the transportation decision-making process. Thus, the District does not tolerate discrimination in any of its programs, services or activities. Pursuant to Title VI of the Civil Rights Act of 1964 and other federal and state authorities, the District will not exclude from participation in, deny the benefits of, or subject to discrimination anyone on the grounds of race, color, national origin, sex, age, disability, religion, family status or other category protected by applicable law.

## **II. Nondiscrimination Assurances**

Every three years, or commensurate with a change in executive leadership, the District must certify to Federal Highway Administration (FHWA) and Florida Department of Transportation (FDOT) that its programs, services and activities are being conducted in a nondiscriminatory manner. These certifications are termed ‘assurances’ and serve two important purposes. First, they document the District’s commitment to nondiscrimination and equitable service to its community. Second, they serve as a legally enforceable agreement by which the District may be held liable for breach. Those wishing to view the District’s Nondiscrimination Assurance may do so by visiting the District’s Administration Office located at 13476 61<sup>st</sup> Street N., West Palm Beach, Florida 33412 or the District website:

[www.indiantrail.com](http://www.indiantrail.com) then click on

[Title VI Non Discrimination Policy Plan / ADA Accessibility

## **III. Complaint Procedures**

The District has established a discrimination complaint procedure and will take prompt and reasonable action to investigate and eliminate discrimination when found. The current Complaint Procedure is attached hereto as **Exhibit A**. Any person who believes that he or she has been subjected to discrimination based upon race, color, national origin, sex, religion, age, disability, family status, or other

category protected by applicable law in any District program, service or activity may file a complaint with the District's Title VI/Nondiscrimination Coordinator:

Attention: Miriam Heisser

Address: LAP Department  
13476 61st Street North  
West Palm Beach, Florida 33412

Email: [TitleVIcomplaint@indiantrail.com](mailto:TitleVIcomplaint@indiantrail.com)

Phone: 561-793-0874

Hearing Impaired: TYY 711

If possible, the complaint should be submitted in writing on the Form attached as **Exhibit B** and contain the identity of the complainant; the basis for the allegations (i.e., race, color, national origin, sex, religion, age, disability, family status, etc.); and a description of the alleged discrimination with the date of occurrence. If the complaint cannot be submitted in writing, the complainant should contact the Title VI/Nondiscrimination Coordinator for assistance.

The Indian Trail Complaint Procedure [Exhibit A] and Complaint Form [Exhibit B] is available in English and Spanish on the District website:

[www.indiantrail.com](http://www.indiantrail.com) then click on

[Title VI Non Discrimination Policy Plan / ADA Accessibility

The Title VI/Nondiscrimination Coordinator will respond to the complaint within thirty (30) calendar days and will take reasonable steps to conclude the matter within no more than 90 days. Should the District be unable to satisfactorily resolve a complaint, the District will forward the complaint, along with a record of its disposition to the appropriate FDOT District Office.

The District's Title VI Coordinator has "easy access" to the District's Executive Director and is not required to obtain management or other approval to discuss discrimination issues. However, should the complainant be unable or unwilling to complain to the Agency, the written complaint may be submitted directly to Florida Department of Transportation (FDOT). FDOT serves as a statewide clearinghouse for Title VI purposes and will either assume jurisdiction over the complaint or

forward it to the appropriate federal or state authority for continued processing:

Florida Department of Transportation  
Equal Opportunity Office  
ATTN: Title VI Complaint Processing  
605 Suwannee Street MS 65  
Tallahassee, FL 32399

A complaint may also be filed directly with the Federal Transit Administration at:

FTA Office of Civil Rights  
1200 New Jersey Avenue SE  
Washington, DC 20590.

#### **IV. ADA/504 Posted Statement**

Section 504 of the Rehabilitation Act of 1973 (Section 504), the Americans with Disabilities Act of 1990 (ADA) and related federal and state laws and regulations forbid discrimination against those who have disabilities. Furthermore, these laws require federal-aid recipients and other government entities to take affirmative steps to reasonably accommodate those with disabilities and ensure that their needs are equitably represented in transportation programs, services and activities.

The District will make every effort to ensure that its facilities, programs, services, and activities are accessible to those with disabilities. The District will also make every effort to ensure that its advisory committees (if any), public involvement activities and all other programs, services and activities include representation by communities with disabilities and disability service groups.

The District encourages the public to report any facility, program, service or activity that appears inaccessible to those who are disabled. Furthermore, the District will provide reasonable accommodation to individuals with disabilities who wish to participate in public involvement events or who require special assistance to access facilities, programs, services or activities. Because providing reasonable accommodation may require outside assistance, organization or resources, the District asks that requests be made at least ten (10) calendar days prior to the need for accommodation.

Questions, concerns, comments or requests for accommodation should be made to the District's ADA Officer:

Attention: Miriam Heisser

Address: LAP Department  
13476 61st Street North  
West Palm Beach, Florida 33412

Email: [TitleVIcomplaint@indiantrail.com](mailto:TitleVIcomplaint@indiantrail.com)

Phone: 561-793-0874

Hearing Impaired: TYY 711

## **V. Title VI Limited English Proficiency (LEP) Guidance, Four Factor Analysis and Implementation Plan for Indian Trail Improvement District**

### **A. Who is a LEP individual?**

Individuals who have Limited English Proficiency (LEP) are those who do not speak English as their primary language AND who have limited ability to read, speak, write, or understand English.

### **B. Background**

The purpose of this Limited English Proficiency (LEP) policy guideline, is to clarify the responsibilities of recipients of federal assistance from the U.S. Department of Transportation (DOT) and assist them in fulfilling their responsibilities to Limited English Proficient (LEP) persons, pursuant to Title VI of the Civil Rights Act of 1964 and implementing regulations. It 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 provide that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives federal financial assistance.

## **C. Executive Order 13166**

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. 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 Person with Limited English Proficiency.” (See 65FR 50123, August 16,2000 DOJ’s General LEP Guidance). Treating an individual different based on a person’s inability to speak, read, write, or understand English is not permitted. Executive Order 13166 applies to all federal agencies and all programs and operations of entities that receive funding from the federal government, including state agencies, local agencies and governments such as Indian Trail Improvement District, private and non-profit entities and subrecipients.

## **D. Limited English Proficiency (LEP) Introduction**

Indian Trail Improvement District has developed this LEP plan to help identify reasonable steps that can provide language assistance to LEP persons seeking meaningful access to Indian Trail Improvement District’s programs 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, training staff, how to notify LEP persons that assistance is available and information for future plan updates.

### **Contents**

This plan contains the following:

- a) A needs assessment based on the four-factor analysis
- b) Implementation Plan
- c) Contact Information

While developing the needs assessment plan, Indian Trail Improvement District, undertook a U.S. Department of Transportation four factor LEP analysis which considers the following four factors.

- 1) The number or proportion of LEP persons eligible in the District to be served or likely to encounter a district program, activity or service;
- 2) The frequency with which LEP individuals come in contact with the District program, activity or service;
- 3) The nature and importance of the program, activity or service provided by Indian Trail Improvement District to the LEP population;
- 4) The resources available to the District and overall costs to provide LEP assistance.

A brief description of these considerations and findings are provided in the following sections.

## **E. LEP Needs Assessment – the Four-Factor Analysis**

### **FOUR-FACTOR ANALYSIS AND RESULTS:**

#### **1) The number or proportion of LEP persons eligible in the District to be served or likely to encounter a district program, activity or service.**

Indian Trail Improvement District examined the 2019 U.S. Census Bureau and the 2020 American Community Survey data and was able to determine that approximately 26.83%, or 12,471, of the district’s population age 5 and older spoke a language other than English at home and 6.20%, or 2,883, reported that they speak English “less than very well”. The most spoken language besides English in the District is Spanish, with 17.40% of the population speaking Spanish at home.

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**Table 1:** Below shows languages spoken at home in Indian Trail Improvement District.

<b>LANGUAGES SPOKEN AT HOME</b>	<b>Total</b>	<b>Percent</b>
<b>Indian Trail Improvement District - 5 years and over</b>	46,485	
Speak only English	34,014	73.17%
Speak a language other than English	12,471	26.83%
Speak English less than "very well"	2,883	6.20%
<b>Spanish</b>		
Persons 5 years and over who speak Spanish at home	8,089	17.40%
Speak English less than "very well"*	2,538	5.46%
<b>Indo-European</b>		
Persons 5 years and over who speak Indo-European at home	738	1.59%
Speak English less than "very well"*	262	0.56%
<b>Asian and Pacific Islander languages</b>		
Persons 5 years and over who speak Asian and Pacific Islander at home	202	0.43%
Speak English less than "very well"*	55	0.12%
<b>Other Languages</b>		
Persons 5 years and over who speak other languages at home	288	0.62%
Speak English less than "very well"*	28	0.06%

Source: 2019 U.S. Census Bureau and 2020 American Community Survey \* Of total population

LEP persons may interact with the District at public meetings or events the district is participating in. Community meetings held by the District, including Board meetings, offer the opportunity for translation, as described in this Plan. The District, through its public participation efforts, attends community meetings and participates in events throughout the District. The District shall have certain materials translated into Spanish, as described in this Plan, and evaluate new materials as they are produced, to determine the format and language for production and distribution.



The U.S. Department of Transportation has adopted the Department of Justice's Safe Harbor Provision, which outlines circumstances that can provide a "safe harbor" for recipients regarding translation of written materials for LEP populations. When translation is provided for those non-English speaking groups that constitute 5% or 1,000 persons, whichever is less, of the total population of persons eligible to be served or likely to be affected or encountered, then this action will be considered to be strong evidence of compliance of the District's written translation obligations. If there are fewer than 50 persons in a language group that reaches the 5% trigger, then provision does not require translation of vital written materials but should provide written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

Based on Census data, the Districts vital written materials are to be translated into Spanish. The District is prepared to translate vital documents into other languages should the demographics of other groups reach 5% or 1,000 individuals, whichever is less, and to provide verbal translation or translation through another means, to those who request it as well. When engaging with LEP populations, the District assesses the best method for engagement. This may include written or verbal translation, depending on the situation, potential literacy skills, and the identified language barrier.

## **2) The frequency with which LEP individuals come in contact with the District program, activity or service.**

From past experiences, the District has assessed the locations or circumstances at which staff has or could possibly have contact with LEP persons. These key areas in which LEP persons interact with the District are as follows:

- District Records Clerk – Administration Building
- District Reception Clerk – Administration Building
- Human Resources Department – Administration Building
- Executive Director – Administration Building
- Finance Department – Administration Building
- Board Meetings – Administration Building
- Parks and Recreation Department – Hamlin House
- Operations and Maintenance Department – Maintenance Building

**3) The nature and importance of the program, activity or service provided by Indian Trail Improvement District to the LEP population.**

The District has prioritized the importance of the program, activity or service provided to the LEP community as follows:

- The Districts Emergency Response Team and disaster recovery service.
- Services required by Federal regulations and policies
- Services provided to the Community through outreach programs relating to District services, or recreational programs.

**4) The resources available to the District and overall costs to provide LEP assistance.**

The District currently uses staff as the primary resource for the LEP assistance Plan. Requested LEP information shall be made available to the public through electronic documents which can be accessed through the District’s website or can be made available, upon request, as physical copies of the requested documents. Visitors to the administration building, or one of the Districts other departments, can request a Spanish speaking staff member to translate for them.

The costs for these services are included within the respective department’s annual operating budget.

After analyzing the Four-Factors LEP needs assessment, the District, developed the Plan outlined in the following sections for assisting persons of Limited English Proficiency.

**F. Implementation Plan**

**LANGUAGE ASSISTANCE PLAN:** Identifying Individuals, Assistance Measures, Training Staff, Providing Notice, Monitoring and Updating LEP Plan

**1) How to Identify an LEP person who Needs Language Assistance**

One way of identifying a LEP person who needs language assistance, is by using language identification cards, (or “I speak cards”). I speak cards invite LEP persons to identify their language needs to staff. Such cards might say, “I speak Spanish” in both Spanish in English, or “I speak French” in both French and English. To reduce the costs of compliance, the Federal Government has made a set of these cards

which are available on the Internet. The Census Bureau's "I speak Card" can be found and downloaded at:

<http://www.indiantrail.com/departments/human-resources/i-speak-card>.

When keeping records of past interactions with members of the public, the language of the LEP person can be included as part of the record. This recording will help staff identify the language of the LEP persons they encounter and will help in future applications of the first two factors of the four-factor analysis. In addition, posting notices in commonly encountered languages notifying LEP persons of language assistance will encourage them to "self-identify".

## **2) Language Assistance Measures**

As the dominant alternate language is Spanish, Indian Trail Improvement District, makes vital documents and assistance available in Spanish, as well as, English. Language measures currently used to address the needs of LEP persons include the following:

- Making vital documents available in Spanish as well as English.
- Spanish-speaking individuals who contact the District through phone contact or through written communications will be referred to staff who is proficient in Spanish to help improve the services provided to the individual with LEP.
- Working with community groups to help provide public information that is available to those persons with LEP.
- Working with community groups that offer translation services for individuals with LEP.

## **3) Translation of Written Materials**

The District currently provides vital documents with translations in Spanish upon request. The continued self-assessment of LEP population will determine if additional languages will need to be added.

## **4) Training Staff**

The District's Parks and Recreation Manager/Assistant LAP Title VI Coordinator will conduct training, in consultation with the Chief Human Resources Officer/LAP Title VI Coordinator, to ensure that:

- Staff knows about the LEP policies and procedures.
- Staff who have direct contact with the public requesting LEP services have sufficient training so that work can be performed effectively with in-person and telephone interpreters.
- Staff understands the Title VI LEP and LAP responsibilities.
- What language assistance services Indian Trail Improvement District offers.
- Training and Use of LEP “I Speak Cards”
- How to access an appointed staff interpreter
- Documentation of language assistance requests
- How to properly handle and file a Complaint
- Importance of educating subrecipients of Indian Trail Improvement District’s program responsibilities and their obligations to provide language assistance.

## **5) Providing Notice of Available Language Service to LEP Persons**

The District has or will:

- Post signs in intake areas and other entry points
- State in outreach documents that language services are available.
- Work with community-based organizations to inform LEP individuals of the District’s services, including the availability of language assistance services.
- Provide notices on district website and other web-based platforms of the available language assistance service and how to obtain them.

## **6) Monitoring and Updating the LEP Plan**

The District will regularly assess whether new documents, programs, services, and activities need to be made accessible for LEP individuals, and they may provide notice of any changes in services to the LEP public and employees.

The District will be addressing the following when monitoring and/or updating any changes to their LEP plan, approximately every three (3) years or sooner in the District’s sole discretion:

- Identify that sources of assistance are still available and viable.
- Train staff and ensure that staff understands the LEP plan and how to implement it.

- Review current LEP plans and implement any changes necessary to meet the needs of the LEP persons.
- Ensure that resources are readily available, including technological advances.
- Review the frequency of encounters with LEP language groups
- Update current LEP populations in the service area or population affected or encountered as updates become available.
- Review and evaluate complaints received and update the District's LEP plan to better serve the community.

Revisions of the District's LEP plan will be approved and dated accordingly.

### **Dissemination of Plan**

This Four-Factor Analysis and Implementation Plan will be available on the District's website at:

[www.indiantrail.com](http://www.indiantrail.com) then click on

[Title VI Non Discrimination Policy Plan / ADA Accessibility

The Four-Factor Analysis and Implementation Plan will also be available in a hard copy upon request.

## **G. Contact Information**

Persons wishing to request special language services should contact the District's LAP Title VI/Nondiscrimination Coordinator.

### **Indian Trail Improvement District**

Chief Human Resource Officer/LAP Title VI Coordinator

Attention: Miriam Heisser

Address: LAP Department  
13476 61<sup>st</sup> Street North  
West Palm Beach, Florida 33412

-OR -

Parks and Recreation Manager/Assistant LAP Title VI Coordinator

Attention: Kenneth Lawrence, CPRP

Address: LAP Department  
13476 61<sup>st</sup> Street North  
West Palm Beach, Florida 33412

## **VI. Public Involvement**

In order to plan for efficient, effective, safe, equitable and reliable transportation systems, the District must have the input of its public. The District spends extensive staff and financial resources in furtherance of this goal and strongly encourages the participation of the entire community. The District hosts an informative website that advises the public how it can access information and provide input. The District also holds public meetings, workshops and other events designed to gather public input on program/project planning and construction. Further, the District sponsors, attends and participates in other community events to promote its services to the public. Finally, the District is constantly seeking ways of measuring the effectiveness of its public involvement.

Persons wishing to request special presentations by the District; volunteer in any of its activities where volunteers are utilized; offer suggestions for improvement; or to simply learn more about District's programs and services should visit:

[www.indiantrail.com](http://www.indiantrail.com)

Or contact:

Parks and Recreation Manager/Assistant LAP Title VI Coordinator

Attention: Kenneth Lawrence, CPRP

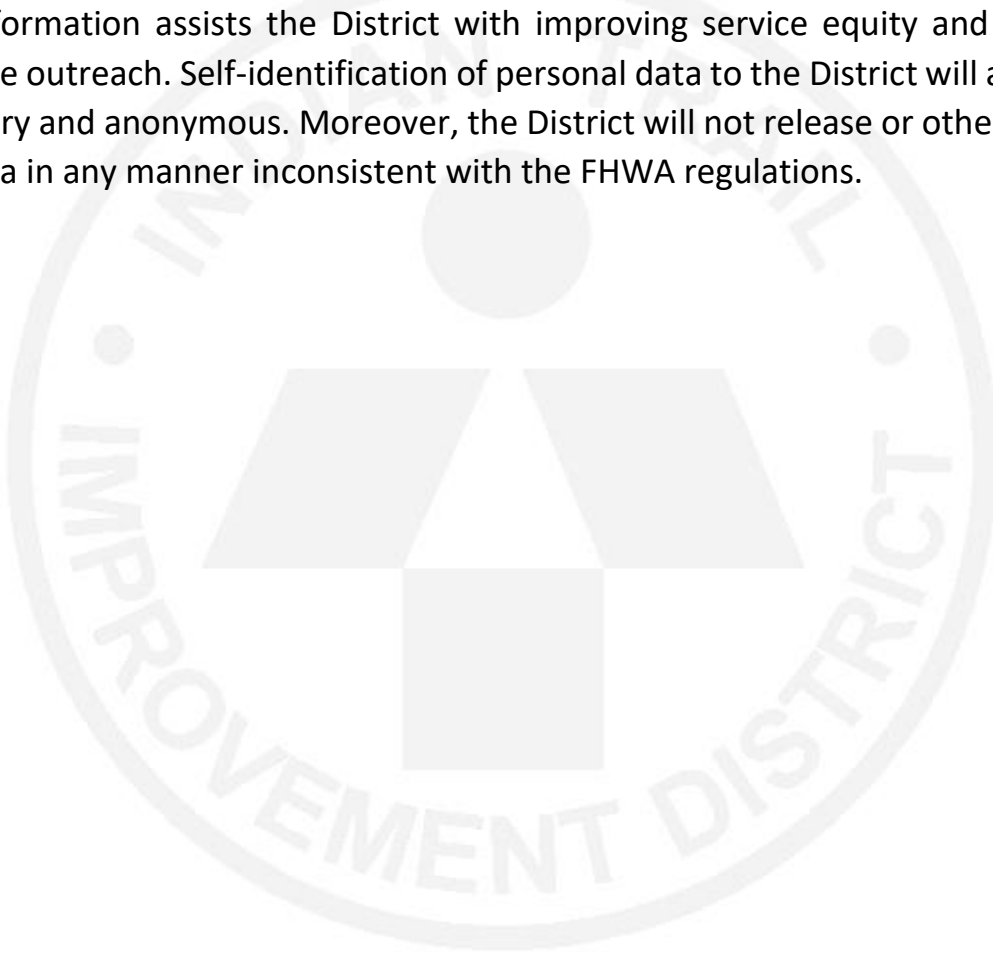
Address: LAP Department  
13476 61<sup>st</sup> Street North  
West Palm Beach, Florida 33412

Phone: 561-793-0874

Hearing Impaired: TYY 711

## **VII. Data Collection**

FHWA regulations require federal-aid recipients to collect racial, ethnic and other similar demographic data on beneficiaries of or those affected by transportation programs, services and activities. The District accomplishes this through the use of census data and other methods. From time to time, the District may find it necessary to request voluntary identification of certain racial, ethnic or other data from those who participate in District programs, services or activities. This information assists the District with improving service equity and ensuring effective outreach. Self-identification of personal data to the District will always be voluntary and anonymous. Moreover, the District will not release or otherwise use this data in any manner inconsistent with the FHWA regulations.



## **Exhibit A--Title VI Complaint Procedure**

Any person who believes she or he has been discriminated against on the basis of race, color, national origin, sex, religion, age, disability, family status, or other category protected by applicable law

by the Indian Trail Improvement District (hereinafter referred to as “the District”) may file a Title VI complaint by completing and submitting the District’s Title VI Complaint Form. The District investigates complaints received no more than 180 days after the alleged incident. The District will process complaints that are complete.

Once the complaint is received, the District will review it to determine if the District has jurisdiction. The complainant will receive an acknowledgement letter informing her/him whether the complaint will be investigated by the District.

The District has 30 days to resolve the complaint. If more information is needed to resolve the case during the investigation, the District may contact the complainant. The complainant has 8 business days from the date of the letter to send requested information to the investigator assigned to the case. If the investigator is not contacted by the complainant or does not receive the additional information within 8 business days, the District can administratively close the case. A case can be administratively closed also if the complainant no longer wishes to pursue their case.

After the investigator reviews the complaint, she/he will issue one of two letters to the complainant: a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed. An LOF summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training of the staff member, or other action will occur. If the complainant wishes to appeal the decision, she/he has 10 days after the date of the letter or the LOF to do so.

A person may also file a complaint directly with either:

Florida Department of Transportation  
Equal Opportunity Office  
ATTN: Title VI Complaint Processing  
605 Suwannee Street MS 65  
Tallahassee, FL 32399

Federal Transit Administration  
Office of Civil Rights, Attention: Title VI Program Coordinator  
East Building, 5<sup>th</sup> Floor-TCR,  
1200 New Jersey Ave., SE,  
Washington, DC 20590

If information is needed in another language, then contact the District at 561-793-0874 or email [TitleVIcomplaint@indiantrail.com](mailto:TitleVIcomplaint@indiantrail.com).



## Exhibit B--Title VI Complaint Form

<b>Section I:</b>			
Name:			
Address:			
Telephone (Home):		Telephone (Work):	
Electronic Mail Address:			
Accessible Format Requirements?	Large Print	Audio Tape	
	TDD	Other	
<b>Section II:</b>			
Are you filing this complaint on your own behalf?		Yes*	No
*If you answered "yes" to this question, go to Section III.			
If not, please supply the name and relationship of the person for whom you are complaining:			
Please explain why you have filed for a third party:			
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.		Yes	No
<b>Section III:</b>			
I believe the discrimination I experienced was based on (check all that apply):			
<input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin <input type="checkbox"/> sex <input type="checkbox"/> religion <input type="checkbox"/> age <input type="checkbox"/> disability <input type="checkbox"/> family status <input type="checkbox"/> other _____ (identify protected category)			
Date of Alleged Discrimination (Month, Day, Year): _____			
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please use the back of this form.			
_____			
_____			
<b>Section IV</b>			
Have you previously filed a Title VI complaint with this agency?		Yes	No
<b>Section V</b>			
Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?			
<input type="checkbox"/> Yes <input type="checkbox"/> No			
If yes, check all that apply:			
<input type="checkbox"/> Federal Agency _____		<input type="checkbox"/> State Court _____	
<input type="checkbox"/> Federal Court _____		<input type="checkbox"/> Local Agency _____	
<input type="checkbox"/> State Agency _____			

**Exhibit B--Title VI Complaint Form**

Please provide information about a contact person at the agency/court where the complaint was filed.
Name:
Title:
Agency:
Address:
Telephone:
<b>Section VI</b>
Name of agency complaint is against:
Contact person:
Title:
Telephone number:

You may attach any written materials or other information that you think is relevant to your complaint.

Signature and date required below

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Please submit this form in person at the address below, or mail this form to:

Indian Trail Improvement District  
Title VI Coordinator  
13476 61st Street North  
West Palm Beach, FL 33412