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**Title VI Plan and Procedures**

**Title VI of the Civil Rights Act of 1964**

**Lutheran Family Services of Virginia, Inc DBA enCircle**



**Adopted date**

**November 10, 2021**

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## **I. INTRODUCTION**

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." (42 U.S.C. Section 2000d).

The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities of Federal-aid recipients, sub-recipients, and contractors whether those programs and activities are federally funded or not.

Recently, the Federal Transit Administration (FTA) has placed renewed emphasis on Title VI issues, including providing meaningful access to persons with Limited English Proficiency.

Recipients of public transportation funding from FTA and the Virginia Department of Rail and Public Transportation (DRPT) are required to develop policies, programs, and practices that ensure that federal and state transit dollars are used in a manner that is nondiscriminatory as required under Title VI.

This document details how Lutheran Family Services of Virginia, Inc dba enCircle (enCircle) incorporates nondiscrimination policies and practices in providing services to the public. EnCircle's Title VI policies and procedures are documented in this plan and its appendices and attachments. This plan will be updated periodically (at least every three years) to incorporate changes and additional responsibilities that arise.

## II. OVERVIEW OF SERVICES

The people of enCircle help children in foster care find temporary or permanent families, offer adoption counseling, provide an array of community based services and supported employment for individuals with intellectual and developmental disabilities, and help students with behavioral challenges find success both inside and outside of the classroom. Established in 1888, enCircle has evolved from an orphanage in Salem, Virginia, to an agency of more than 400 employees who help create abundant possibilities for individuals throughout our commonwealth. enCircle has offices in Roanoke, Richmond, Hampton, Bedford, Winchester, Charlottesville, Danville, Lynchburg and Manassas with services extending to approximately 65 surrounding cities and counties. On any given day, 931 individuals benefit from our services with more than 1500 served last fiscal year. Minnick Schools provided educational services to 249 special needs students in 34 school districts, 17 of which achieved our primary goal of returning to their home schools. Our Therapeutic Day Treatment program supported 191 students in their home schools as we serve 10 Frederick County Public Schools. Through our Foster Care and Adoption program, we placed 53 children in foster homes and finalized four adoptions and our adoption counseling served 33 individuals. The Developmental Services division, represents more than one half of our programs and offers an array of flexible, person-centered services and supports to adults with developmental disabilities. Upwards of 375 adults with developmental disabilities receive one or more services through enCircle daily. Services include day support, in-home, respite, sponsored residential, skilled nursing, and group homes. Regardless of the program or service, our goal is to provide access to the people we serve. Access to the community they live in for work, recreation, worship, and social needs.

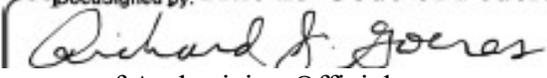
Transportation is a critical link to access and inclusiveness. EnCircle provides 24/7 transportation to the individuals we serve in our group homes. We provide transportation to visit family, attend worship services, get to work or day activities, go grocery shopping, or visit friends, as well as to shop for personal items such as clothes, haircuts, and to get to medical appointments. Our trends show that enCircle is serving an aging developmental disabilities population who will increasingly depend on more specialized transportation to meet more complex needs. The individuals served in our day support programs engage in a variety of activities throughout the week, including volunteer activities with Meals on Wheels, recycling at a local church, picnics, visits to local parks, farms, malls, and shopping centers, trips to Bridgewater to feed the fish, the National D-Day Memorial and Booker T. Washington in Bedford, and the Roanoke zoo. Our Supported Employment program provides transportation for job development purposes: to visit various employment locations, to fill out applications, and to attend interviews. Annually, we provide services to approximately 70 individuals in the Roanoke/Salem region.

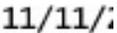
### III. POLICY STATEMENT AND AUTHORITIES

#### Title VI Policy Statement

Lutheran Family Services of Virginia, Inc dba enCircle is committed to ensuring that no person shall, on the grounds of race, color, national origin, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (PL 100.259), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, whether those programs and activities are federally funded or not.

The Lutheran Family Services of Virginia, Inc dba enCircle Title VI Manager is responsible for initiating and monitoring Title VI activities, preparing required reports, and other responsibilities as required by Title 23 Code of Federal Regulations (CFR) Part 200, and Title 49 CFR Part 21.

  
Signature of Authorizing Official

  
Date

#### Authorities

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (refer to 49 CFR Part 21). The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub recipients, and contractors, whether such programs and activities are federally assisted or not.

Additional authorities and citations include: Title VI of the Civil Rights Act of 1964 (42 U.S.C. Section 2000d); Federal Transit Laws, as amended (49 U.S.C. Chapter 53 et seq.); Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601, et seq.); Department of Justice regulation, 28 CFR part 42, Subpart F, “Coordination of Enforcement of Nondiscrimination in Federally-Assisted Programs” (December 1, 1976, unless otherwise noted); U.S. DOT regulation, 49 CFR part 21, “Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964” (June 18, 1970, unless otherwise noted); Joint FTA/Federal Highway Administration (FHWA) regulation, 23 CFR part 771, “Environmental Impact and Related Procedures” (August 28, 1987); Joint FTA/FHWA regulation, 23 CFR part 450 and 49 CFR part 613, “Planning Assistance and Standards,” (October 28, 1993, unless otherwise noted); U.S. DOT Order 5610.2, “U.S. DOT Order on Environmental Justice to Address Environmental Justice in Minority Populations and Low-Income Populations,” (April 15, 1997); U.S. DOT Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient Persons, (December 14, 2005), and Section 12 of FTA’s Master Agreement, FTA MA 13 (October 1, 2006).

#### **IV. NONDISCRIMINATION ASSURANCE TO DRPT**

In accordance with 49 CFR Section 21.7(a), every application for financial assistance from the Federal Transit Administration (FTA) must be accompanied by an assurance that the applicant will carry out the program in compliance with DOT's Title VI regulations. This requirement is fulfilled when the Virginia Department of Rail and Public Transportation (DRPT) submits its annual certifications and assurances to FTA. DRPT shall collect Title VI assurances from sub-recipients prior to passing through FTA funds.

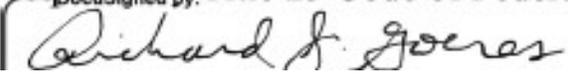
As part of the Certifications and Assurances submitted to DRPT with the Annual Grant Application and all Federal Transit Administration grants submitted to the DRPT, enCircle submits a Nondiscrimination Assurance which addresses compliance with Title VI as well as nondiscrimination in hiring (EEO) and contracting (DBE), and nondiscrimination on the basis of disability (ADA).

In signing and submitting this assurance, enCircle confirms to DRPT the agency's commitment to nondiscrimination and compliance with federal and state requirements.

**V. PLAN APPROVAL DOCUMENT**

Via electronic mail the Executive Committee of the Board of Lutheran Family Services of Virginia Inc, dba enCircle was reviewed and unanimously approved the agency's Title VI plan on November 9, 2021. Further the Executive Committee of the board attests to their agreement with the following statement.

We, the Board of LFSVA dba enCircle, hereby acknowledge the receipt of the Lutheran Family Services of Virginia Inc dba enCircle Title VI Implementation Plan 2021-2024. We have reviewed and approve the Plan. We are committed to ensuring that no person is excluded from participation in, or denied the benefits of transit services on the basis of race, color, or national origin, as protected by Title VI according to Federal Transit Administration (FTA) Circular 4702.1B Title VI requirements and guidelines for FTA sub-recipients.

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Digitally signed by:  11/11/21

Signature, Board Chair

Date

## **VI. ORGANIZATION AND TITLE VI PROGRAM RESPONSIBILITIES**

EnCircle's Chief Quality Officer is responsible for ensuring implementation of the agency's Title VI program. Title VI program elements are interrelated and responsibilities may overlap. The specific areas of responsibility have been delineated below for purposes of clarity.

### **Overall Organization for Title VI**

The Title VI Manager and staff are responsible for coordinating the overall administration of the Title VI program, plan, and assurances, including complaint handling, data collection and reporting, annual review and updates, and internal education.

### **Detailed Responsibilities of the Title VI Manager**

The Title VI Manager is charged with the responsibility for implementing, monitoring, and ensuring compliance with Title VI regulations. Title VI responsibilities are as follows:

1. Process the disposition of Title VI complaints received.
2. Collect statistical data (race, color or national origin) of participants in and beneficiaries of agency programs, (e.g., affected citizens, and impacted communities).
3. Conduct annual Title VI reviews of agency to determine the effectiveness of program activities at all levels.
4. Conduct Title VI reviews of construction contractors, consultant contractors, suppliers, and other recipients of federal-aid fund contracts administered through the agency.
5. Conduct training programs on Title VI and other related statutes for agency employees.
6. Prepare a yearly report of Title VI accomplishments and goals, as required.
7. Develop Title VI information for dissemination to the general public and, where appropriate, in languages other than English.
8. Identify and eliminate discrimination.
9. Establish procedures for promptly resolving deficiency status and writing the remedial action necessary, all within a period not to exceed 90 days.

## **General Title VI responsibilities of the agency**

The Title VI Manager is responsible for substantiating that these elements of the plan are appropriately implemented and maintained, and for coordinating with those responsible for public outreach and involvement and service planning and delivery.

### **1. Data collection**

To ensure that Title VI reporting requirements are met, enCircle will maintain:

- A database or log of Title VI complaints received. The investigation of and response to each complaint is tracked within the database or log.
- A log of the public outreach and involvement activities undertaken to ensure that minority and low-income people had a meaningful access to these activities.

### **2. Annual Report and Updates**

As a sub-recipient of FTA funds, enCircle is required to submit a Quarterly Report Form to DRPT that documents any Title VI complaints received during the preceding quarter and for each year. EnCircle will also maintain and provide to DRPT on an annual basis, the log of public outreach and involvement activities undertaken to ensure that minority and low-income people had a meaningful access to these activities.

Further, we will submit to DRPT updates to any of the following items since the previous submission, or a statement to the effect that these items have not been changed since the previous submission, indicating date:

- A copy of any compliance review report for reviews conducted in the last three years, along with the purpose or reason for the review, the name of the organization that performed the review, a summary of findings and recommendations, and a report on the status or disposition of the findings and recommendations
- Limited English Proficiency (LEP) plan
- procedures for tracking and investigating Title VI complaints
- A list of Title VI investigations, complaints or lawsuits filed with the agency since the last submission
- A copy of the agency notice to the public that it complies with Title VI and instructions on how to file a discrimination complaint

### **3. Annual review of Title VI program**

Each year, in preparing for the Annual Report and Updates, the Title VI Manager will review the agency's Title VI program to assure implementation of the Title VI plan. In addition, they will review agency operational guidelines and publications, including those for contractors, to verify that Title VI language and provisions are incorporated, as appropriate.

### **4. Dissemination of information related to the Title VI program**

Information on our Title VI program will be disseminated to agency employees, contractors, and beneficiaries, as well as to the public, as described in the “public outreach and involvement” section of this document, and in other languages when needed according to the LEP plan as well as federal and State laws/regulations.

## **5. Resolution of complaints**

Any individual may exercise his or her right to file a complaint if that person believes that he, she or any other program beneficiaries have been subjected to unequal treatment or discrimination in the receipt of benefits/services or prohibited by non-discrimination requirements. EnCircle will report the complaint to DRPT within three business days (per DRPT requirements), and make a concerted effort to resolve complaints locally, using the agency’s Title VI Complaint Procedures. All Title VI complaints and their resolution will be logged as described under Section 1. Data collection and reported annually (in addition to immediately) to DRPT.

## **6. Written policies and procedures**

Our Title VI policies and procedures are documented in this plan and its appendices and attachments. This plan will be updated periodically to incorporate changes and additional responsibilities that arise. During the course of the Annual Title VI Program Review (item 3 above), the Title VI Manager will determine whether or not an update is needed.

## **7. Internal education**

Our employees will receive training on Title VI policies and procedures upon hiring and upon promotion. This training will include requirements of Title VI, our obligations under Title VI (LEP requirements included), and required data that must be gathered and maintained. In addition, training will be provided when any Title VI-related policies or procedures change (agency-wide training), or when appropriate in resolving a complaint.

**Title VI training is the responsibility of the Chief Quality Officer.**

## **8. Title VI clauses in contracts**

In all federal procurements requiring a written contract or Purchase Order (PO), enCircle’s contract/PO will include appropriate non-discrimination clauses. The Title VI Manager will work with the Controller who is/are responsible for procurement contracts and PO’s to ensure appropriate non-discrimination clauses are included.

## **VII. PROCEDURES FOR NOTIFYING THE PUBLIC OF TITLE VI RIGHTS AND HOW TO FILE A COMPLAINT**

### **Requirement to Provide a Title VI Public Notice**

Title 49 CFR Section 21.9(d) requires recipients to provide information to the public regarding the recipient's obligations under DOT's Title VI regulations and apprise members of the public of the protections against discrimination afforded to them by Title VI. EnCircle shall disseminate this information to the public by posting a Title VI notice on the agency's website and in public areas of the agency's office(s), including the reception desk, meeting rooms, in federally-funded vehicles, etc.

**SEE APPENDIX A-Title VI Notice to the Public**  
**SEE APPENDIX B-Title VI Notice to the Public List of Locations**

## TITLE VI COMPLAINT PROCEDURES

Any individual may exercise his or her right to file a complaint with **enCircle** if that person believes that he or she has been subjected to unequal treatment or discrimination in the receipt of benefits or services. We will report the complaint to DRPT within three business days (per DRPT requirements), and make a concerted effort to resolve complaints locally, using the agency's Nondiscrimination Complaint Procedures. All Title VI complaints and their resolution will be logged and reported annually (in addition to immediately) to DRPT.

**EnCircle** includes the following language on all program related printed information materials, on the agency's website, in public notices, in published documents, and on posters on the interior of each vehicle operated in passenger service:

*EnCircle is committed to ensuring that no person is excluded from participation in, or denied the benefits of its transit services on the basis of race, color or national origin, as protected by Title VI of the Civil Rights Act of 1964.*

*For additional information on enCircle's nondiscrimination policies and procedures, or to file a complaint, please visit the website at [www.encircleall.org](http://www.encircleall.org) or contact Tresha Lafon, Chief Quality Officer, 2609 McVitty Road, Roanoke VA 24018.*

Instructions for filing Title VI complaints are posted on the agency's website and in posters on the interior of each vehicle operated in passenger service and agency's related facilities.

**SEE APPENDIX C-Title VI Complaint Form**

## **Procedures for Handling and Reporting Investigations/Complaints and Lawsuits**

Should any Title VI investigations be initiated by FTA or DRPT, or any Title VI lawsuits are filed against enCircle the agency will follow these procedures:

### **Procedures**

1. Any individual, group of individuals, or entity that believes they have been subjected to discrimination on the basis of race, color, or national origin may file a written complaint with the Title VI Manager. The complaint is to be filed in the following manner:
  - a. A formal complaint must be filed within 180 calendar days of the alleged occurrence.
  - b. The complaint shall be in writing and signed by the complainant(s). The complaint can be submitted on the agency's complaint form or in letter/narrative form.
  - c. The complaint should include:
    - the complainant's name, address, and contact information
    - (i.e., telephone number, email address, etc.)
    - the date(s) of the alleged act of discrimination (if multiple days, include the date when the complainant(s) became aware of the alleged discrimination and the date on which the alleged discrimination was discontinued or the latest instance).
    - a description of the alleged act of discrimination
    - the location(s) of the alleged act of discrimination (include vehicle number if appropriate)
    - an explanation of why the complainant believes the act to have been discriminatory on the basis of race, color, and national origin
    - if known, the names and/or job titles of those individuals perceived as parties in the incident
    - contact information for any witnesses
    - indication of any related complaint activity (i.e., was the complaint also submitted to DRPT or FTA?)
  - d. The complaint shall be submitted to the enCircle Title VI Manager at **2609 McVitty Road, Roanoke VA 24018** or via e-mail at **tlafon@encircleall.org**.
  - e. Complaints received by any other employee of enCircle will be immediately forwarded to the Title VI Manager.
  - f. In the case where a complainant is unable or incapable of providing a written statement, a verbal complaint of discrimination may be made to the Title VI Manager. Under these circumstances, the complainant will be interviewed, and the Chief Quality Officer or their designee will assist the complainant in converting the verbal allegations to writing.
2. Upon receipt of the complaint, the Title VI Manager will immediately:
  - a. notify DRPT (no later than 3 business days from receipt)
  - b. notify the enCircle Chief Authorizing Official
  - c. ensure that the complaint is entered in the complaint database
3. Within 3 business days of receipt of the complaint, the Title VI Manager will contact the complainant by telephone to set up an interview.

4. The complainant will be informed that they have a right to have a witness or representative present during the interview and can submit any documentation he/she perceives as relevant to proving his/her complaint.
5. If DRPT has assigned staff to assist with the investigation, the Title VI Manager will offer an opportunity to participate in the interview.
6. The alleged discriminatory service or program official will be given the opportunity to respond to all aspects of the complainant's allegations.
7. The Title VI Manager will determine, based on relevancy or duplication of evidence, which witnesses will be contacted and questioned.
8. The investigation may also include:
  - a. investigating contractor operating records, policies or procedures
  - b. reviewing routes, schedules, and fare policies
  - c. reviewing operating policies and procedures
  - d. reviewing scheduling and dispatch records
  - e. observing behavior of the individual whose actions were cited in the complaint
9. All steps taken and findings in the investigation will be documented in writing and included in the complaint file.
10. The Title VI Manager will contact the complainant at the conclusion of the investigation, but prior to writing the final report, and give the complainant an opportunity to give a rebuttal statement at the end of the investigation process.
11. At the conclusion of the investigation and **within 60 days** of the interview with the complainant, the Title VI Manager will prepare a report that includes a narrative description of the incident, identification of persons interviewed, findings, and recommendations for disposition. This report will be provided to the Authorizing Official, DRPT, and, if appropriate, enCircle's legal counsel.
12. The Title VI Manager will send a letter to the complainant notifying them of the outcome of the investigation. If the complaint was substantiated, the letter will indicate the course of action that will be followed to correct the situation. If the complaint is determined to be unfounded, the letter will explain the reasoning, and refer the complainant to DRPT in the event the complainant wishes to appeal the determination. This letter will be copied to DRPT.
13. A complaint may be dismissed for the following reasons:
  - a. The complainant requests the withdrawal of the complaint.
  - b. An interview cannot be scheduled with the complainant after reasonable attempts.
  - c. The complainant fails to respond to repeated requests for additional information needed to process the complaint.
14. DRPT will serve as the appealing forum to a complainant that is not satisfied with the outcome of an investigation conducted by enCircle. DRPT will analyze the facts of the case and will issue its conclusion to the appellant according to their procedures.

A person may also file a complaint directly with the Federal Transit Administration, Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor – TCR, 1200 New Jersey Avenue SE, Washington, DC 20590.

## **Transportation-Related Title VI Investigations, Complaints, and Lawsuits**

EnCircle shall prepare and maintain a list of any of the following that allege discrimination on the basis of race, color, or national origin:

- Active investigations conducted by FTA and entities other than FTA;
- Lawsuits; and
- Complaints naming the recipient.

This list shall include the date that the transportation-related Title VI investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient in response, or final findings related to the investigation, lawsuit, or complaint. This list shall be included in the Title VI Program submitted to DRPT every three years and information shall be provided to DRPT quarterly and annually.

**SEE APPENDIX D- Investigations, Lawsuits and Complaints Document**

## VIII. PUBLIC OUTREACH AND INVOLVEMENT

### PUBLIC PARTICIPATION PLAN

#### Introduction

The Public Participation Plan (PPP) is a guide for ongoing public participation endeavors. Its purpose is to ensure that enCircle utilizes effective means of providing information and receiving public input on transportation decisions from low income, minority and limited English proficient (LEP) populations, as required by Title VI of the Civil Rights Act of 1964 and its implementing regulations.

Under federal regulations, transit operators must take reasonable steps to ensure that Limited English Proficient (LEP) persons have meaningful access to their programs and activities. This means that public participation opportunities, normally provided in English, should be accessible to persons who have a limited ability to speak, read, write, or understand English.

In addition to language access measures, other major components of the PPP include: public participation design factors; a range of public participation methods to provide information, to invite participation and/or to seek input; examples to demonstrate how population-appropriate outreach methods can be and were identified and utilized; and performance measures and objectives to ensure accountability and a means for improving over time.

Due to the nature of the services provided by enCircle utilizing the funded vehicles, the public participation plan for these services is very limited. Individuals served in the agency's group home and day support services are referred through the local Community Services Board after being assessed to be eligible for the service based on their need. Because of this, outreach for these services are typically geared towards ensuring that local CSBs are aware of the availability of the services and are aware of any availability for intake into either program. Developmental Services Managers are responsible for maintaining on-going contact with the CSB representatives in their area to ensure that they are knowledgeable about programmatic offerings and openings. In addition, Developmental Services managers attend vendor and community fairs as appropriate to ensure education and awareness of the services that enCircle offers.

#### SOME OF THOSE EFFECTIVE PUBLIC OUTREACH PRACTICES INCLUDES:

- a. Outreach to local CSB's
- b. Education at vendor and community fairs

**SEE APPENDIX E-Summary of Outreach Efforts**

## **IX. LANGUAGE ASSISTANCE PLAN FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY (LEP)**

### **LANGUAGE ASSISTANCE PLAN FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY (LEP)**

#### **Introduction and Legal Basis**

LEP is a term that defines any individual not proficient in the use of the English language. The establishment and operation of an LEP program meets objectives set forth in Title VI of the Civil Rights Act and Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (LEP). This Executive Order requires federal agencies receiving financial assistance to address the needs of non-English speaking persons. The Executive Order also establishes compliance standards to ensure that the programs and activities that are provided by a transportation provider in English are accessible to LEP communities. This includes providing meaningful access to individuals who are limited in their use of English. The following LEP language implementation plan, developed by enCircle is based on FTA guidelines.

As required, enCircle developed a written LEP Plan (below). Using American Community Survey (ACS) data, enCircle has evaluated data to determine the extent of need for translation services of its vital documents and materials.

LEP persons can be a significant market for public transit and reaching out to these individuals can help increase their utilization of transit. Therefore, it also makes good business sense to translate vital information into languages that the larger LEP populations in the community can understand.

#### **Assessment of Needs and Resources**

The need and resources for LEP language assistance were determined through a four-factor analysis as recommended by FTA guidance.

##### **Factor 1: Assessment of the Number and Proportion of LEP Persons Likely to be Served or Encountered in the Eligible Service Population**

The agency has reviewed census data on the number of individuals in its service area that have limited English Proficiency, as well as the languages they speak.

## U.S. Census Data – American Community Survey (2011-2015)

Data from the U.S. Census Bureau’s American Community Survey (ACS) were obtained through [www.census.gov](http://www.census.gov) by enCircle’s service area. The agency’s service area includes a total of 6,336 (3.10%) persons with Limited English Proficiency (those persons who indicated that they spoke English less than “very well,” in the 2011-2015 ACS Census). The 2011-2015 ACS data was used due to the lack of LEP by language group data for the 2012-2016 ACS estimates.

Information from the 2011-2015 ACS also provides more detail on the specific languages that are spoken by those who report that they speak English less than very well. Languages spoken at home by those with LEP are presented below. These data indicate the extent to which translations into other language are needed to meet the needs of LEP persons.

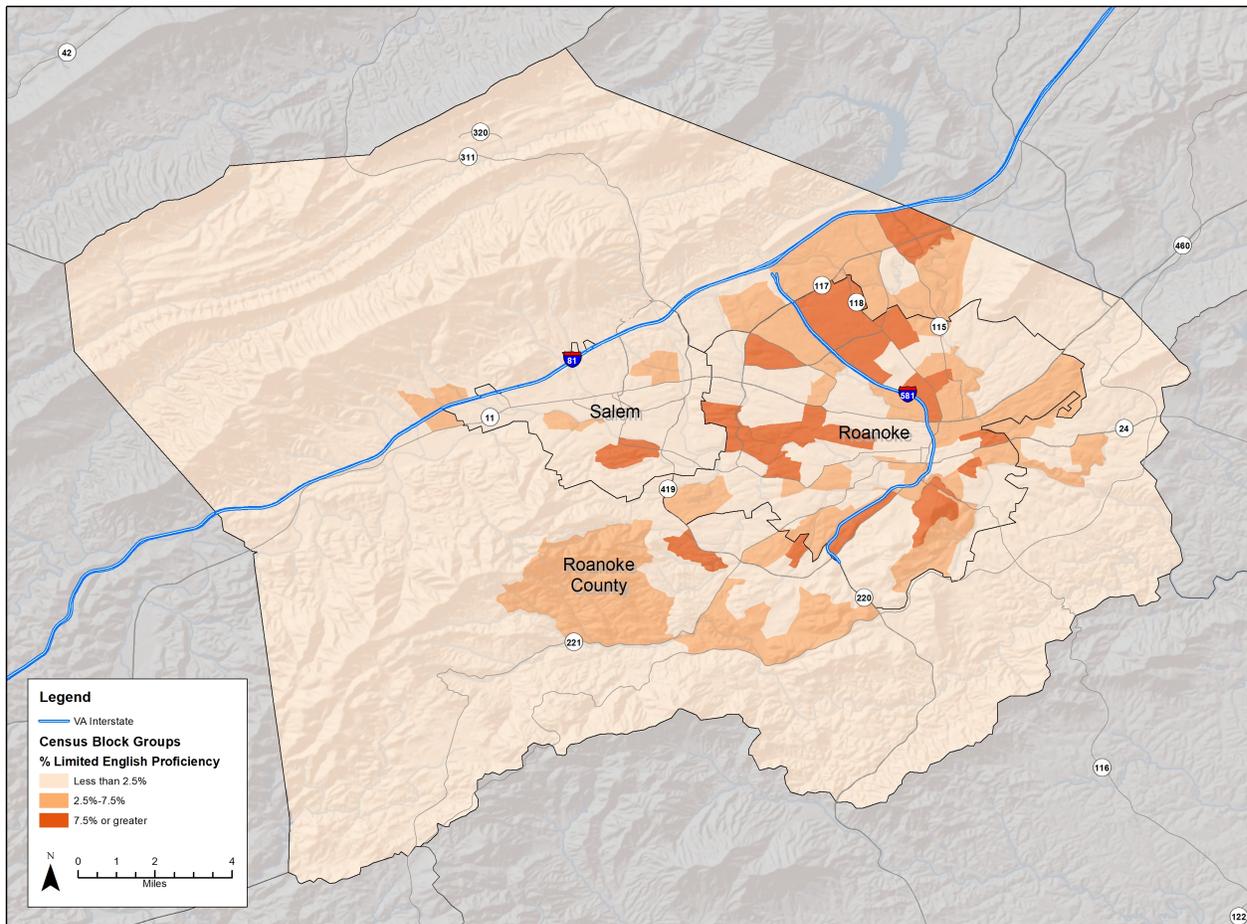
**Table 1 - LEP Individuals by Language Spoken**

enCircle Service Area			
Language	Number of LEP Population	Percent of Service Area Population Speaking Language	Percent of LEP Population Speaking Language
Spanish or Spanish Creole	2,428	1.19%	38.32%
African languages	703	0.34%	11.10%
Vietnamese	477	0.23%	7.53%
Other Indic languages	464	0.23%	7.32%
Other Asian languages	357	0.17%	5.63%
Gujarati	271	0.13%	4.28%
Arabic	240	0.12%	3.79%
French Creole	199	0.10%	3.14%
Tagalog	197	0.10%	3.11%
Chinese	179	0.09%	2.83%
French	140	0.07%	2.21%
Hindi	120	0.06%	1.89%
Serbo-Croatian	92	0.04%	1.45%
Japanese	84	0.04%	1.33%
German	58	0.03%	0.92%
Other Indo-European languages	52	0.03%	0.82%
Korean	44	0.02%	0.69%
Mon-Khmer	43	0.02%	0.68%
Persian	40	0.02%	0.63%
Thai	38	0.02%	0.60%

Russian	36	0.02%	0.57%
Other West Germanic languages	34	0.02%	0.54%
Italian	19	0.01%	0.30%
Urdu	16	0.01%	0.25%
Other Native North American languages	3	0.00%	0.05%
Other and unspecified languages	2	0.00%	0.03%
<b>Total LEP Population</b>	<b>6,336</b>	<b>3.10%</b>	
<b>Total Service Area Population</b>	<b>204,622</b>		

The most spoken language among LEP individuals is Spanish or Spanish Creole (2,428) No other language group surpasses the Safe Harbor Provision. Figure 1 maps the percentage of LEP individuals by Census Block Group. Larger percentages of LEP persons are found throughout Roanoke as well as within parts of Salem and Roanoke County.

**Figure 1 – % LEP by Census Block Group**



**Factor 2: Assessment of Frequency with Which LEP Individuals Come Into Contact with the Transit Services or System**

EnCircle reviewed the relevant benefits, services, and information provided by the agency and determined that we do not currently serve any individuals with limited English proficiency in either of the programs that will be served by the funded vehicles. Due to the nature of the services provided and the route through which individuals are referred for those services (referral contact via the case manager at the local CSB) there would not be at this time any contact between LEP individuals and the enCircle transit services or system.

We will continue to identify emerging populations as updated Census and American Community Survey data become available for our service area and in the event that any LEP individual is referred for service in either program served by the funded vehicles.

**Factor 3: Assessment of the Nature and Importance of the Transit Services to the LEP Population**

EnCircle provides the following programs, activities and services utilizing funded vehicles:

- ***Group Home services:*** Group home services are residential services provided to adults with intellectual disabilities that provide a supported home environment of no more than 4 individuals. Twenty-four-hour staffing allows for daily living support as well as opportunities for individuals to be involved and engaged in their preferred activities in their communities.
- ***Day support services:*** Day support services provide adults with intellectual disabilities programming each weekday that allows them to be engaged and active in their communities. Focus is on daily living skill attainment or strengthening. The individuals served in our day support programs engage in a variety of activities throughout the week, including volunteer activities with Meals on Wheels, recycling at a local church, picnics, visits local parks, farms, malls, shopping centers, trips to Bridgewater to feed the fish, the National D-Day Memorial and Booker T. Washington in Bedford, and the Roanoke zoo.

The following are the most critical services provided by enCircle for all customers, including any LEP persons that may be served in the future.

- Safety and security awareness instructions
- Emergency evacuation procedures
- Daily living skill acquisition, strengthening, and retention
- Other paratransit services that provide access and connection with the individual's community

## **Factor 4: Assessment of the Resources Available to the Agency and Costs**

### ***Costs***

Currently there are no language assistance services required by individuals served by enCircle in the programs utilizing funded vehicles. Due to the nature of the services provided, we do often serve individuals with various communication needs including American sign language, or systems such as PECS (Picture Exchange Communication System). When these alternative communication styles are utilized it is done so as an extension of the individual's service plan and is provided through funding for the provided services.

Based on the analysis of demographic data and contact with community organizations and LEP persons, enCircle has determined that there are no additional services needed to provide meaningful access to the agency's services at this time.

### ***Resources***

The available budget that could be currently be devoted to additional language assistance expenses is included in the funding provided by the individual's primary service with the agency.

### ***Feasible and Appropriate Language Assistance Measures***

Based on the available resources, the following language assistance measures are feasible and appropriate for our agency at this time should an individual with LEP be referred:

- Acquiring a translator from the CSB
- Providing additional training to staff in the individual's preferred communication methods.

## **LEP Implementation Plan**

Through the four-factor analysis, enCircle has determined that language assistance is not currently needed for the individuals being served in the programs utilizing funded vehicles. Should an LEP individual be referred for service the following measures would be deemed as most appropriate and feasible.

- Translation of vital documents into the individual's preferred language.
- Attempt to hire bilingual staff with competency in spoken and written (Spanish, Vietnamese, etc. as appropriate).
- In-person translation for any assessments.

### ***Staff Access to Language Assistance Services***

Agency staff who come into contact with LEP persons can access language services by procurement of a translator through the CSB as the referring party.

### ***Responding to LEP Callers***

Staff in the programs utilizing funded vehicles do not manage calls from the public due to the contained nature of the referral process for their programming.

### ***Responding to Written Communications from LEP Persons***

Staff in the programs utilizing funded vehicles do not manage correspondence with the public due to the contained nature of the referral process for their programming.

### ***Responding to LEP Individuals in Person***

EnCircle does not currently provide services to any LEP individuals in the services utilizing funded vehicles.

### ***Staff Training***

All new hires working in programs utilizing funded vehicles receive training on assisting LEP persons as part of their initial training. This includes:

- A summary of the agency's responsibilities under the DOT LEP Guidance;
- A summary of the agency's language assistance plan;
- A summary of the number and proportion of LEP persons in the agency's service area, the frequency of contact between the LEP population and the agency's programs and activities, and the importance of the programs and activities to the population;
- A description of the agency's cultural sensitivity policies and practices.

Also, all staff who routinely come into contact with customers, as well as their supervisors and all management staff, receive annual refresher training on policies and procedures related to assisting LEP persons.

### ***Providing Notice to LEP Persons***

LEP persons are notified of the availability of language assistance through the following approaches:

- following our Title VI policy statement included on our vital documents.
- on our website.
- through signs posted on our vehicles and in our customer service and administrative offices.

### ***Monitoring/Updating the plan***

This plan will be updated on a periodic basis (at least every three years), based on feedback, updated demographic data, and resource availability.

As part of ongoing outreach to community organizations, enCircle will solicit feedback on the effectiveness of language assistance provided and unmet needs. In addition, we will conduct periodic review of updated Census data and reviews of person served to determine any needed changes to LEP needs.

In preparing the triennial update of this plan, enCircle will conduct an internal assessment using the Language Assistance Monitoring Checklist provided in the FTA's "Implementing the Department of Transportation's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons: A Handbook for Public Transportation Providers."

Based on the feedback received from community members and agency employees, enCircle will make incremental changes to the type of written and oral language assistance provided as well as to their staff training and community outreach programs. The cost of proposed changes and the available resources will affect the enhancements that can be made, and therefore enCircle will attempt to identify the most cost-effective approaches.

As the community grows and new LEP groups emerge, enCircle will strive to address the needs for additional language assistance.

## **X. MINORITY REPRESENTATION ON PLANNING AND ADVISORY BODIES**

Title 49 CFR Section 21.5(b)(1)(vii) states that a recipient may not, on the grounds of race, color, or national origin, “deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program.”

*EnCircle* does not have any transit-related, non-elected planning boards, advisory councils or committees, or similar committees.

## **XI. MONITORING TITLE VI COMPLAINTS**

As part of the complaint handling procedure, the Title VI Manager investigates possible inequities in service delivery for the route(s) or service(s) about which the complaint was filed. Depending on the nature of the complaint, the review examines span of service (days and hours), frequency, routing directness, interconnectivity with other routes and/or fare policy. If inequities are discovered during this review, options for reducing the disparity are explored, and service or fare changes are planned if needed.

In addition to the investigation following an individual complaint, the Title VI Manager periodically reviews all complaints received to determine if there may be a pattern. At a minimum, this review is conducted as part of preparing the Annual Report and Update for submission to DRPT.

## APPENDIX A - TITLE VI NOTICE TO THE PUBLIC

### **Title VI Notice to the Public** **enCircle**

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance" (42 U.S.C. Section 2000d).

**EnCircle** is committed to ensuring that no person is excluded from participation in or denied the benefits of its transportation services on the basis of race, color, or national origin, as protected by Title VI in Federal Transit Administration (FTA) Circular 4702.1B. If you feel you are being denied participation in or being denied benefits of the transit services provided by **enCircle**, or otherwise being discriminated against because of your race, color, national origin, gender, age, or disability, our contact information is:

**Name: Tresha Lafon**

**Title: Chief Quality Officer**

**Agency Name: Lutheran Family Services of Virginia, Inc dba enCircle**

**Address: 2609 McVitty Road,**

**City, State Zip code: Roanoke VA 24018**

**Telephone Number: 540-774-7100**

**Email address: tlafon@encircleall.org**

## **APPENDIX B - TITLE VI NOTICE TO THE PUBLIC LIST OF LOCATIONS**

### Title VI Notice to the Public List of Locations:

1. Administrative Office- 2609 McVitty Road, Roanoke VA 24018- notice located on posting board where other regulatory documents such as licenses and Human Rights postings are located.
2. Program office- 3807 Brandon Avenue, Suite 1000, Roanoke VA 24018- notice located on posting board where other regulatory documents such as licenses and Human Rights postings are located.
3. Pine Street Group Home- 5029 Pine Street, Roanoke VA 24017- notice located on posting board where other regulatory documents such as licenses and Human Rights postings are located.
4. Broad Street Group Home- 425 S Broad Street, Salem VA 24153- notice located on posting board where other regulatory documents such as licenses and Human Rights postings are located.
5. In each federally funded vehicle (2 total)

**APPENDIX C - TITLE VI COMPLAINT FORM**

**Title VI Complaint Form**

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**Section I:**

**Complainant's Name:** \_\_\_\_\_

**Street Address:** \_\_\_\_\_

**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip Code:** \_\_\_\_\_

**Telephone No. (Home):** \_\_\_\_\_ **(Business):** \_\_\_\_\_

**Email Address:** \_\_\_\_\_

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**Section II:**

**Person discriminated against (if other than complainant):**

**Name:** \_\_\_\_\_

**Street Address:** \_\_\_\_\_

**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip Code:** \_\_\_\_\_

**Telephone No.:** \_\_\_\_\_

**Please explain why you have filed for a third party (if applicable):**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party:            Yes   No**

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**Section III:**

**The name and address of the agency, institution, or department you believe discriminated against you.**

**Name:** \_\_\_\_\_ **Street Address:** \_\_\_\_\_

**Date of incident resulting in discrimination:** \_\_\_\_\_

**Identify the category of Discrimination:**

**Race** \_\_\_\_\_ **Color** \_\_\_\_\_ **National Origin** \_\_\_\_\_

Describe how you were discriminated against. What happened and who was responsible? If additional space is required, please either use back of form or attach extra sheets to form.

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Does this complaint involve a specific individual(s) associated with agency? If yes, please provide the name(s) of the individual(s), if known.

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Where did the incident take place?

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Are there any witnesses? If so, please provide their contact information:

Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone No.: \_\_\_\_\_

Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone No.: \_\_\_\_\_

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**Section IV:**

Have you previously filed a Title VI complaint with this agency?:  Yes  No

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**Section V:**

Did you file this complaint with another federal, state or local agency; or with a federal or state court?

Yes

No

If answer is Yes, check each agency complaint was filed with:

- |   |  |                                       |
|---|--|---------------------------------------|
| <input type="checkbox"/> Federal Agency | <input type="checkbox"/> Federal Court | <input type="checkbox"/> State Agency |
| <input type="checkbox"/> State Court    | <input type="checkbox"/> Local Agency  | <input type="checkbox"/> Other        |

Please provide contact person information for the agency you also filed the complaint with:

Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Date Filed: \_\_\_\_\_

Sign the complaint in the space below. You may attach any written material, documents, or other information that you believe support or are relevant to your complaint.

\_\_\_\_\_  
Complainant's Signature

\_\_\_\_\_  
Signature Date

**APPENDIX D - INVESTIGATIONS, LAWSUITS AND COMPLAINTS DOCUMENT**

	Issue Type (Investigation, Lawsuit, Complaint)	Date (Month/Day/Year)	Summary (include basis of complain: race, color, or national origin)	Status	Final findings	Action Taken
1						
2						
3						
4						
5						

**APPENDIX E – SUMMARY OF OUTREACH EFFORTS**

EnCircle has an on-going plan for outreach that provides education and information to referring sources, legal guardians, potential persons served, and community stakeholders. These include participation in and sponsorship of the annual VACSB conference, face to face visits to CSBs, state hospitals, and REACH programs across the state, presentations at CSBs, presentations across the state to family groups, and provider fairs including the Autism Society of Central Virginia. The agency also utilizes regular blast e-mails to a growing group of case managers, DBHDS employees, outside agencies and individuals in the community that have an interest in our DS programs and vacancies as well as monthly webinars offered to CSBs, families and members of the community who may be interested in our family care program