

**National Aeronautics and Space Administration**

**Headquarters**

Washington, DC 20546-0001



November 7, 2007

Reply to Attn of:

Office of Diversity and Equal Opportunity

TO: NASA Center EO Directors

FROM: Assistant Administrator for Diversity and Equal Opportunity

SUBJECT: Guidance on Providing Language Assistance Services in NASA  
Conducted Programs and Activities

The Office of Diversity and Equal Opportunity (ODEO) provides the enclosed Guidance to assist the Agency in meeting the requirements of Executive Order 13166, Improving Access to Persons with Limited English Proficiency (LEP).

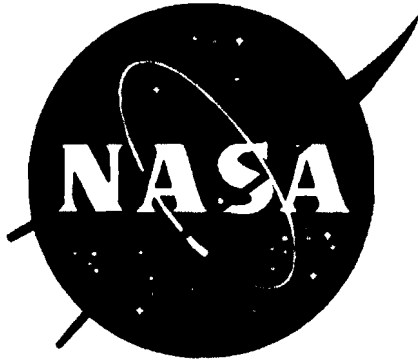
The Guidance provides specific instructions for implementing Executive Order 13166 as it pertains to programs and activities conducted by the Agency. ODEO requests that you carefully review the Guidance and share it with your staff.

We ask that you brief your Center Director and Center senior leadership on the Guidance, particularly the heads of organizations engaged in communications, recruitment, or training events involving members of the public. To assist you in communicating information regarding Executive Order 13166 and this Guidance, we also provide additional copies of the brochure, "Affirming Access to LEP Persons in Programs Assisted and Conducted by NASA." We also ask that you develop an appropriate means of disseminating the Guidance to all Center employees, e.g., web site posting, other electronic or hard copy availability.

Should you have questions relating to this Guidance, please contact Mr. Miguel A. Torres, Acting Deputy Assistant Administrator and Director, Program Planning and Evaluation Division, at (202) 358-0937.

Thank you very much for your assistance in these important efforts.

  
Brenda R. Manuel



# **Guidance on Providing Language Assistance Services in NASA Conducted Programs**

**OFFICE OF DIVERSITY AND EQUAL OPPORTUNITY**

**November 2007**

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# Guidance on Providing Language Assistance Services in NASA Conducted Programs

## 1. Purpose and Scope

- 1.1. This guidance is intended to assist NASA in fulfilling its obligations pursuant to Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (August 11, 2000).<sup>1</sup>
  - 1.1.1. Under the Executive Order, NASA is required to provide language assistance as appropriate to limited English proficient (LEP) persons who request such assistance in order to gain knowledge of, participate in, or obtain the benefits of NASA-conducted programs and activities. Assistance is to be provided in a prompt, fair and efficient manner, free of charge, and within the shortest time possible. The Executive Order covers members of the general public, e.g., visitors to NASA, participants in NASA outreach and training events, as well as applicants for employment.
  - 1.1.2. The Executive Order requires NASA to prepare a plan to improve access to its federally conducted programs and activities by LEP persons. This guidance lays out the steps the Agency must take to meet this requirement. This guidance also provides criteria, consistent with the Executive Order 13166, for collecting and annually reporting data on the numbers and types of language assistance requests received and processed at NASA Headquarters and NASA Centers, including component facilities.
- 1.2. The guidance provides information on appropriate implementation of the Executive Order for NASA staff who:
  - 1.2.1. Develop and implement plans for the provision of language assistance to limited English proficient (LEP) persons participating in NASA-conducted programs and activities; and
  - 1.2.2. Receive, coordinate, review, and approve requests for language assistance to LEP persons participating in NASA-conducted programs and activities.

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<sup>1</sup> NASA published policy guidance to recipients of Agency financial assistance in December 2003, pursuant to Title VI of the Civil Rights Act of 1964 and Executive Order 13166. See NASA, *Policy Guidance on the Prohibition Against National Origin Discrimination as it Affects Persons with Limited English Proficiency*, 68 Fed. Reg. 70039 (Dec. 16, 2003). The present guidance is based on the December 2003, guidance regarding compliance in the assisted program context, but adapted to apply to the conducted program context.

## **2. Who is a LEP Person?**

- 2.1 Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English and may require language assistance with respect to a particular type of service, benefit, or encounter.

## **3. What is a NASA-conducted Program?**

- 3.1. Department of Justice guidance on Executive Order 13166 states that the definition of federally conducted programs is the same under Executive Order 13166 as the definition used under the regulations for application of Section 504 of the Rehabilitation Act of 1973 to federally conducted programs.<sup>2</sup> The DOJ Section 504 regulations provide the following definition:

“A federally conducted program or activity is, in simple terms, anything a Federal agency does. Aside from employment, there are two major categories of federally conducted programs or activities covered by the regulation: those involving general public contact as part of ongoing agency operations and those directly administered by the department for program beneficiaries and participants. Activities in the first part include communication with the public (telephone contacts, office walk-ins, or interviews) and the public’s use of the Agency’s facilities (cafeteria, library). Activities in the second category include programs that provide Federal services or benefits.”<sup>3</sup>

- 3.2. Examples of populations encountered by NASA likely to include LEP persons and must be considered when planning for the provision of language services include, but are not limited to:
- Students enrolled in NASA-conducted science, mathematics, and technology activities.
  - Parents or family members of the above.
  - Individuals participating in NASA programs and activities such as orientations, briefings, and exhibits.

## **4. Receiving Requests for Language Assistance**

- 4.1. A request for language assistance is a statement that an individual needs oral interpretation and/or translation of printed materials in order to gain knowledge of, participate, and/or obtain the benefits of a NASA conducted program or activity. The request can be initiated orally or in writing, or in any other format or medium that is convenient and practical for the individual.

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<sup>2</sup> U.S. Department of Justice, “Commonly Asked Questions Regarding Executive Order 13166,” accessible at <http://www.usdoj.gov/crt/cor/Pubs/lepqa.htm>.

<sup>3</sup> 28 C.F.R. § 39.102 (2006).

- 4.2. The person(s) who decides whether or not to grant the request for language assistance shall be designated by the respective Center, including Headquarters. These individuals shall be referred to as the "Language Assistance Official (LAO)." In cases where the request is made to someone other than the LAO, the request should be referred to the LAO for review and processing. The LAO or his/her designee shall contact the relevant program/activity official as soon as possible to alert him/her of the receipt of a request for language assistance. The person designated by the LAO shall continue to process the request until a determination to grant or deny the request is made by the Center's LAO.
- 4.3. When a request for language assistance is made, the NASA representative receiving the request shall immediately notify the installation's LAO, who will coordinate with appropriate NASA officials to consider and respond to the request. NASA encourages supervisors, managers, employees, or applicants to consult with the designated LAO at their respective installation for further information or assistance in connection with processing a request for language assistance.

## **5. Taking Reasonable Steps: The Four-Factor Analysis**

- 5.1 NASA must take reasonable steps to ensure meaningful access to its conducted programs and activities by LEP persons, whether responding to a request for language assistance services, or taking proactive measures consistent with the requirements of the Executive Order,. The starting point is an individualized assessment that balances the following four factors:
  - The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or activity;
  - The frequency with which LEP individuals come in contact with the program or activity;
  - The nature and importance of the program or activity to people's lives; and
  - The resources available and costs.
- 5.2. The four factor analysis is to be used to balance the need to ensure meaningful access for LEP persons to NASA conducted programs and activities against the Agency's available resources and costs. The four factors should be applied to the various kinds of contacts with the public to assess language needs and decide what reasonable steps should be taken to ensure meaningful access for LEP persons.
- 5.3. The flexibility that NASA has in addressing the needs of the LEP populations does not diminish, and should not be used to minimize, the obligation that those needs be addressed. The correct balance should be based on what is both necessary and reasonable in light of the four-factor analysis. For instance, a visit by the NASA Administrator to a largely Hispanic neighborhood may need immediate oral interpreters be made available.

- 5.4. In contrast, there may be circumstances where the importance and nature of the activity and number or proportion, and frequency of contact with LEP persons may be low and the costs and resources needed to provide language services may be high, such as in the case of a voluntary general public tour of a NASA program site in which pre-arranged language services for the particular service may not be necessary. In brief, there is substantial flexibility in determining the appropriate mix relative to the four factors. Each factor is addressed in more detail below.
- 5.5. Factor 1: Number or Proportion of LEP Persons
- 5.5.1. The first factor is a calculus involving the number of LEP persons from a particular language group encountered in the eligible population, to be used in determining what, and the extent to which, language services should be provided. The greater the number or proportion of these LEP persons, the more likely language services are needed.
- 5.5.2. When considering the number or proportion of LEP individuals in a language service area, NASA must consider the LEP parent(s) when their English-proficient or LEP minor children and dependents are potential or actual participants or beneficiaries of NASA-conducted programs and activities.
- 5.5.3. Ordinarily, persons eligible, or likely to be directly affected, by a NASA conducted program or activity are those who are encountered in the eligible population. However, where, for instance, a school district hosting a NASA conducted program or activity, or participating in a NASA conducted program or activity at a NASA installation, serves a large LEP population, the appropriate language service area is most likely the school district, and not the entire state.
- 5.5.4. NASA LAOs should first examine their prior experiences with LEP encounters and determine the breadth and scope of language services that were needed. In conducting this analysis, it is important to include language minority populations that are part of target audiences for NASA-conducted programs and/or activities but may be underserved because of existing language barriers.
- 5.5.5. Other data should be consulted to refine or validate a specific prior experience, including the latest census data for the relevant area, data from school systems and from community organizations, and data from state and local governments.<sup>1</sup> Community agencies, school systems, and others can often assist in identifying

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<sup>1</sup> The focus of the analysis is on lack of English proficiency, not the ability to speak more than one language. Note that demographic data may indicate the most frequently spoken languages other than English and the percentage of people who speak that language or understand English less than well. Some of the most commonly spoken languages other than English may be spoken by people who are also overwhelmingly proficient in English. Thus, they may not be languages spoken most frequently by limited English proficient individuals. When using demographic data, it is important to focus in on the languages spoken by those who are not proficient in English.

populations for whom outreach is needed and who would benefit from NASA conducted programs and activities were language services provided.

- 5.6. Factor 2: Frequency with Which LEP Individuals Come in Contact with NASA-conducted Programs or Activities.
  - 5.6.1. LAOs should assess, as accurately as possible, the frequency of contact with LEP persons from different language groups seeking assistance. The more frequent the contact with a particular language group, the more likely that enhanced language services in that language are needed.
  - 5.6.2. The language assistance steps that are reasonable on a one-time basis contact will be very different than those expected from daily needs. It is also advisable to consider the frequency of different types of language contacts. For example, frequent contacts with Spanish-speaking people who are LEP may require certain assistance in Spanish. Less frequent contact with different language groups may suggest a different and less intensified solution. If a LEP person accesses a program or activity on a daily basis, there are greater duties than if the same individual's program or activity contact is unpredictable or infrequent.
  - 5.6.3. Even when LEP persons are served on an unpredictable or infrequent basis, a LAO should use this balancing analysis to determine what to do if a LEP individual seeks services under the program in question. This plan need not be intricate. It may be as simple as being prepared to use one of the commercially-available telephonic interpretation services to obtain immediate interpreter services. In applying this standard, NASA should take care to consider whether appropriate outreach to LEP persons could increase the frequency of contact with LEP language groups.
- 5.7. Factor 3: Nature and Importance of the Program or Activity.
  - 5.7.1. The more important the activity, information, or program, the more likely language services are needed. The obligations to communicate information on short and long-term weather patterns to rural communities via satellite pictures and computer modeling differ, for example, from those to provide curriculum enhancement in science and mathematics to middle school students.
  - 5.7.2. Program and activity officials need to determine whether denial or delay of access to information could have serious implications for the LEP individual. Decisions to make an activity compulsory, such as instruction on safety and security requirements before touring a NASA facility, can serve as strong evidence of the program's importance.
- 5.8. Factor 4: Determination of the Resources Available and the Potential Cost(s)



- 5.8.1. The level of resources and the costs that would be incurred may have an impact on the nature of the steps that can be taken to address the need for language services. In addition, reasonable steps may cease to be reasonable where the costs imposed substantially exceed the benefits.
- 5.8.2. Resource and cost issues can often be reduced by technological advances; the sharing of language assistance materials and services among and between organizations/Centers, advocacy groups, other federal agencies; and reasonable business practices. Where appropriate, training bilingual staff to act as interpreters and translators, information sharing through professional groups, telephonic and video conferencing interpretation services, pooling resources and standardizing documents to reduce translation needs, using qualified translators and interpreters to ensure that documents need not be fixed later and that inaccurate interpretations do not cause delay or other costs, utilizing centralized interpreter and translator services to achieve economies of scale, or the formalized use of qualified community volunteers, for example, may help reduce costs.
- 5.8.3. The most cost-effective means of delivering competent and accurate language services should be explored before limiting services due to resource concerns. Programs and activities to be conducted in areas with a significant number or proportion of LEP persons should ensure that their resource limitations are well-substantiated before using this factor as a reason to limit language assistance. Program and activity officials may find it useful to be able to articulate, through documentation or in some other reasonable manner, their process for determining that language services would be limited based on resources or costs.

## **6. Providing Oral Language Services (Interpretation)**

- 6.1. Interpretation is the act of listening to something in one language (source language) and orally translating it into another language (target language). Oral interpretation can range from on-site interpreters for critical services provided to a high volume of LEP persons to access through commercially-available telephonic interpretation services. Where interpretation is needed and is reasonable, the following considerations should be taken into account.
  - 6.2. Interpreting Competency
    - 6.2.1. When providing oral assistance, competency of the language service provider should be ensured, no matter which of the strategies outlined below are used. Competency requires more than self-identification as bilingual. Some bilingual staff and community volunteers, for instance, may be able to communicate effectively in a different language when communicating information directly in that language, but not be competent to interpret in and out of English. Likewise, they may not be able to do written translations.

- 6.2.2. Competency to interpret, however, does not necessarily mean formal certification as an interpreter, although certification is helpful. When using interpreters, NASA should ensure that they:
- (a) Demonstrate proficiency in and ability to communicate information accurately in both English and in the other language and identify and employ the appropriate mode of interpreting (e.g., consecutive, simultaneous, summarization, or sight translation);
  - (b) Have knowledge in both languages of any specialized terms or concepts peculiar to the program or activity, and of any particularized vocabulary and phraseology used by the LEP person.<sup>2</sup>
  - (c) Understand and adhere to their role as interpreters without deviating into other roles.
- 6.2.3. Technical or scientific programs and/or activities may have additional self-imposed requirements for interpreters. Where the technical integrity of the information depends on precise, complete, and accurate interpretation or translations, particularly in the contexts of communicating technology innovations to the public, the use of certified interpreters is strongly encouraged. Where such activities are lengthy, the interpreter will likely need breaks and team interpreting may be appropriate.
- 6.2.4. The quality and accuracy of language services is part of the appropriate mix of LEP services required. The quality and accuracy of language services during a safety and security briefing, for example, must be extraordinarily high, while the quality and accuracy of language services in responding to telephonic inquiries for general information need not meet the same exacting standards.
- 6.2.5. Finally, when interpretation is needed and is reasonable, it should be provided in a timely manner. To be meaningfully effective, language assistance should be timely. While there is no single definition for timely applicable to all types of interactions at all times, one clear guide is that the language assistance should be provided at a time and place that avoids the effective denial of the benefit, and/or access to the LEP person.
- 6.2.6. For example, when the timeliness of services is important, such as with certain NASA programs and/or activities which involve the provision of enrollment information to parents of potential student participants in NASA summer

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<sup>2</sup> Many languages have regionalisms, or differences in usage. For instance, a word that may be understood to mean something in Spanish for someone from Cuba may not be so understood by someone from Mexico. In addition, because there may be languages that do not have an appropriate direct interpretation of some technical terms, the interpreter should be so aware of the issue. The interpreter and NASA can then work to develop a consistent and appropriate set of descriptions of these terms in that language so that they can be used again, when appropriate.

educational and/or employment programs, enrichment activities in science, mathematics, and/or technology, NASA would likely not be providing meaningful access if it had one bilingual member of the staff available one day a week to provide the service. Such conduct would likely result in delays for LEP persons that would be significantly greater than those for English proficient persons. Conversely, where access to benefits is not effectively precluded by a reasonable delay, language assistance can likely be delayed for a reasonable period.

### 6.3. Hiring Bilingual Staff

- 6.3.1. When particular languages are encountered often, hiring bilingual staff offers one of the best, and often most economical, options. For example, public contact positions, such as public information specialists, guards, or program directors, can be staffed with qualified persons that are bilingual and competent to communicate directly with LEP persons in their language. If bilingual staff is also used to interpret between English speakers and LEP persons, or to orally interpret written documents from English into another language, they should be competent in the skill of interpreting.
- 6.3.2. Being bilingual does not necessarily mean that a person has the ability to interpret. In addition, there may be times when the role of the bilingual employee may conflict with the role of an interpreter (for instance, a bilingual security guard would probably not be able to perform effectively the role of a planetary science interpreter and security guard at the same time, even if the security guard were a qualified interpreter).
- 6.3.3. Effective management strategies, including any appropriate adjustments in assignments and protocols for using bilingual staff, can ensure that bilingual staff is fully and appropriately utilized. When bilingual staff cannot meet all of the Agency's language service obligations, other options should be considered.

### 6.4. Hiring Staff Interpreters

- 6.4.1. Hiring interpreters may be most helpful where there is a frequent need for interpreting services in one or more languages. Depending on the facts, sometimes it may be necessary and reasonable to provide on-site interpreters to ensure accurate and meaningful communication with an LEP person.

### 6.5. Contracting for Interpreters

- 6.5.1. Contract interpreters may be a cost-effective option when there is no regular need for a particular language skill. In addition to commercial and other private providers, many community-based organizations and mutual assistance associations provide interpretation services for particular languages. Contracting with and providing training regarding NASA programs and processes to these

organizations can be a cost-effective option for providing language services to LEP persons from those language groups.

#### 6.6. Using Telephone Interpreter Lines

6.6.1. Telephone interpreter service lines often offer speedy interpreting assistance in many different languages. They may be particularly appropriate where the mode of communicating with an English proficient person would also be over the phone. Although telephonic interpretation services are useful in many situations, it is important to ensure that, when using such services, the interpreters used are competent to interpret any technical or legal terms specific to a particular program that may be important parts of the conversation. Nuances in language and non-verbal communication can often assist an interpreter and cannot be recognized over the phone. Video teleconferencing may sometimes help to resolve this issue where necessary. In addition, where documents are being discussed, it is important to give telephonic interpreters adequate opportunity to review the document prior to the discussion and any logistical problems should be addressed.

#### 6.7. Using Community Volunteers

6.7.1. In addition to consideration of bilingual staff, staff interpreters, or contract interpreters (either in-person or by telephone) as options to ensure meaningful access by LEP persons, use of Agency-coordinated community volunteers, working with, for instance, community-based organizations may provide a cost-effective supplemental language assistance strategy under appropriate circumstances. They may be particularly useful in providing language access for less critical programs and activities.

6.7.2. To the extent that NASA relies on community volunteers, it is often best to use volunteers who are trained in the information or services of the program and can communicate directly with LEP persons in their language. Just as with all interpreters, community volunteers used to interpret between English speakers and LEP persons, or to orally translate documents, should be competent in the skill of interpreting and knowledgeable about applicable confidentiality and impartiality rules. NASA program and/or activity officials should consider formal arrangements with community-based organizations that provide volunteers to address these concerns and to help ensure that services are available more regularly.

#### 6.8. Use of Family Members or Friends as Interpreters

6.8.1. Although a LEP person's family members, friends, or other informal interpreters should not be relied upon to provide meaningful access to NASA-conducted programs and activities, where LEP persons so desire, they should be permitted to use, at their own expense, an interpreter of their own choosing (whether a

professional interpreter, family member, or friend) in place of or as a supplement to the free language services expressly offered by NASA. LEP persons may feel more comfortable when a trusted family member, or friend, acts as an interpreter. In addition, in exigent circumstances that are not reasonably foreseeable, temporary use of non-NASA provided interpreters may be necessary. However, with proper planning and implementation such situations can be avoided.

- 6.8.2. Steps should be taken to ensure that family, legal guardians, caretakers, and other informal interpreters are appropriate in light of the circumstances and subject matter of the program or activity, including NASA's interest in accurate interpretation. In many circumstances, family members (especially children), or friends, persons are not competent to provide quality and accurate interpretations. In addition, such informal interpreters may have a personal connection to the LEP person or an undisclosed conflict of interest, such as the desire to protect themselves or another person in certain matters. For these reasons, competent interpreter services free of cost to the LEP person should be offered when oral language services are necessary. For NASA-conducted programs and activities, this is particularly true in situations in which health, safety, or security is at stake.
- 6.8.3. An example of such a case is when, during a facilities tour, a visitor becomes ill. In such a case, use of family members or neighbors to interpret for LEP persons requiring medical assistance may raise serious issues of competency and/or confidentiality, and is thus inappropriate. While issues of competency and confidentiality in the use of family members (especially children), or friends, often make their use inappropriate, the use of these individuals as interpreters may be an appropriate option where proper application of the four factors would lead to a conclusion that NASA-provided services are not necessary. An example of this is a voluntary, unescorted tour of artwork in a NASA Visitors Center open to the general public. There, the importance and nature of the activity may be relatively low and unlikely to implicate issues of confidentiality, conflict of interest, or the need for accuracy. In addition, the resources needed and costs of providing language services may be high. In such a setting, an LEP person's use of family members, friends, or others may be appropriate.
- 6.8.4. If the LEP person voluntarily chooses to provide his or her own interpreter, program or activity officials should consider whether a record of that choice and of the NASA offer of language assistance is appropriate. Where precise, complete, and accurate interpretations or translations of information are critical, or where the competency of the LEP person's interpreter is not established, the LAO may decide to provide an independent interpreter, even if a LEP person wants to use his or her own interpreter as well. Extra caution should be exercised when the LEP person chooses to use a minor as the interpreter. While the LEP person's decision should be respected, there may be additional issues of competency and/or confidentiality when the choice involves using children as interpreters. Steps should be taken to ensure that the LEP person's choice is voluntary, that the LEP person is aware of the possible problems if the preferred

interpreter is a minor child, and that the LEP person knows that a competent interpreter could be provided at no cost.

## **7. Providing Written Language Services (Translation)**

7.1. Translation is the replacement of a written text from one language (source language) into an equivalent written text in another language (target language). Written translation can range from translation of an entire document to translation of a short description of the document. In some cases, language services should be made available on an expedited basis while in others the LEP individual may be referred to Agency or Center component for language assistance.

### **7.2. What Documents Should Be Translated?**

7.2.1. After applying the four-factor analysis, a determination should be made that an effective LAP includes the translation of vital written materials into the language of each LEP group likely to be encountered in the program and/or activity.

7.2.2. Such written materials could include, for example:

- (a) Consent forms
- (b) Written notices of discontinuation of programs and/or activities
- (c) Notices advising LEP persons of free language assistance
- (d) Security or safety brochures for visitors to NASA facilities
- (e) Applications to participate in a program or activity

7.2.3. Whether or not a document (or the information it solicits) is vital may depend upon the importance of the program, information, or encounter, and the consequence to the LEP person if the information in question is not provided accurately or in a timely manner. For instance, applications for participation in an NASA-conducted after-school science and mathematics enrichment program could be considered vital. The development of a plan for consistently determining, over time and across its various programs and activities, what documents are vital to the meaningful access of the LEP populations is encouraged.

7.2.4. Classifying a document as vital or non-vital is sometimes difficult, especially in the case of outreach materials like brochures or other information. Awareness of NASA-conducted programs and/or activities is an important part of meaningful access. Lack of awareness of a particular NASA-conducted program and/or activity effectively denies LEP individuals meaningful access. Thus, where community outreach activities are implemented in furtherance of NASA-conducted programs and activities, an assessment of the needs of the populations frequently encountered or affected by the program or activity should be frequently conducted in order to determine whether certain critical outreach materials should be translated. Community organizations may be helpful in determining what outreach materials may be most helpful to translate. In addition, an LAO should consider whether translations of outreach material may be made more effective

when done in tandem with other outreach methods, including utilizing the ethnic media, schools, religious, and community organizations to spread a message.

7.2.5. Sometimes a document includes both vital and non-vital information. This may be the case when the document is very large. It may also be the case when the title and a phone number for obtaining more information on the contents of the document in frequently-encountered languages other than English is critical, but the document is sent out to the general public and cannot reasonably be translated into many languages. Thus, vital information may include, for instance, the provision of information in appropriate languages other than English regarding where a LEP person might obtain an interpretation or translation of the document.

### 7.3. Into What Languages Should Documents be Translated?

7.3.1. The languages spoken by the LEP individuals with whom NASA has contact determine the languages into which vital documents should be translated. A distinction should be made, however, between languages that are frequently encountered and less commonly encountered languages. Many times, NASA interacts with communities in large cities or across the country. They may serve LEP persons who speak many different languages. To translate all written materials into all of those languages is unrealistic. Although recent technological advances have made it easier to store and share translated documents, such an undertaking would incur substantial costs and require substantial resources.

7.3.2. Nevertheless, well-substantiated claims of lack of resources to translate all vital documents into dozens of languages do not necessarily relieve NASA from the obligation to translate those documents into at least several of the more frequently-encountered languages and to set benchmarks for continued translations into the remaining languages over time. As a result, the extent of the obligation to provide written translations of documents should be determined on a case-by-case basis, looking at the totality of the circumstances in light of the four-factor analysis. Because translation is a one-time expense, consideration should be given to whether the upfront cost of translating a document (as opposed to oral interpretation) should be amortized over the likely lifespan of the document when applying this four-factor analysis.

### 7.4. Competence of Translators

7.4.1. As with oral interpreters, translators of written documents should be competent. Many of the same considerations apply. However, the skill of translating is very different from the skill of interpreting, and a person who is a competent interpreter may or may not be competent to translate.

7.4.2. Particularly where scientific and other technical documents are being translated, competence can often be achieved by use of certified translators. Certification or

accreditation may not always be possible or necessary.<sup>3</sup> Competence can often be ensured by having a second independent translator check the work of the primary translator. Alternatively, one translator can translate the document, and a second, independent translator could translate it back into English to check that the appropriate meaning has been conveyed. This is called Aback translation.

7.4.3. Translators should understand the expected reading level of the audience and, where appropriate, have fundamental knowledge about the target language group's vocabulary and phraseology. Sometimes direct translation of materials results in a translation that is written at a much more difficult level than the English language version or has no relevant equivalent meaning.<sup>4</sup> Community organizations may be able to help consider whether a document is written at a good level for the audience. Likewise, consistency in the words and phrases used to translate terms of art, legal, or other technical concepts helps avoid confusion by LEP individuals and may reduce costs. Creating or using already-created glossaries of commonly used terms may be useful for LEP persons and translators, and also be very cost effective. Providing translators with examples of previous accurate translations of similar material may also be very helpful.

7.4.4. While quality and accuracy of translation services is critical, the quality and accuracy of translation services is nonetheless part of the appropriate mix of LEP services required. For instance, less skilled translators may be used for documents that are simple, as opposed to more important documents upon which reliance has important consequences (including, e.g., information or documents of NASA recipients regarding certain security, health, and safety requirements.). The permanent nature of written translations, however, imposes additional responsibility to ensure that the quality and accuracy permit meaningful access by LEP persons.

## **8. Developing an Effective Language Assistance for LEP Persons**

8.1. After completing the four-factor analysis and deciding what language assistance services are appropriate, an implementation plan should be developed to address the identified needs of the LEP populations they serve. There is considerable flexibility in developing this plan. The development and maintenance of a periodically-updated written LAP for use by employees engaged in NASA-conducted programs and/or activities will likely be the most appropriate and cost-

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<sup>3</sup> For those languages in which no formal accreditation currently exists, a particular level of membership in a professional translation association can provide some indicator of professionalism.

<sup>4</sup> For instance, there may be languages which do not have an appropriate direct translation of some technical terms and the translator should be able to provide an appropriate translation. The translator should likely also make NASA aware of this. NASA can then work with translators to develop a consistent and appropriate set of descriptions of these terms in that language that can be used again, when appropriate. NASA will find it more effective and less costly if it tries to maintain consistency in the words and phrases used to translate terms of art and legal or other technical concepts.



effective means of documenting compliance with Section 2 of Executive Order 13166, and providing a framework for the provision of timely and reasonable language assistance. Moreover, such written plans would likely provide additional benefits to managers in the areas of training, administration, planning, and budgeting. These benefits should lead to the documentation in a written LAP, of the language assistance services provided, and how staff and LEP persons can access those services.

- 8.2. Entities having significant contact with LEP persons, such as schools, religious organizations, community groups, and groups working with new immigrants can be very helpful in providing important input into this planning process from the beginning. Five steps that may be helpful in designing a LAP and are typically part of effective implementation plans are discussed below.
- 8.3. Step 1: Identifying LEP Individuals Who Need Language Assistance
  - 8.3.1. The first two factors in the four-factor analysis require an assessment of the number or proportion of LEP individuals eligible to be served or encountered and the frequency of encounters. This requires the identification of LEP persons with whom it has contact.
  - 8.3.2. One 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. Such cards, for instance, might say “I speak Spanish” in both Spanish and English, “I speak Vietnamese” in both English and Vietnamese, etc. To reduce costs, the Federal Government has made a set of these cards available on the Internet. The Census Bureau “I speak card” can be found and downloaded at <http://www.usdoj.gov/crt/cor/13166.htm>. When records are normally kept of past interactions with members of the public, the language of the LEP person can be included as part of the record. In addition to helping employees identify the language of LEP persons they encounter, this process will help in future applications of the first two factors of the four-factor analysis.
- 8.4. Step 2: Language Assistance Measures
  - 8.4.1. An effective LAP would likely include information about the ways in which language assistance will be provided. For instance, a LAP may include information on at least the following:
    - (a) Types of language services available.
    - (b) How staff can obtain those services.
    - (c) How to respond to LEP callers.
    - (d) How to respond to written communications from LEP persons.
    - (e) How to respond to LEP individuals who have in-person contact with Agency staff.
    - (f) How to ensure competency of interpreters and translation services.

## 8.5. Step 3: Training Staff

8.5.1. Staff should know their obligations to provide meaningful access to information and services for LEP persons. An effective LAP plan would likely include training to ensure that:

- (a) Staff is knowledgeable about LEP policies and procedures.
- (b) NASA personnel having contact with the public are trained to work effectively with in-person and telephone interpreters.

8.5.2. This training may be included as part of the orientation for new employees. It is important to ensure that all employees in public contact positions are properly trained. There is sufficient flexibility in deciding the manner in which the training is provided. The more frequent the contact with LEP persons, the greater the need will be for in-depth training. Staff with little or no contact with LEP persons may only have to be aware of a LAP. However, management staff, even if they do not interact regularly with LEP persons, should be fully aware of and understand the plan so they can reinforce its importance and ensure its implementation by staff.

## 8.6. Step 4: Providing Notice to LEP Persons

8.6.1. Once a decision has been made, based on the four factors, that language services will be provided, it is important to let LEP persons know that those services are available and that they are free of charge. Notification of available language services should be provided in a language LEP persons will understand. Examples of notification that recipients are addressed below.

### 8.6.2. Posting signs in entry points

- (a) When language assistance is needed to ensure meaningful access to information and services, it is important to provide notice in appropriate languages in entrance areas or initial points of contact so that LEP persons can learn how to access those language services. This is particularly true in areas with high volumes of LEP persons seeking access to certain NASA programs, activities and/or facilities. For instance, signs in entry areas could state that free language assistance is available.
- (b) The signs should be translated into the most common languages encountered. They should explain how to get the language help. In addition, posting notices in commonly encountered languages notifying LEP persons of language assistance will encourage them to self-identify.

### 8.6.3. Stating in outreach documents that language services are available from the NASA recipient

- (a) Announcements could be in, for instance, brochures, booklets, and in outreach and recruitment information. These statements should be translated into the

most common languages and could be placed on the front of common documents.

- (b) Working with community-based organizations and other stakeholders to inform LEP individuals of the availability of language assistance services.
- (c) Using a telephone voice mail menu. The menu could be in the most common languages encountered. It should provide information about available language assistance services and how to get them.
- (d) Including notices in local newspapers in languages other than English.
- (e) Providing notices on non-English-language radio and television stations about the available language assistance services and how to get them.
- (f) Presentations and/or notices at schools and religious organizations.
- (g) Monitoring and updating the LAP

8.6.4. Where appropriate, a process should be implemented for determining, on an ongoing basis, whether new documents, programs, services, and activities need to be made accessible for LEP individuals, including for providing notice of any changes in services to the LEP public and to employees. In addition, consideration should be given to whether changes in demographics, types of services, or other needs require annual reevaluation of their LAP. Less frequent reevaluation may be more appropriate where demographics, services, and needs are more static. One good way to evaluate the LAP is to seek feedback from the community.

#### 8.7. Step 5: Reevaluating the Need for Modifications to the LAP

8.7.1. Agency officials may want to consider assessing changes in:

- (a) Current LEP populations in the area or population affected or encountered.
- (b) Frequency of encounters with LEP language groups.
- (c) Nature and importance of activities to LEP persons.
- (d) Availability of resources, including technological advances and sources of additional resources, and the costs imposed.
- (e) Whether existing assistance is meeting the needs of LEP persons.
- (f) Whether staff knows and understands the LAP and how to implement it.
- (g) Whether identified sources for assistance are still available and viable.

8.7.2. In addition to the seven elements above, effective plans set clear goals, management accountability, and opportunities for community input and planning throughout the process.

## **9. Resources for Identifying and Evaluating Possible Accommodations**

- 9.1. A list of resources that LAOs and other Agency employees may consult to learn more about the provision of services to LEP persons may be found at [www.lep.gov](http://www.lep.gov). Please review this website and inform employees and managers of this resource (e.g., website posting, copies of documents made available in the EO Office). Please also ensure that copies of the NASA LEP brochure are made available to participants in Center conducted programs (e.g., visitor's center).
- 9.2. Any person wanting further information concerning this guidance may contact the Center EO Office or the Agency's Office of Diversity and Equal Opportunity (ODEO), NASA Headquarters, Washington, DC, at (202) 358-2167.