



Title VI-LEP Compliance Report



The Franklin Institute

**Office of Diversity and Equal Opportunity
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Table of Contents

I.	Introduction	3
A.	Scope	3
B.	Objectives	4
C.	Methodology	4
D.	Program Description	5
II.	Title VI Compliance Analysis	5
A.	Assurances	5
B.	Compliance Information	5
C.	Efforts to Ensure Meaningful Access Regardless of English Language Proficiency	6
1.	Assessment of the Institute's Language Access Plan	7
2.	Recommendations	15
3.	Promising Practices	17
III.	Conclusion	18

I. Introduction

This compliance review of the Franklin Institute (the Institute), a recipient of NASA (the Agency) funding located in Philadelphia, Pennsylvania, was conducted under the NASA regulations implementing Title VI of the Civil Rights Act of 1964. Title VI prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance [42 U.S.C. 2000d, *et seq.*; 14 C.F.R. Part 1250]. NASA Title VI implementing regulations require the Agency to conduct periodic compliance reviews of its grant recipients, stating “[t]he responsible NASA official or his designee shall from time to time, review the practices of recipients to determine whether they are complying with this part.”¹

A. Scope of the Review

The compliance review was limited in scope to Title VI’s prohibition against national origin discrimination, specifically in the context of limited English proficiency (LEP). Under the NASA Title VI implementing regulations, recipients of Federal financial assistance have a responsibility to ensure meaningful access to their programs and activities for persons with limited English proficiency (LEP).² In addition, Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency” (August 11, 2000), directed each Federal agency that extends assistance subject to the requirements of Title VI, to clarify Agency recipients’ obligations regarding LEP. To guide agencies in this effort, the U.S. Department of Justice (DOJ) issued a policy guidance document, “Enforcement of Title VI of the Civil Rights Act of 1964--National Origin Discrimination Against Persons with Limited English Proficiency.”³ The DOJ Policy Guidance clarified existing statutory and regulatory requirements regarding LEP, providing a description of the factors recipients must consider in fulfilling their Title VI obligations in the LEP context.

NASA published its Title VI LEP Guidance to Grant Recipients in December 2003.⁴ Consistent with DOJ’s LEP compliance standards and framework, the NASA Title VI LEP Guidance to recipients clarified the responsibilities of institutions and/or entities that receive financial assistance from NASA, to assist them in fulfilling their responsibilities to LEP persons pursuant to Title VI of the Civil Rights Act of 1964. The NASA policy guidance emphasized that in order to avoid discrimination against LEP persons on the grounds of national origin, recipients of NASA financial assistance must take adequate steps to ensure that people who are not proficient in English can effectively participate in and benefit from the recipient’s programs and activities. Therefore, consistent with the guidance, LEP persons should expect to receive the language assistance necessary to afford them meaningful access to the recipients’ programs and activities, free of charge.⁵ The NASA Title VI regulations, Title VI LEP Guidance, and relevant DOJ regulations and guidance provide the compliance requirements and considerations under which the Agency examined and assessed the Institute’s Title VI LEP compliance.

¹ 14 C.F.R. Sec. 1250.106(a).

² See 14 CFR Sec. 42.104(b)(2). The NASA Title VI regulations, consistent with DOJ and other federal agency Title VI regulations, state that a recipient may not discriminate by utilizing *criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their national origin*, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respects individuals of a particular national origin. 14 C.F.R. Sec. 1250.103-2(b). The Supreme Court, in *Lau v. Nichols*, 414 U.S. 563 (1974), interpreted regulations promulgated by the former Department of Health, Education, and Welfare, including a regulation similar to that of the NASA Title VI regulations, 45 CFR 80.3(b)(2), in holding that Title VI prohibits conduct that has a disproportionate effect on LEP persons because such conduct constitutes national origin discrimination.

³ Published at 65 Fed. Reg. 50123 (August 16, 2000).

⁴ Published at 68 Fed. Reg. 70039 (hereafter cited as NASA Title VI LEP Guidance).

⁵ See NASA LEP Guidance, Supplementary Information.

B. Objectives

Consistent with the NASA Title VI implementing regulations and the NASA Title VI LEP Guidance, the objectives of this review are as follows:

1. To ensure that the Institute is in compliance with NASA Title VI regulations, and that its policies and practices are consistent with the NASA Title VI LEP Guidance and relevant DOJ guidance, specifically with regard to the steps the Institute is taking to ensure that people who are limited in English proficiency can effectively participate in and benefit from the Institute's programs and activities.
2. To report on promising practices of the Institute with regard to its obligations under Title VI with respect to ensuring meaningful access, regardless of the level of English proficiency.

C. Methodology

NASA seeks to conduct onsite reviews in areas of the United States with significant populations of LEP individuals. Typically, these populations are found in major metropolitan areas. For this onsite review, as in previous museum Title VI reviews, NASA endeavored to select a museum that serves a significant number of individuals who identify Spanish as their primary home language as well the languages of Asian/Pacific Islander populations, such as Chinese, Japanese, Korean, Tagalog, Laotian, Hmong and others. The Institute provided ODEO with an opportunity to assess the provision of language services to language groups (Spanish, Chinese) found in most United State cities as well as languages not typically found in most United State cities (Russian, Gujarati, Mon-Khmer -Cambodian).

NASA notified the Institute of its selection for a Title VI-LEP onsite compliance review by letter dated April 10, 2014. NASA also forwarded a detailed information request, seeking documentation of the Institute's provision of services to LEP populations, including a list of translators and Institute staff responsible for LEP program implementation, as well as a number of Institute publications printed in English and other languages. The Institute submitted this information on May 23, 2014. NASA then conducted a desk audit review of information provided by the Institute.

The onsite phase of the compliance review was conducted on December 16-17, 2014, and included interviews with management and staff, the examination of written documents and publications, and a tour of the museum facilities and exhibits. Interviews with management and staff examined in greater depth the degree to which the Institute has developed and is implementing LEP-related policies, procedures, and practices. NASA's tour involved a walk-through survey, designed to replicate as much as possible a museum patron's experience of the facility. The focus of the walk-through was on observation of visitor-staff interactions and the availability of appropriate signage for exhibits, public notices, and informational materials in languages other than English.

NASA developed a compliance analysis and report based on all of the relevant information gathered during its pre-onsite and onsite efforts. The compliance report examines the Institute's overall efforts to provide meaningful access to its programs and services for LEP individuals, consistent with NASA's Title VI regulations and Title VI LEP Guidance to Recipients, as well as relevant DOJ LEP guidance. Additionally, the report identifies "promising practices," using input of management and staff.

D. Program Description

The Institute is located in Center City (Downtown) Philadelphia, along the Benjamin Franklin Parkway and adjacent to Logan Square. The Institute has been in existence since 1824, but the science museum for which it is known opened on January 1, 1934, making it one of the first hands-on science museums in the United States. The Institute contains the Fels Planetarium, and like many science centers, the Institute employs a hands-on approach to science and technology, with exhibits on several floors. In 1990, The Mandell Center, Tuttleman Omniverse Theater (now known as the Tuttleman IMAX Theater), and Musser Theater opened. According to the Institute's Language Assistance Plan (LAP), the Institute directly reaches an audience of nearly 1.1 million children and adults through visits to the museum and programming in the community, while an additional 14 million people visit the Institute's website yearly.

II. Title VI Compliance Analysis

A. Assurances

Currently, the Institute receives a grant of \$799,547 through the NASA Competitive Program for Science Museums, Planetariums, and NASA Visitor Centers (CP4SMPVC) for a program called "City Skies: Linking Neighborhoods with NASA through Urban Astronomy" According to the program's website: "This project prepares neighborhood and community leaders in Philadelphia to use simple but effective observation tools and NASA's educational web content to help their inner-city Philadelphia neighbors learn about space science and technology—and about their city and themselves—by knowledgeably exploring the sky. City Skies promotes STEM literacy by cultivating city-wide and neighborhood-based partnerships that span and integrate informal and formal STEM learning. The diverse organizations that are rooted in and serve Philadelphia's neighborhoods are squarely at the center of this project. Neighborhood associations, youth clubs, schools, out-of-school-time programs, libraries, faith-based organizations, and other community organizations are hungry for informal educational activities and content to promote the personal, educational, and economic well-being of their constituents." The grant ends June 30, 2016. The Institute informed NASA that it also receives grants from the following Federal agencies: National Institutes of Health, National Science Foundation, Institute of Museum and Library Services, U.S. Agency for International Development, and the National Endowment for the Humanities.

As a condition to a grant award's approval, the award must contain an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed by NASA, including Title VI regulations.⁶ The NASA Form 1206, "Assurance of Compliance with the NASA Regulations Pursuant to Nondiscrimination in Federally Assisted Program," serves as the Agency's assurance of civil rights compliance from its grant recipient institutions. The Institute provided NASA with two NF1206 Forms signed and dated by its CEO June 21, 2102 and April 2, 2015. NASA reviewed the Institute's Form 1206 records and confirmed that appropriate assurances of non-discrimination under Title VI have been obtained from the Institute as grants have been awarded.

B. Compliance Information

The Institute provided all information requested and access as required by NASA Title VI regulations.⁷ Records of LEP efforts were made readily available, such as a list of individuals who can speak languages other than English, as well as the Institute's survey of visitors to determine language needs. In addition,

⁶ 14 C.F.R. Sec. 1250.104.

⁷ See 14 C.F.R. Sec. 1250.105(b), "Compliance information," and 14 C.F.R. Sec. 1250.105(c), "Access to sources of information."

the Institute provided copies of publications in Spanish. During the on-site review process, the Institute provided access to its staff for interviews in a secure location and staff provided cooperative responses to questions posed by NASA.

C. Efforts to Ensure Meaningful Access Regardless of English Language Proficiency

The NASA Title VI regulations prohibit a recipient from utilizing methods of administration which have the effect of subjecting individuals to discrimination because of their national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respects individuals of a particular national origin.⁸ The regulations also state that a recipient, where it determines that the services and benefits of the program or activity it administers may not in fact be equally available to some racial or nationality groups, may properly give special consideration to race, color, or national origin to make the benefits of its program more widely available to such groups, not then being adequately served.⁹

In the context of LEP, these provisions call for a recipient to take adequate steps to ensure that it is providing meaningful access to services to program beneficiaries regardless of their level of English proficiency.¹⁰ The NASA Title VI LEP Guidance establishes a Four-Factor Analysis as a starting point for a recipient to determine the extent of its obligation to provide LEP services. ***The Four Factors are: 1) the number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee; 2) the frequency with which LEP individuals come in contact with the program; 3) the nature and importance of the program, activity or service provided to people's lives; and 4) the resources available to the grant recipient and costs.***

After completing the Four Factor Analysis and deciding what language assistance services are appropriate, a recipient should develop a language access implementation plan to address the identified needs of the LEP populations it serves.¹¹ The development and maintenance of a periodically-updated written Language Access Plan (LAP) for LEP persons for use by recipient employees serving the public will likely be the most appropriate and cost-effective means of documenting compliance and providing a framework for the provision of timely and reasonable language assistance. Further, a written LAP provides the basis for fully leveraging the Four Factor Analysis to provide meaningful access to programs and services for LEP individuals. This means undertaking a number of practical, “real-world” steps, including, but not limited to, helping employees to identify the language of the LEP persons they encounter; providing appropriate language assistance measures and training of staff, e.g., how to respond to LEP individuals who have in-person contact with staff; and providing notice to LEP persons of language services available.

Two LEP guidance documents from DOJ, “Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs” (May 2011) and “Common Language Access Questions, Technical Assistance and Guidance for Federally Conducted and Federally Assisted Programs” (August 2011), provide in-depth information to Federal agencies and their grant recipients on developing and implementing language access plans consistent with LEP requirements.¹² The 2011 guidance documents

⁸ 14 C.F.R. Sec. 1250.103-2(b).

⁹ 14 C.F.R. Sec. 1250.103-4(g).

¹⁰ NASA Title VI LEP Guidance, Sec. I.

¹¹ NASA Title VI LEP Guidance, Sec. VII.

¹² The DOJ May 2011 guidance may be accessed at:

http://www.lep.gov/resources/2011_Language_Access_Assessment_and_Planning_Tool.pdf; the August 2011 guidance is accessible at: http://www.lep.gov/resources/081511_Language_Access_CAQ_TA_Guidance.pdf.

build on the original Four Factor Analysis by identifying the components parts of an effective LEP plan. These include:

- Identification of persons who will implement the plan;
- Identification and assessment of LEP communities; nature and importance of the program (aligns with Factors One through Three);
- Identification of funding and procurement issues (aligns with Factor Four);
- Notice of language assistance services;
- Staff training on policies and procedures;
- Collaboration with LEP communities and other stakeholders;
- Monitoring and updating of policies, plan and procedures; and
- Description of timeframe, objectives and benchmarks.¹³

The Institute has a formal LEP plan in place, the LAP referenced above. NASA's compliance assessment of the LAP will focus on whether, or the extent to which, each of these factors is addressed in the Plan.

1. Assessment of the Institute's Language Access Plan

NASA notes at the outset that the Institute has taken a number of proactive and innovative steps in furtherance of its LEP obligations, including the establishment of a senior level LEP Working Group that meets regularly to set policy and evaluate progress of the LAP. A number of the Institute's promising practices in this regard are cited throughout the report.

NASA grant recipients are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.¹⁴ The starting point is an individualized assessment by the recipient that balances the four factors as detailed in the NASA Title VI LEP Guidance, which is addressed below. While designed to be a flexible and fact-dependent standard, the intent of this guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on grant recipients. After applying the Four Factor Analysis, a recipient may conclude that different language assistance measures are sufficient for the different types of programs or activities in which it engages.

The Institute staff interviewed by NASA stated that they were not aware of the Four-Factor Analysis until they were informed of this compliance review. Nevertheless, key staff informed NASA that they practice the main precepts of the LEP Executive Order and the Four-Factor Analysis. Language access is integral to the mission of the Institute, which is to provide quality, accessible science education to the local community. As the local community has a large Hispanic and Spanish-speaking population, providing Spanish language services has always been paramount for the Institute. NASA recognizes this high level of demonstrated commitment to the language needs of the local community as a cornerstone of Title VI compliance in the LEP context.

a. Identification of persons who will implement the plan

DOJ guidance regarding this plan element states: "A plan should describe the management staff, workgroup, committee, or other agency staff who will be responsible for creating and overseeing the policy directives, developing and modifying the language access plan, and establishing and implementing

¹³ DOJ May 2011 guidance, p. 17.

¹⁴ Id. at Sec. V.

operational procedures.”¹⁵ DOJ recommends recipients name a Language Access Coordinator. The Guidance states: “The language access coordinator should be or report to a high-ranking official within the agency since high level support is essential to successful implementation. The coordinator is responsible for language assistance services and may delegate duties but should retain responsibility for oversight, performance, and implementation of the language access plan.”¹⁶

In this regard, the Institute’s LAP states that “[i]n 2015, the Institute will form an LEP Taskforce with the charge to produce a 3–5-year LEP Initiative consisting of the phased implementation of policies and practices that enhance meaningful access to the Institute’s programs for persons with LEP. The LEP Taskforce will be chaired by a member of the Institute’s senior leadership and comprised of staff members from across the Institute, with input from LEP community representatives. The Taskforce will perform its work as a part of the Institute’s ongoing accessibility initiative to offer meaningful learning opportunities to visitors and program participants in all their diversity. Working groups within the Taskforce will include a) community and visitor demographics, b) exhibits, c) educational programs, d) guest services and safety, and e) external communications. Working groups within the Taskforce will include a) community and visitor demographics, b) exhibits, c) educational programs, d) guest services and safety, and e) external communications.”

NASA views this rendering of the Institute’s leadership commitment to LEP access as a good start. The Agency notes, however, that the LAP does not actually specify a Language Access Coordinator (see Recommendations, below). We look forward to learning more about the progress of the Institute’s LEP Task Force.

b. Identification and assessment of LEP communities; nature and importance of the program

This element reiterates and reinforces Factors One through Three of the Four Factor Analysis, i.e., the number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee; the frequency with which LEP individuals come in contact with the program; and the nature and importance of the program, activity, or service provided by the program to people’s lives. The first and second factors in the LEP Four Factor Analysis are very closely related, as they both focus on the LEP populations with which a recipient comes into contact. NASA has determined that Factor Two, which is dependent on museum visitor contact and interaction with a museum’s staff, is crucial to certifying the results of Factor One analyses, which are largely dependent on statistical data mining and may not capture “on the ground” information and language needs derived from one-to-one contacts. Each of the three Factors is addressed below.

i. The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee and the frequency with which LEP individuals come in contact with the program

In Factor One, recipients must rely on LEP population data to determine what level of language services they should provide and in what languages, based on the number or proportion of LEP persons from a particular language group served or encountered in the eligible service population. The greater the number or proportion of these LEP persons, the more likely language services are needed.¹⁷ The NASA Title VI LEP Guidance notes that another way to determine the language of communication is to use language identification cards (or “I speak cards”), which invite LEP persons to identify their language

¹⁵ Id., p. 18.

¹⁶ Id., p. 19

¹⁷ Id. at Sec. V.1.

needs to staff wearing the cards. Such cards, for instance, might say “I speak Spanish” in both Spanish and English, “I speak Korean” in both English and Korean, and so on.¹⁸

The Philadelphia metropolitan area, which is the Institute’s primary serving area, has a sizeable Spanish-speaking service population, and, to a lesser degree, other language populations. Over the past twenty years, African and Asian populations (the Cambodian population in particular) have had significant increases in the Philadelphia region and the number of LEP individuals who speak languages from those regions has increased as well.

NASA analyzed data gathered from the Census Bureau's American Community Survey (ACS), 2008-2012 to identify the number of individuals in the Philadelphia-Camden-Wilmington (Pennsylvania (PA)-New Jersey (NJ)-Delaware (DE)-Maryland (MD) Metropolitan Statistical Area (or PCWMSA) who speak English less than "very well" and would be classified as LEP. According to the Data Set for "Language Spoken at Home by Ability to speak English for the Populations 5 Years and Older," region there were 236,606 persons who are LEP, or 6.2% of the total population of 3,762,139, representing individuals 5 years or older. Of this number of LEP persons, 91,270 (2.4%) are Spanish speakers and represent the highest percentage of individuals who spoke English less than "very well" at home. The total Spanish speaking population was 35.6% of the PCWMSA total population. The next nine largest groups of LEP individuals in the PCWMSA after Spanish speakers who also speak English less than "very well" are: Chinese (26,172 or 0.7%); Italian (20,813 or 0.6%); Korean (20,238 or 0.5%); Vietnamese (14,896 or 0.4%); Russian (12,177 or 0.3%); Mon-Khmer, Cambodian (5,547 or 0.12%); French (incl. Patois, Cajun); (5,375 or 0.1%); Gujarati:(5,091 or 0.1%); and French Creole (4,430 or 0.1%). Also appearing in numbers of over 5,000 are “Other Asian Languages” and “Other African Languages”. However, since we cannot identify any specific languages from this group, they are excluded from the Top Ten list above.

Nevertheless, these language groups meet NASA’s threshold of five percent, or 1,000 persons, for the provision of written translation of vital documents for access to the recipient’s programs, services, activities and facilities. As stated above, the “safe harbor” provision of NASA’s Title VI LEP Guidance allows for recipients to show strong evidence of compliance by providing written translations of vital documents for each eligible LEP language group that constitutes five percent or 1,000, whichever is less, of the population of persons eligible to be served or likely to be served to be affected or encountered. Also, if there are fewer than 50 persons in a language group that reaches the five percent trigger, the recipient does not have to translate vital written materials but may 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.¹⁹

The Institute informed NASA that it utilizes the following sources of information to identify the LEP populations with which it comes into contact, and the frequency of contact:

- In its Language Assistance Plan (LAP), the Institute determined that the 11-county PCWMSA is the Institute’s core service area, capturing 60% of museum visitors. The Institute has reviewed U.S. census data for Philadelphia City/County and the PCWMSA. The Philadelphia City/County data indicate that Spanish is spoken in 9.8% of households. The PCWMSA census data, which covers a larger geographical area than Philadelphia City/County, indicate that Spanish is spoken in 6.5% of households. Furthermore, the Institute states in the LAP that the U.S. Census data reveal that persons who speak Spanish as their first language and are LEP are the predominant LEP community in this area (6.25% speak Spanish at home, 2.47% speak Spanish at home and are LEP). The Institute

¹⁸ Id. at Sec. VII(1).

¹⁹ Id. at Sec. VI.B(a).

concludes that no other individual language, other than English, is spoken by 5% or more of households in Philadelphia City/County or the PCWMSA.²⁰

- In addition, the Institute conducted and reviewed one exit survey from 2012 as well as one entrance and one exit survey from 2013. These surveys were completed by the Institute's Research and Evaluation staff. According to the Institute: "These surveys indicate, other than English, Spanish is the only first language that is spoken by 5% or more of visitors."

However, NASA notes that the "safe harbor" provision of our LEP Guidance states that recipients can show that only vital documents need be translated to show strong evidence of compliance when the language population stands at 5 percent or 1,000 people, *whichever is less*. This means that if 5 percent of the service population is *greater than* 1,000 the recipient should translate vital documents. Moreover, the relevant provision also states that consideration may be given to *both* the numbers of persons eligible to be served as well as those likely to be affected or encountered. While the survey data gathered by the Institute suggests less than 50 persons likely to be encountered for all PCWMSA populations other than Spanish speakers, the census numbers indicate that 5 percent constitutes well over 1,000 for each group. Based on this information, NASA finds that the Institute should revisit its "safe harbor" analysis (see Recommendations, below).

ii. The nature and importance of the program, activity, or service provided by the program to people's lives

Under NASA's Title VI LEP Guidance, the more important the activity, information, service, or program, or the greater the possible consequences of the contact to the LEP individuals, the more likely language services are needed. A recipient needs to determine the implications of denial or delay of access, e.g., life-threatening, to services or information are for the LEP individual.²¹ Perhaps the most important kind of program or service referred to in the NASA Title VI LEP Guidance is that which is "life-threatening." While the nature of the Institute's programs and services is not life-threatening, its programs may be said to be life-enhancing or enriching, and as such have unique importance to those seeking to experience them. In considering this factor, NASA's review indicates that the Institute appropriately took into account the ways in which denial or delay of services may negatively impact LEP individuals with respect to its most critical services.

The Institute's LAP states that "Activities that are central to the Institute's mission and of greatest consequence for providing meaningful access to persons with LEP include exhibitions, programs and mediated experiences, guest services and safety, and external communications. The Institute's current LEP services are focused on guest services and community-based programs that target Spanish language communities. In 2015, the Institute planned to conduct a prototyping and evaluation study of alternative exhibit augmentations for LEP visitors, and organize an LEP Taskforce to develop a comprehensive plan for enhancements to LEP services across the Institute." NASA looks forward to learning more about the outcomes of these efforts.

(A) Exhibitions

Regarding exhibits, language assistance consistent with LEP compliance requirements observed by NASA includes:

²⁰ The Institute also conducted an analysis of LEP populations in each county in the PCWMSA.

²¹ NASA LEP Guidance at Sec. V.2.

- Bilingual Spanish/English staff is available to the public at the public interface points such as the Information Desk, Reservations/Call Center, and Ticket Booth. Other language assistance requests are handled on a case-by-case basis.
- The Institute maintains a list of staff and volunteers who are multilingual, including their level of proficiency. Staff and volunteers who speak Spanish and are in regular contact with visitors wear a button that says “Hablo Español”.
- Lenticular signage²² in the Ben Franklin room that contains greetings in English, Spanish, Chinese and Russian
- At least one exhibit has touchscreen bilingual interpretive panels. Staff stated that some travelling exhibits are bilingual, to the extent that the second language fits the theme of the exhibit. For example, the Institute had a Galileo exhibit and they had to add content in both English and Italian. There was a Science of the Circus exhibit that came with English and French interpretive exhibit panel text.

Two LEP compliance concerns NASA has with the Institute’s LEP efforts are reflected in the following:

- Institute staff informed NASA that a Visitor’s Map in Spanish was to be published and available for distribution in 2015. As of the date of this report, this map is not available for download on the Institute’s website (www.fi.edu). As Spanish is the most frequently spoken language, based on the Institute’s own analyses under Factors One and Two, the Institute should immediately address this.²³
- The Institute web site has an embedded Google Translate icon that will translate webpage content into each of the languages most frequently encountered in Factors One and Two. However, DOJ has advised grantees that the use of Google Translate is a compliance concern in the LEP context.²⁴

(B) Programs and Mediated Experiences

The Institute provided NASA with a list of over 40 documents that are published in other languages for visitors and education program participants. While most of these documents are in Spanish, a few are in Chinese, Arabic and Vietnamese. Among the Institutes many programs and mediated experiences, we provide examples of just two, to give a flavor of the extent to which LEP needs are addressed in this context. For the 2014 Philadelphia Science Festival (PSF), in which the Institute participates every year, a Spanish language “[Star Guide](#)” was created and distributed for the Astronomy Night event. One of the events in the 2013 PSF was “[Discovery Day: Ciencia y y Mi \(Science and Me\)](#)” which featured interactive, hands-on activities and food from Esperanza College, The Franklin Institute, and Delaware State University and Spanish language interpretation and translation was made available. Institute staff said that several different consultants were hired to develop Spanish materials, such as Esperanza Inc. Esperanza has been a partner for three years prior to the science festival. Staff indicated that there is a

²² Lenticular printing is a technology in which lenticular lenses (a technology that is also used for 3D displays) are used to produce printed images with an illusion of depth, or the ability to change or move as the image is viewed from different angles.

²³ See NASA LEP Guidance, Sec. VII(4).

²⁴ The use of Google Translate, while a cost-effective and innovative use of technology to address LEP issues, should not be utilized as a sole solution to making the Museum’s Web content LEP accessible, especially where such content involves the communication of vital information. In this regard, we note that machine translations are discouraged by DOJ’s most recent LEP recent technical assistance tool (August 2011 Guidance) which states: “The use of machine or automatic translations is strongly discouraged even if a disclaimer is added. ***If an agency [or recipient] decides to use software-assisted translation, it is important to have the translation reviewed by a qualified language professional before posting*** it to the website to ensure that the translation correctly communicates the message.” (Emphasis added.) See DOJ, Common Language Access Questions, Technical Assistance & Guidance for Federally Conducted & Federally Assisted Programs, Section W, accessible at http://www.lep.gov/resources/081511_Language_Access_CAQ_TA_Guidance.pdf. See also Recommendations, below.

need to create a “neutral” Spanish language translation because they need to deal with many dialects, such as those from Mexico, Puerto Rico and the Dominican Republic. This may be a consideration that requires further analysis in other contexts (see Recommendations below). At these events, volunteers wear “I Speak” buttons if they speak Spanish.

Among its many programs, the Institute offers “Science in the Summer,” which is held for one-week periods in public libraries across the region and has corporate sponsorship. Staff stated that these sessions are in English only. There have been no requests for translation, but local library staff may be bilingual and may help.

(C) Guest Services and Safety

The Institute maintains a list of 20 staff members who speak seven languages of varying fluency. Those languages are Spanish, German, Italian, Romanian, Serbia, Bengali and Turkish. If a staff member is requested to provide language services, staff would contact the Human Resources Division to identify the available staff member who can provide this service. NASA commends the Institute for gathering and maintaining this list. It is very much in keeping with the intent of Title VI-LEP requirements.

Other aspects of the Institute’s efforts consistent with LEP requirements are resources and signage to help visitors (English-speaking and LEP) navigate the building and find key facilities. These include the following:

- A Spanish-language Visitor Map, which includes floor plans with the locations of exhibits and guest services. The Spanish language map is available at the information desks at the Business Entrance, Jordan Lobby, and the Atrium, and at the box office in the Atrium;
- Spanish-language Visitor Maps are publicized using digital and static signs in Spanish at the Atrium information desk and box office, and static signs at the Business Entrance and Jordan Lobby;
- Bilingual staff members are available to speak with visitors in Spanish. Visitors can find this assistance at the information desks and the box office. All public-facing staff members who speak Spanish wear Hablo Español buttons;
- The Floor Manager and Assistant Floor Manager are bilingual speakers of Spanish. The Floor Managers also have a list of staff members who speak Spanish, and can contact them if a guest needs additional assistance;
- Welcome messages in Spanish on electronic signs at the box office and on electronic kiosks throughout the building (e.g., “La Bienvenida. Espanol hablando aqui. Mapas Disponibles”);
- International symbols for restaurant, restrooms, elevator, accessible routes, first aid, ticketing, and vending at way-finding hubs within the museum, as well as on the visitor map each guest receives;
- Well-marked Exit signs throughout the entire building; and
- Telephone automated attendant—The Institute’s telephone greeting offers a Spanish language option (i.e., voiced in Spanish: “To continue in Spanish, press 2”). Due to technical constraints of the system and the difficulty of frequently updating the content in English and Spanish, this option allows callers who are LEP to leave a message that will generate an email prompting a Spanish-speaking customer service representative (one of the Institute’s two floor managers) to return the call.

With respect to the Institute’s emergency services, we note first that the Institute’s Director of Safety and Security is a bilingual speaker of Spanish. Each Institute fire warden is responsible for his or own department and location. Signage is limited to Exit signs, but with employees around the building who are bilingual in Spanish, there are numerous people around the building to help direct LEP individuals who are primarily Spanish speakers. Also, the alarm system is highly audible and flashing and staff use hand signals to direct.

(D) External Communications

See Section II(C)(1)(f) below.

c. Identification of funding and procurement issues

This element reinforces and aligns with Factor Four of the Four Factor Analysis, i.e., the resources available to the grantee/recipient and costs. The LAP indicates that the Institute's current LEP practices are supported within existing program budgets (and interviews confirm this approach). A recipient's level of resources and the costs that would be imposed on it in addressing language assistance needs may have an impact on the nature of the steps it should take.²⁵

According to its LAP, the Institute's current LEP practices and the near-term enhancements described above were developed on a case-by-case basis within existing program budgets. Current LEP activities are focused on core guest services and community-based programs that target Spanish language communities. Translations are completed on an as-needed basis. The Institute has utilized Worldwide Translation Center and Esperanza Inc. Neither service is under contract. Enhancing the scope and integration of LEP policies and practices will require prioritizing programs and activities with the greatest consequence for providing meaningful access to persons with LEP (see Recommendations below).

d. Notice of language assistance services

This Plan element also incorporates Factor Three of the Four Factor Analysis, although the Plan element focuses specifically on how LEP individuals are informed of the services provided. NASA's LEP Guidance suggests several possible means of LEP notification, including posting signs in intake areas and other key entry points, stating in outreach documents that language services are available from the NASA recipient, and using a telephone voice mail menu, among others.²⁶ The Institute is utilizing these and other methods, both face-to-face, in print, and online, for notifying LEP visitors and potential visitors (as demonstrated in the signs at the front desk). In fact, the Institute has undertaken a wide array of efforts in this area. Based on the above, NASA finds that the Institute is meeting requirements and that it is giving appropriate consideration to guidance on notice to LEP program participants and potential participants in Spanish, but that more consideration needs to be given to other languages (see Recommendations below).

e. Staff training on policies and procedures

Staff having contact with the public (or those in a recipient's custody) should be trained to work effectively with in-person and telephone interpreters.²⁷ The Institute reports that staff is interacting with the public. NASA found, however, that the LAP is silent as to staff training on interacting with LEP visitors. Staff stated that with guest services training they are made aware that they may encounter people with LEP or disabilities. NASA learned there is a short discussion on language needs of visitors and how to handle them. Staff also stated that language service needs are generally met by a bilingual guest services manager (Spanish) and Security Director (Spanish). Nonetheless, it appears the Institute needs to take more comprehensive and concrete steps consistent with NASA's LEP Guidance for recipients regarding staff training to serve LEP individuals. The LAP should contain more information on how staff are trained and the types of training Institute employees receive. (See also Recommendations below.)

²⁵ NASA Title VI LEP Guidance, Sec. V(3).

²⁶ Id. at Sec. VII(4).

²⁷ Id. at Sec. VII(3).

f. Collaboration with LEP communities and other stakeholders

DOJ guidance recommends that Language Access Plans include provisions for creating and conducting outreach and the actions needed to implement an effective system to gather feedback and involve outside entities or individuals in the review process.²⁸ DOJ states that efforts should be made to provide information to the public and LEP communities regarding the language assistance services available free of charge. Such efforts should include community-focused outreach and coordination with other agencies and stakeholders.²⁹ Importantly, the Institute's LEP work group includes the heads of all relevant programs for this area of its Plan, such as its Education, Communications, Exhibit Development and Guest Services and Membership leads, all of whom make contributions to the implementation of the LAP.

NASA finds that with respect to collaboration with LEP communities and other stakeholders that the Institute's efforts are fully reflective of and consistent with relevant guidance. For example, regarding outreach to LEP communities, the Institute maintains long-standing relationships with a number of Philadelphia Hispanic media outlets, as they are invited to many of its events, and provides foreign language proficient staff at specific events. The Institute works closely with a handful of community organizations throughout Philadelphia to coordinate educational content and delivery needs, including translation of materials into other languages (mainly Spanish) as well as interpretation during events such as the PSF.

g. Monitoring and updating of policies, plans and procedures

Consistent with relevant guidance, the Institute has in place a structure, through its LEP Working Group, for monitoring and updating its policies, plans, and procedures. The Institute informed NASA that it planned to build on the current practices and near-term enhancements described in the LAP by developing and implementing a comprehensive approach to providing meaningful access to visitors who are LEP. The Institute established an LEP Taskforce in 2015 with the charge to produce a 3–5-year LEP Initiative. In its LAP, the Institute described a phased roll-out of its LEP Initiative designed to facilitate sustainable budgeting strategies that would include cultivating revenue sources to support expanded services. By the end of the roll-out period, the LAP envisioned a comprehensive and sustainable suite of LEP services would be in place. The Taskforce planned to deliver its plan for an LEP Initiative, essentially an updated LAP, before the end of 2015 with a prompt start date for implementation. The following enhancements are planned for 2015:

- Visitor pamphlet—Spanish-language “in case of emergency” information, including emergency directions, lost children, and lost-and-found articles; and
- Parking garage automated pay stations—Spanish-language signs and entry/exit instructions in Spanish.

The Institute also informed NASA, that, by the end of 2015, the LEP Taskforce will be charged with undertaking further programmatic and financial analyses to develop a comprehensive LEP implementation initiative. NASA looks forward to reviewing the Institute's updated LAP and will continue to observe the Institute's efforts through ongoing technical assistance and a formal follow-up three months from the issuance of this report (see Recommendations below).

²⁸ DOJ May 2011 Guidance, pp. 18-19.

²⁹ Id., at p. 20.

h. Description of timeframe, objectives and benchmarks

Currently the Institute's LAP specifies a number of objectives and initiatives to be conducted or completed in 2015. As stated, NASA is advising the Institute to provide an updated LAP that incorporates all of the planned actions for 2015. The new plan may include other objectives, benchmarks, or timeframes, as described in relevant guidance. (See Recommendation for LEP Plan Enhancements, below.)

2. Recommendations

a. LAP Enhancements. The Institute should enhance its initial LAP, as stated in the plan itself and throughout this report, to continue to ensure that it fully utilizes and reflects current Federal guidance on LEP compliance. NASA recommends that the Institute continue to carefully review DOJ's May and August 2011 LEP guidance documents to incorporate key Plan elements identified by DOJ not already explicit in the Institute's Plan. To begin with, the Institute should name a formal LEP or Language Access Coordinator. In this regard, DOJ guidance recommends that recipients' LAPs should "detail the chains of command for authority and oversight and explain any coextensive responsibility and coordination with other agencies, divisions, and offices."

Update: In February 2016, the Institute informed NASA that it had named as its Language Access Coordinator Dr. Elinich, Director of Science Content & Learning Technologies. Dr. Enlich reports to Dr. Frederic Bertley, Senior Vice President of Science & Education. Dr. Enlich informs NASA that in her role as the LAC, she interacts with senior staff to ensure implementation of the Institute's LAP.³⁰

The guidance documents also provide further explanation and detail regarding, for example, the roles and responsibilities of an LEP coordinator, the establishment of a process for LEP individuals to provide feedback if they believe they are being denied services because of their lack of English proficiency, the development of multilingual Web sites, the purposes and utility of monitoring and updating LEP Plans, hiring and utilization of bilingual staff, and considerations for assessing current staff's ability to provide language assistance. The revised LAP should address how the Institute currently provides, or plans to provide, spoken interpretation as well as written translations of vital and non-vital materials in languages that do not meet "safe harbor" requirements of 5% or 1,000 individuals, whichever is less (see Recommendation 2(c) below). The need to address the many Spanish language dialects, such as those from Mexico, Puerto Rico and the Dominican Republic, should also be incorporated into the LAP. These are just a few examples of the kinds of information provided in the guidance that the Institute may wish to use to further enhance its LAP.

NASA recommends that the Institute focus particularly on sections of the DOJ guidance documents dealing with translation of vital information and hiring, training, and utilization of bilingual staff, keeping in mind the need to revisit its safe harbor analysis. In addition, we recommend the Institute imbue the Plan with appropriate timeframes (beyond 2015), objectives and benchmarks for any elements of the LAP for which development and implementation are ongoing, consistent with DOJ guidance. We would particularly recommend these for the following actions identified by the Institute in its LAP:

- Examination of the demand for LEP services based on community and visitor demographics,
- Prioritization of program enhancements with the greatest consequence for providing meaningful access to persons with LEP,
- Inventorying of existing technical and financial resources to support LEP services,

³⁰ Dr. Karen Enlich, letter to David Chambers, Civil Rights Team Lead, February 18, 2016.

- Determination the additional resources needed to meet LEP needs, and
- Identification of prospective revenue sources to support enhanced LEP services.

NASA requests a revised LAP from the Institute three months from the date of the Agency's compliance letter and report for this review. Further recommendations below should be incorporated into the revised LAP.

b. Integrating LEP Planning and Implementation into Annual Budget Cycles. The Institute should document the technical capacities and funding committed to LEP services, coordinate across programs to efficiently deploy resources, identify high-priority opportunities to enhance LEP services, and cultivate revenue sources to support enhanced LEP services.

c. Revisiting Safe Harbor Assessment. The Institute should review the "safe harbor" provisions of NASA's LEP Guidance to better understand its options for showing compliance through translations of vital documents for those language populations other than Spanish that exceed 1,000 members in the local PCWMSA.

d. Staff Training. It does not appear that Institute staff are provided with comprehensive training in Institute policies and procedures. We recommend that the Institute provide training on its LEP policies and procedures at new employee orientation with additional language assistance training materials by obtaining a copy of DOJ's new video series, *Overcoming Language Barriers*, designed as a training tool for management and language coordinators of Federal agencies and recipients seeking to improve their ability to provide meaningful access to LEP individuals.³¹ The video is comprised of three segments: (1) Creating language access policies, plans, and procedures – 25 minutes; (2) Approaches to ensuring the quality of language assistance services – 35 minutes; and, (3) One agency's experience implementing a language access program – 19 minutes. To receive copies of the video series, an accompanying summary document, or if to ask any follow-up questions, the Science Center should send an email request to DOJ's Federal Coordination and Compliance Section at LEP@usdoj.gov.

e. Guest Services Language Assistance Log. Guest Services staff have recently initiated a language request log. For example, the log tracks each time a non-English visitor guide is requested at the Front Desk for taking the visitor guides. The log tracks language assistance requests by language and is done in daily, weekly and monthly intervals.

f. Enhancing Efforts to Make Web Content LEP Accessible. NASA recommends that the Institute look into alternative mechanisms for addressing issues of Web content accessibility. We recommend a review of the section of DOJ's August 2011 guidance, "Understanding when/how to make your website more accessible to LEP persons."³² This section of the guidance links to the "Top 10 Practices for Multilingual Websites" which states: "Online communications must address the language preferences of users. The use of [machine or automatic translations](#) is strongly discouraged even if a disclaimer is added. If government agencies decide to use software assisted translation, **have the translation reviewed by a qualified language professional before posting it to the website to ensure that the**

³¹ Accessible at <http://www.justice.gov/crt/video/overcoming-language-barriers-creating-language-access-policies>

³² See DOJ August 2011 guidance at Section W (accessible at http://www.lep.gov/resources/081511_Language_Access_CAQ_TA_Guidance.pdf).

translation correctly communicates the message.³³ (Emphasis added.) Materials and information provided through the guidance and various sites to which it is linked provide excellent resources for enhancing online content to better meet the language needs of LEP individuals reviewing the Science Center's Web site. The key is to determine which Web content and exhibition related information on the Science Center's floor are vital, within the meaning of the relevant guidance, and then to provide translation that meets applicable quality standards accordingly.

NASA also recommends providing QR (Quick Response) codes³⁴ on exhibits for languages other than English or Spanish where exhibit text can be accessed in languages such as Japanese, Chinese or Korean, where the QR codes would access a multilingual exhibit guide on the Institute website. Shown below is a QR code on exhibit signage for the Reuben Wells locomotive exhibit at the Children's Museum of Indianapolis. This QR code will take you directly to a Wikipedia page describing the locomotive. In addition, the Institute should make its Visitor's Map in Spanish immediately available for download on the Institute's website (www.fi.edu).

g. Visitor Experience Surveys. The Institutes should extend the scope of its customer survey programs to the LEP visitor experience or the quality or availability of the Institute's language access services. The Institute should consider using these feedback tools for their language access programs and services. For example, Guest Services department should consider establishing an LEP component to its visitor experience feedback program. This might include the use of "mystery shoppers" that are chosen by an outside firm to visit the museum without the on-duty staff's knowledge, view exhibits, use its services and engage Institute staff. They can then report back on the quality of their experience at the museum how helpful staff is, how useful the programs and services are insofar as LEP. The Institute should also consider deploying LEP components to its online and written surveys to query visitors on the quality of their experience.

3. Promising Practices

a. Staff Services for Improving LEP Access. The Institute has leveraged its partnerships with outside entities such as a neighboring mosque for Arabic language services, Para Los Niños and Spotlight Media for Spanish language services. Furthermore, the Institute permits tour groups and other groups to bring in their own translation services and support for those efforts is provided by the Institute as appropriate. Numerous staff people can provide instant language assistance in several languages in Education, Food Services, Guest Services and other areas. Staff persons with bilingual or multilingual skills are identified by "iSpeak" cards inserted into or onto their ID holders.

b. Philadelphia Science Festival. One of the first celebrations of its kind in the country, the Philadelphia Science Festival (the PSF) is a 10-day celebration of science and technology in everyday places – parks, restaurants, bars, libraries and museums. It asks Philadelphians to question the world around them and aims to inspire not only the next generation of scientists and engineers, but also create homegrown citizen scientists. More than 200 partners work together to produce the Festival,

³³ See <http://www.howto.gov/web-content/multilingual/best-practices>; See also, Section W of the DOJ August 2011 guidance at http://www.lep.gov/resources/081511_Language_Access_CAQ_TA_Guidance.pdf.

³⁴ QR Codes allow instant access to websites via smartphone camera with a scanner application. The Smartphone user engages the QR scanner application, points the smartphone camera at the QR code until the scanner application indicates it has read the QR code, which means that the web browser on the smartphone will open a webpage that is tied to the QR code.

which has corporate sponsorship, but is organized by the Institute. In advertising for 2015 PSF interns, the Institute sought [bilingual Spanish/English candidates](#). The Institute's community engagement staff stated that they are responsive to targeted communities through community science networks. One of the areas is Hunting Park, a predominately Hispanic neighborhood in North Philadelphia. The Hunting Park Science Center School classes include dual language (English/Spanish) classes at all grade levels. Advertising materials for PSF are in English and Spanish, and include a billboard in Spanish for Hunting Park.

III. Conclusion

Based on its compliance review, NASA finds that the Institute should take additional steps to strengthen its LAP, consistent with NASA and DOJ LEP requirements and considerations. More specifically, the Institute should carefully review specific aspects of the Four Factor Analysis (as provided in NASA's LEP Guidance) and the DOJ 2011 guidances to better address such matters as the safe harbor provision, staff training, utilization of mechanisms to make Web content accessible, among other recommendations from this report. NASA requests that the Institute provide its updated LAP three months after the issuance of this report.

While NASA has specific recommendations for the Institute to better ensure compliance with LEP requirements, we also found that it has a number of promising practices insofar as steps to ensure meaningful access to LEP individuals. The Institute's participation in the Philadelphia Science Festival and its LEP efforts in that context are excellent examples. In addition, since becoming informed of its obligations to conduct a Four Factor Analysis and develop a written LEP Plan at the outset of this review, the Institute has established additional programs and practices to meet its LEP obligations. NASA stands ready to provide further technical assistance to the Institute as it continues to meet its LEP obligations under Title VI of the 1964 Civil Rights Act.