



Title VI-LEP Compliance Report



American Museum of Natural History

Office of Diversity and Equal Opportunity
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I. Introduction

This compliance review of the American Museum of Natural History (AMNH or the Museum), a recipient of NASA funding located in New York City, was conducted under the NASA regulations implementing Title VI of the Civil Rights Act of 1964, which 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

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), to hold 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, Supplemental 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 recipient, AMNH, 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 Museum is taking to ensure that people who are limited in English proficiency can effectively participate in and benefit from AMNH's programs and activities.
2. To report on promising practices of AMNH with regard to its obligations under Title VI with respect to ensuring meaningful access regardless of the level of English proficiency.

C. Methodology

The compliance process began with a desk audit review of information provided by AMNH in response to a detailed NASA information request regarding the Museum's efforts to ensure meaningful access to its programs and services for persons with limited English proficiency (LEP).

The onsite phase of the compliance review was conducted on September 13-14, 2011. NASA's on-site activities included interviews with management and staff, and the examination of written documents and publications. Interviews with management and staff examined in greater depth the degree to which the Museum has developed and is implementing LEP related policies, procedures, and practices. Also, NASA examined the Museum facility by way of a walk-through survey, much the same as a visitor might experience the Museum during a visit or tour of the AMNH. During the on-site tour of the Museum, the focus was on observation of visitor-staff interactions, the availability or absence of appropriate signage on exhibits, and the availability of 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 pre-onsite and onsite efforts. The compliance report examines the AMNH's overall efforts to provide meaningful access to its programs and services for limited English proficient (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 AMNH management and staff at various levels within the organization.

D. Program Description

The AMNH is one of the world's preeminent scientific and cultural institutions. Since its founding in 1869, the Museum has advanced its global mission to discover, interpret and disseminate information about human cultures, the natural world and the universe through a wide-ranging program of scientific research, education and exhibition. The AMNH's Mission Statement is:

"To discover, interpret, and disseminate—through scientific research and education—knowledge about human cultures, the natural world, and the universe."⁶

⁶ See AMNH Web site at <http://www.amnh.org/about/mission.php>, Mission Statement of the AMNH.

AMNH is one of the largest and most visited museums in the world and has been cited as the number one family travel destination in New York City and the third most popular destination in the U.S. Each year, nearly five million people – students, teachers, tourists, and families – visit the Museum, and hundreds participate in on-site workshops, school visits, and multicultural programs. Millions more, both nationally and globally, are reached each year through the Museum’s website, www.amnh.org, innovative technologies, and traveling exhibitions and programs.⁷

The Museum is renowned for its exhibitions and scientific collections, which serve as a field guide to the entire planet and present a panorama of the world's cultures. It is within the multicultural environment of New York City that the Museum welcomes visitors 363 days per year. Over 100 languages are spoken in New York City, making it one of the most linguistically diverse cities in the world. About 36 percent of the city's population is foreign-born.

Currently, AMNH receives a number of Federal grants from NASA, totaling approximately \$3 million in value. These include a wide range of research and education projects, from helping student learning on the science of climate change, to the development of science professional development experiences, to the use of chondritic meteorites in the study of the early solar system and data processing methods for direct imaging of exoplanets.

II. Title VI Compliance Analysis

A. Assurances

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.⁸ 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. NASA reviewed its Form 1206 records and confirmed that appropriate assurances of non-discrimination under Title VI have been obtained from AMNH as grants have been awarded.

B. Compliance Information

AMNH provided all information requested and access as required by NASA Title VI regulations.⁹ Records of LEP efforts were made readily available, including Web addresses where information regarding the Museum’s communications in languages other than English is displayed. In addition, the Museum provided copies of brochures containing floor plans in a variety of languages including Spanish, Chinese, Korean, French, among others, that are made available to Museum patrons at information desks throughout the facility (see Promising Practices, below). During the on-site review process, the Museum provided access to its staff for interviews in a secure location and staff provided cooperative responses to questions posed by NASA.

⁷ See Merrily Sterns, Senior Director, Grants and Strategic Initiatives, letter to Robert Cosgrove, External Compliance Manager, re: NASA Title VI/LEP Information request, January 27, 2011 (p.1).

⁸ 14 C.F.R. Sec. 1250.104.

⁹ 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.”

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.¹⁰ 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.¹¹

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.¹² The NASA Title VI LEP Guidance clarifies obligations of grant recipients under Title VI to ensure meaningful access to LEP persons and provides an analytical framework that recipients may use to determine how best to comply with Title VI statutory and regulatory obligations regarding LEP. In general, the Guidance establishes the following main considerations for determining whether grant recipients are meeting their obligations in this regard: (1) is the recipient taking steps to determine the extent of its obligation to provide LEP services based on a Four Factor Analysis, conducted consistent with applicable guidance?, and (2) does the recipient's Language Access Plan (LAP) include appropriate elements of an effective Plan, such as proper notice to LEP populations of available language assistance?

In the discussion that follows, NASA examines the extent to which the AMNH has addressed these main considerations, and the efforts the Museum is undertaking to provide LEP services through implementation of its LAP. The discussion provides a compliance assessment for each of the four LEP factors, consistent with NASA Title VI regulations and NASA and DOJ guidance.

NASA notes at the outset that AMNH 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 Museum's LAP. A number of AMNH's promising practices in this regard are cited throughout the report.

1. Undertaking Appropriate Efforts to Determine the Extent of Obligation to Provide LEP Services

NASA grant recipients are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.¹³ While designed to be a flexible and fact-dependent standard, the starting point is an individualized assessment that balances the four factors addressed below. 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 small businesses, small local governments, or small nonprofit organizations. 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.

¹⁰ 14 C.F.R. Sec. 1250.103-2(b).

¹¹ 14 C.F.R. Sec. 1250.103-4(g).

¹² NASA Title VI LEP Guidance, Sec. I.

¹³ *Id.* at Sec. V.

a. Findings of Fact and Compliance Assessment

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

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. 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.¹⁴ 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 needs to staff wearing the cards. Such cards, for instance, might say “I speak Spanish” in both Spanish and English, “I speak Vietnamese” in both English and Vietnamese, and so on.¹⁵

In this regard, the AMNH 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: zip code information from ticket services and school group visits, the U.S. Census, usage of the Museum’s Space Show audio translators, the Spanish Telephone Information Line, and utilization of its Language Button (“I Speak”) Program, a voluntary program for Museum employees that has been a great success, establishing that 36 languages other than English are fluently spoken among the Museum’s own staff and volunteers (see Promising Practices, below). Utilizing these tools, AMNH has determined that the 10 most frequently spoken languages within which it comes into contact are, in order, Chinese, English, French, German, Italian, Japanese, Korean, Portuguese, Spanish, and Russian. The Museum informs NASA that it intends to supplement these data sources with visitor surveys of native languages and English language proficiency. Importantly, the results of the Museum’s analysis in regard to these two factors are fully reflected in its LEP Plan.

Based on this information, NASA finds that AMNH has conducted an appropriate analysis with regard to the first two factors, as laid out in the NASA Title VI LEP Guidance. More specifically, the Museum’s LEP Plan, NASA’s onsite review, and information provided pre and post-onsite show that AMNH conducted a careful review and analysis of the demographics of the New York City metropolitan area as well as the Museum’s own LEP encounters. The Museum used quantifiable, reliable, and objective measurements to determine with as much accuracy as possible the number of LEP persons, and the language of those persons the Museum is encountering on a daily basis and who are coming into contact with Museum’s programs and services. Finally, the Museum incorporated these factors into its LEP Plan in tangible and meaningful ways (see Promising Practices, below).

iii. 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

¹⁴ Id. at Sec. V.1.

¹⁵ Id. at Sec. VII(1).

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.¹⁶

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 Museum’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 Museum appropriately took into account the ways in which denial or delay of services may negatively impact LEP individuals. For example, as mentioned above, the Museum has issued brochures with floor plans in 10 languages, including Spanish, Chinese, and Korean, among the most frequently spoken languages based on AMNH’s analysis under Factors 1 and 2. Consistent with the NASA Title VI LEP Guidance, these brochures are available at key points of entry.¹⁷ In the exhibitions context, in light of LEP obligations, the Museum’s Exhibitions Department is consciously focusing on designing interactive exhibitions components that are as visually self-explanatory as possible, so as to minimize the need for written instructions (see Promising Practices, below). Other areas of the Museum’s operations, such as the food service areas, are also utilizing this approach.

In addition, and as mentioned above, the Museum has a vibrant Language Button/“I Speak” Program, with Museum employees and volunteers displaying the languages other than English in which they are fluent, in order to better assist LEP patrons. AMNH reports that employees and volunteers take great pride in displaying their buttons and being able to offer this assistance. Thirty-six languages are currently represented. Also, the Museum has determined that 26 of its current 110 Education Teaching Volunteers are fluent in one or more foreign languages. The Teaching Volunteers offer assistance to both LEP and non-LEP patrons by working specifically with students who visit the exhibition halls weekday mornings, giving brief focused tours; staffing carts with artifacts, specimens, and other touchable objects relating to the halls’ content and concepts; and answering questions.

Another aspect of this factor is the safety of the AMNH’s visitors and how LEP services can enhance personal safety. As a museum located in one of the most important metropolises in the U.S., AMNH is fully aware of the potential for man-made, as well as natural, disasters to create an emergency situation for its staff and visitors. To address this, AMNH has taken several steps. It has employed Language Line, a telephone interpretation service available on-site that Visitor Services representatives, security guards, and other staff can access quickly to address urgent issues with LEP visitors, such as someone who has inadvertently been separated from his or her party. The service immediately connects the LEP visitor with a proficient speaker who then communicates with AMNH personnel. Closing announcements are offered in multiple languages, and soon will be offered in all 10 most frequently encountered. Additionally, the Museum utilizes strobe lights for emergency evacuation purposes and guards trained to use gestures and physical actions to alert all visitors in emergencies.

Based on the above, NASA finds AMNH is taking appropriate (and innovative) steps to address this factor of the required analysis. However, in one area, NASA recommends that the Museum undertake additional steps to ensure appropriate LEP access. This relates mainly to online contacts, although it has some applicability to face-to-face contact. AMNH is utilizing Google Translate function (58 languages capability) to translate content on its Web site. The Museum is also piloting the use of icons that could be displayed in permanent exhibition halls to cue visitors to their smart phones, electronic tablets, or other handheld devices to access information about the hall in their native language through Google

¹⁶ Id. at Sec. V.2.

¹⁷ See NASA LEP Guidance, Sec. VII(4).

Translate. Additionally, AMNH is also researching the use of Word Lens, a phone application that instantly translates printed words from one language to another.

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."¹⁸ (Emphasis added.)

NASA recommends that AMNH consult, as the guidance suggests, with a qualified language professional to ensure that Google Translate is effectively communicating the Museum's message. NASA also recommends that the Museum review the recent DOJ guidance further, to explore more effective means of making its Web content LEP accessible (see Recommendations, below).¹⁹ The Museum should balance its review of the use of Google Translate with earlier DOJ guidance on the Four-Factor Analysis stating:

"The four-factor analysis applies to each individual "document" on the website. Generally, entire websites need not be translated, as only the vital information/documents within the website might need translation. If, in applying the four-factor analysis, the agency or recipient determines that a particular document/piece of information should be translated, that translation should also be posted on the website if the English-language version is on the website. If documents are translated within a website, the existence of the translation should be noted (in the appropriate language) at an initial entry point to the site (usually the homepage)."²⁰

Based on this guidance, it appears that the larger concern is with document prioritization rather than overall Web site accessibility, especially where machine translations are used to provide the accessibility. The Museum is to be commended for its efforts to make its Web content and exhibitions LEP accessible through the use of cost-effective measures. Nonetheless, its focus should be on distinguishing between those materials and information, both on the Web and on its floor, that it considers vital and then ensuring that vital information meets quality standards, as suggested by the relevant guidance. (See Recommendations, below.)

¹⁸ See DOJ, [Commonly Asked Questions and Answers Regarding Executive Order 13166](http://www.justice.gov/crt/about/cor/Pubs/lepqa.php), Section W, accessible at: <http://www.justice.gov/crt/about/cor/Pubs/lepqa.php>.

¹⁹ The guidance refers to best practices for multilingual Web sites which states: "Some government websites are currently using Google Translate. This is not a best practice and should not be used as a sole solution. Consider the implications of a poor or inaccurate translation of health, financial, or legal information found on a government website. What is the point of having a button to translate a website if the information translated is unusable? Now consider the negative impact that could have on your agency. The "best practice" is to do the work the right way. If resources are limited, start small. Identify top tasks and translate that content, and then build from that." See <http://www.howto.gov/web-content/multilingual/automated-translation>.

²⁰ See DOJ, [Commonly Asked Questions and Answers Regarding Executive Order 13166](http://www.justice.gov/crt/about/cor/Pubs/lepqa.php), accessible at: <http://www.justice.gov/crt/about/cor/Pubs/lepqa.php>.

iv. The resources available to the grantee/recipient and costs

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.²¹ In this regard it is noteworthy that the "safe harbor" provision of NASA's Title VI LEP Guidance allows for recipients to *provide 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; or if there are fewer than 50 persons in a language group that reaches the five percent trigger, the recipient does not translate vital written materials but provides 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.*²² (Emphasis added.)

AMNH informed NASA that its Four Factor Analysis revealed the only language that approached the five percent standard would be Spanish. However, as a general matter, the Museum has chosen not to avail itself of the safe harbor provision, instead undertaking efforts reflective of the variety of languages it encounters on a regular basis without regard to the five percent standard. NASA commends AMNH on this approach and views this as a best practice (see Promising Practices below).

NASA is aware, based on its review, that AMNH is making use of a number of cost-reduction vehicles. For example, AMNH reports that its Communications Department uses a professional, native speaker translation service for all its materials, such as brochures and "I speak" buttons. NASA finds that the Museum is taking the appropriate steps to make the most cost-effective use of its funds, e.g., hiring of bilingual staff, and is undertaking innovative and cost-effective practices (see Promising Practices, below).

b. Recommendation

Enhancing Efforts to Make Web Content LEP Accessible. NASA recommends that the Museum look into alternative mechanisms for addressing issues of Web content accessibility. We recommend that the Museum begin by reviewing the section of DOJ's August 2011 guidance, "Understanding when/how to make your website more accessible to LEP persons."²³ 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 translation correctly communicates the message.**"²⁴ (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 Museum's Web site. The key is to determine which Web content and exhibition related information

²¹ NASA Title VI LEP Guidance, Sec. V(3).

²² Id. at Sec. VI.B(a).

²³ See DOJ August 2011 guidance at Section W (accessible at http://www.lep.gov/resources/081511_Language_Access_CAO_TA_Guidance.pdf).

²⁴ 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_CAO_TA_Guidance.pdf.

on the Museum’s floor are vital, within the meaning of the relevant guidance, and then to provide translation that meets applicable quality standards accordingly.

c. Promising Practices

- i. Utilization of NASA LEP Guidance. The Museum carefully reviewed and fully utilized NASA’s LEP Guidance for Grant Recipients (December 2003) in conducting a Four Factor Analysis and in developing an LEP Plan based on the analysis. For example, the Museum undertook an analysis which included determining which written materials should be translated, taking note of the Guidance’s “safe harbor,” but not utilizing it to limit its efforts. Further, the Museum established through its LEP Working Group and Coordinators a structure for regularly assessing the needs of the populations most frequently encountered or affected by the program to determine which materials and information should be translated, giving consideration to providing such information electronically, e.g., on the Museum’s Web site, and through use of other media, e.g., brochures, posters, to broaden the Museum’s outreach efforts to LEP persons and communities.
- ii. Data Driven Analysis. The Museum’s LEP analyses have been data driven, which is important in conducting and revisiting analysis as to the languages spoken and frequency of encounters with LEP populations. Data sources include: visitor zip codes and census data for LEP audience analysis; usage data on the AMNH Spanish phone line, Language Line, and Space Show Translator; survey and database of staff language abilities; and visitor comments.
- iii. Innovative and Cost-Effective Mechanisms for Improving LEP Access. In addition to providing readily accessible brochures with floor plans in 10 different languages, these mechanisms include a focus on interactive pictorial components. The Museum is increasingly utilizing interactive pictorial components to facilitate visitors’ understanding independent of language. These design features provide pictures, sketches, and graphics to help meet the needs of LEP visitors as well as of young visitors who are not yet proficient readers. Another example: the Museum offers foreign language audio translations of its Hayden Planetarium Space Shows, providing translations in a variety of languages. For the current show, *Journey to the Stars*, audio translations are available in Chinese, French, German, Italian, Japanese, and Spanish. DVD versions of the Space Shows offer foreign language options as well, including Hindi.

2. Establishing an Effective Language Access Plan

a. Findings of Fact and Compliance Assessment

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 they serve.²⁵ 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 LEP Plan 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

²⁵ NASA Title VI LEP Guidance, Sec. VII.

respond to LEP individuals who have in-person contact with staff; and providing notice to LEP persons of language services available.

Two recent 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.²⁶ The new guidance documents 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;
- Identification of funding and procurement issues;
- 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 benchmarks²⁷.

The AMNH has a formal LEP plan in place. NASA’s compliance assessment of AMNH’s plan will focus on whether, or the extent to which, each of these factors is addressed in the Museum’s current Plan.

i. 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 operational procedures.”²⁸ DOJ recommends recipients name a Language Access Coordinator. In this regard, 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.”²⁹

The Museum’s Plan identifies an LEP Working Group comprised of its senior management, including its Senior Vice Presidents for Operations and Capital Programs, Communications, Education, Visitor Services, Exhibitions Development, and General Counsel, among others. Each of these areas is responsible for specific aspects of the Museum’s LEP Plan and has already begun implementation through discrete efforts identified in the Plan. In addition the Plan names two LEP Coordinators, the Vice President for Institutional Advancement and the General Counsel. The Museum’s structure conforms very closely to DOJ guidance and reflects a best practice for recipients (See Promising Practices, p. 10).

²⁶ 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.

²⁷ DOJ May 2011 guidance, p. 17.

²⁸ Id., p. 18.

²⁹ Id., p. 19.

ii. Identification and assessment of LEP communities

This element reiterates and reinforces Factors 1 and 2 of the Four Factor Analysis. AMNH has fully addressed these factors in its Plan. Accordingly, NASA finds no compliance issues.

iii. Identification of funding and procurement issues

This element reiterates and reinforces Factor 4 of the Four Factor Analysis. AMNH has fully addressed this factor in its Plan. Accordingly, NASA finds no compliance issues.

iv. Notice of language assistance services

This Plan element incorporates Factor 3 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.³⁰ AMNH is utilizing these and other methods, both face-to-face, in print, and online, for notifying LEP visitors and potential visitors. In fact, the Museum has undertaken a wide array of efforts in this area (some mentioned elsewhere in this report, in other contexts). These include, but are not limited to:

- Providing brochures with floor plans in 10 languages at key entry points.
- Developing "multilanguage banners" for display in 2012 at the Museum's main entrances; the banner says "Welcome" in 10 languages and is designed to provide notice to LEP visitors of LEP services.
- Increasingly, as planning progresses and resources allow, utilizing wayfinding signage based on internationally recognized and Museum-specific ones to denote areas of the Museum and directions, for example, to the restrooms, food service areas, exits, specific exhibition halls.
- Utilizing "I Speak" buttons based on a survey of Museum and staff volunteers (finding 36 languages represented to date) to provide face-to-face assistance to visitors in their primary languages throughout the Museum.
- Exploring means of making its LEP services accessible on its Web site.

Based on the above, NASA finds that AMNH is meeting requirements and that it is giving appropriate consideration to guidance on notice to LEP program participants and potential participants.

v. 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.³¹ The Museum reports that staff interacting with the public and wearing the "I speak..." buttons undergo ambassadorial training that advises them on how to utilize their own foreign language skills and the Museum's existing tools—print materials,

³⁰ NASA Title VI LEP Guidance at Sec. VII(4).

³¹ Id. at Sec. VII(3).

Language Line, etc. Roll calls and daily coordination meetings address on-the-job incidents and provide training to address them. Staff in the Museum's Education Department programs receives appropriate training on LEP issues as well.

The significant steps the Museum's security team, under the aegis of Operations and Capital Programs, has taken to incorporate LEP considerations into its emergency and every-day security measures include a training component. Guards are trained to use gestures and physical actions to alert visitors to emergency evacuations. The Museum's Security Manual includes Emergency Evacuation Procedures inclusive of language assistance and relevant LEP resources.

It appears the Museum is taking steps consistent with NASA's LEP Guidance to recipients regarding staff training. More specifically, the Museum reports that appropriate staff receives training on how to respond to in-person and written communications from LEP persons, and that LEP related policies and procedures are provided to new employees during their initial training. (See also "Recommendations," below.)

vi. 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.³² 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.³³

Importantly, the Museum's LEP Working Group includes the heads of all relevant programs for this area of its Plan, such as its Education, Communications, Event and Conference Services and Membership leads, all of whom are making significant contributions to the implementation of the Museum's Plan. Indeed, NASA finds that in this regard, as in many others, AMNH's efforts are fully reflective of and consistent with relevant guidance. For example, regarding outreach to LEP communities, AMNH maintains long-standing relationships with over 350 New York-based foreign press and over 40 local, non-English speaking newspapers. The Museum posts its activities and events on the weekly calendar of the Foreign Press Center, which reaches over 1,600 internal media contacts. In addition, the Museum invites international media and local community newspaper outlets to all its events, including *El Diario La Prensa* (Spanish), Yonhap News Agency (Korean), Xinhua News Agency (Chinese) and Nippon TV (Japanese), and provides foreign language proficient staff experts and scientists at specific events.

Further, NASA recognizes many of the Museum's education related activities as best practices for incorporating LEP components and working closely with LEP stakeholders to realize increased access for language minorities to the Museum's programs and services. For example, the Museum's Global Weekend series consists of cultural programs offered to the public that regularly present a selected New York City community and its culture. The Museum also reaches out to LEP and bilingual audiences through its collaborating partners and over 50 community organizations, consulates, and cultural and academic centers that focus on communities reflecting a variety of national origins. Examples of languages featured in programs in the past year include Arabic, Hindi, Japanese, Kyrgyz, Mandarin, Quechua, Spanish, Tibetan, and Ukrainian. Whenever possible, at the program itself, the Museum

³² DOJ May 2011 Guidance, pp. 18-19.

³³ *Id.*, at p. 20.

features a printed guide, speakers, and an evaluation in both English and the community's primary language. (See also Promising Practices, below.)

vii. Monitoring and updating of policies, plans and procedures

Consistent with relevant guidance, the Museum has in place a structure, through its LEP Working Group, for monitoring and updating its policies, plans, and procedures. NASA will continue to observe the Museum's efforts through ongoing technical assistance and a formal follow-up six months from the issuance of this report.

viii. Description of timeframe, objectives and benchmarks

Currently the Museum's LEP Plan does not have timeframes, objectives, and benchmarks as described in relevant guidance. (See Recommendation for LEP Plan Enhancements, below.)

b. Recommendation

LEP Plan Enhancements. The AMNH may wish to enhance its LEP Plan to continue to ensure that it fully utilizes and reflects current Federal guidance on LEP compliance. In this regard, NASA recommends that the Museum 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 Museum's Plan. For example, DOJ guidance recommends that LEP Plans for recipients should "detail the chains of command for authority and oversight and explain any coextensive responsibility and coordination with other agencies, divisions, and offices." 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. These are just a few examples of the kinds of information provided in the guidance that the Museum may wish to use to further enhance its LEP Plan.

NASA recommends that the Museum focus particularly on sections of the DOJ guidance documents dealing with translation of vital information and hiring, training, and utilization of bilingual staff. While the Museum has already made a promising start with such efforts, because they are so critical to effective LEP Plan implementation, we believe these areas bear close and continuing scrutiny by recipients (see also Recommendation at Sec. II.C.1.b, above). In addition, we recommend the Museum imbue the Plan with appropriate timeframes, objectives and benchmarks consistent with DOJ guidance.

We also recommend that the Museum obtain 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. 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 Museum should send an email request to DOJ's Federal Coordination and Compliance Section at LEP@usdoj.gov.

c. Promising Practices for NASA Grant Recipients

i. Staff Recruitment and Involvement. The Museum's ethnically diverse workforce reflects the demographics of its local community. To build on that resource, the Museum includes language preference requests in its Job Postings for positions that work with the public. In addition, the Museum has instituted a Language Button Program ("I speak cards") with "I speak..." buttons worn by over 400 staff (currently) speaking 36 languages. Importantly, the Museum conducts training for the staff wearing the buttons. Information booths are located at the main entry points to the Museum and at ticket desks marked with the international symbol "i". They are usually staffed with persons wearing the "I speak..." buttons who can provide foreign language services.

ii. Educational Initiatives with LEP Components. The Museum was recently selected by the New York State Education Department to pilot a Master of Arts in Teaching program that will prepare 50 new Earth science teachers, grades 7-12, through coursework, Museum residencies, and mentored residencies in host schools, to teach in high-needs urban schools. A key feature of this five-year pilot program will be preparing candidates for excellence in teaching English Language Learners or ELL (i.e., LEP students). The Museum has received funding from the National Science Foundation's (NSF) Robert Noyce Teacher Scholarship Program to support this effort. The NSF funding, which began in August 2011, will enable the Museum to assess the ELL needs of participating New York City and area public schools and to provide ELL training and resources to Museum education and science staff that will teach and mentor the teacher candidates.

The Museum, in collaboration with nine New York City public schools and with support from the National Oceanic and Atmospheric Administration (NOAA), offered a Science Literacy Program for science educators working with English language learners in 6th grade. The NOAA/AMNH ELL initiative's five components— professional development, resources, guided field trips, access to bilingual educators and scientists, programs and memberships for families and administrators—were consistent in approach and flexible enough to be adapted in four different ELL contexts: dual language programs, bilingual programs, English immersion programs, and special education with differentiated instruction. The ELL-Earth Science Initiative website (<http://www.amnh.org/education/teachers/program.php?id=103>) also shares resources and ELL student learning experiences with teachers and the public.

The Museum's Urban Advantage (UA) Program, launched in 2004 by AMNH in partnership with the NYC Department of Education and seven other NYC-based science-rich cultural institutions, offers access to the expertise and resources of the UA partner institutions, support for students from scientists and science educators, educational outreach to families, and capacity building. UA currently serves more than 35,000 students in public schools with a population that is demographically similar to all NYC public schools, which includes 15% English Language Learners. To achieve the goal of engaging as many families as possible with UA science education resources, UA provides its Family Guides in 10 languages (English, Spanish, Arabic, Bengali, Chinese, Haitian Creole, Korean, Russian, Urdu, and French).³⁴

³⁴ See also, New York University Institute for Education and Social Policy (ISEP) Policy Brief, "Can Formal-Informal Collaborations Improve Science Literacy in Urban Middle Schools?" The Impact of Urban Advantage."

III. Conclusion

Based on its compliance review, NASA finds that the AMNH is in full compliance with the requirement to take adequate steps to ensure meaningful access to LEP individuals, as clarified in the NASA Title VI LEP Guidance and recent DOJ guidance. 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 Museum has met, and in many cases, exceeds its LEP obligations.

More specifically, the Museum has undertaken a thorough Four Factor Analysis, appropriately utilizing NASA's LEP Guidance. The Museum also has developed and is now in the process of implementing, a Language Access Plan that conforms largely with NASA and DOJ Title VI-LEP regulations and policy, with one notable exception – the use of a machine translation, Google Translate. This is a practice discouraged by DOJ. NASA recommends that AMNH have its use of Google Translate reviewed by a qualified language professional, among other things (see Recommendation, pp. 9-10). Nonetheless, in many ways, AMNH's commitment to LEP, as demonstrated through its LEP Plan and the programs and initiatives the Museum is pursuing under the Plan, is a model for similar organizations with LEP responsibilities. NASA plans to disseminate AMNH's promising practices to our other museum and science center grant recipients to assist them in meeting LEP requirements.

NASA stands ready to provide further technical assistance to AMNH as it continues to meet its LEP obligations under Title VI of the 1964 Civil Rights Act. We will contact the Museum in six months from the date of the issuance of this report to request a follow-up on NASA's recommendations to enhance the Museum's existing compliance.