

# Limited English Proficiency (LEP) Procedures

## Definitions

- Limited English Proficiency (LEP) – an individual who has limited ability to read, speak, write, or understand English
- Executive Order 13166 – states that people who are LEP should have meaningful access to federally conducted and federally funded programs and activities
- Four Factor Analysis – a tool in providing "meaningful access" to include services for oral interpretation and written translation of vital documents.
- Safe Harbor Threshold: LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered.

## Sample Outline for LEP procedures

(NOTE: All items listed below are recommendations and not required.)

### Introduction

- Include items such as
  - Purpose for plan
  - Background
  - Authorities

### Definitions

- Include definitions that address terms used in the document that require a specific understanding so that all readers have the same perspective

### Four-Factor Analysis

#### 1. Demographics - Number/proportion of LEP persons and languages spoken in the service area

- Prior experiences with LEP individuals
- Include key statistics from sources that help the reader understand:
  - The number of LEP persons
  - The LEP languages according to the Safe Harbor Threshold
  - Possible data to consult:
    - Census (Table B16001)
    - Community organizations
    - School systems
    - Local governments
- **Questions to consider:**
  - What is your service area?
  - Which languages meet the Safe Harbor Threshold?
  - Have there been language requests in the study area?
  - What additional resources can you reach out to?

#### 2. Frequency of contact with LEP persons (for the service(s) or project)

- Assess major points of contact with the public, such as:

- Customer service interactions
- Public meetings
- Contracts (bidding, awarding)
- **Questions to consider:**
  - What is the frequency with which the Project or service(s) has or should be having with LEP individuals?
  - What is the LEP percent in geographic location?

### **3. Importance of service(s) provided**

- Include brief summary of services or activities deemed important in the four-factor analysis
- Identify the programs, services, or activities that would have a serious consequence if language barriers prevented LEP person's access to them
- A determination should be made as to the impact on actual and potential services/activities to LEP beneficiaries
- Generally, transportation is considered a vital service, especially when we're speaking about Public Transportation
- **Questions to consider:**
  - What is the importance of your services(s) or project? ...to LEP individuals?
  - Will there be an impact to emergency services with your service(s) or project?

### **4. Resources available and overall cost**

- Include a summary of resources available and overall costs of providing LEP assistance as identified in the four-factor analysis
- Weigh the demand for language assistance against the Agency's current and projected financial and personnel resources
- Language requests should never be denied
- This analysis should help determine:
  - if the language services it currently provides are cost effective
  - help the Agency plan future investments that will provide the most needed assistance to the greatest number of LEP persons within the limits of the Agency's resources
- **Questions to consider:**
  - What are the current resources available for LEP requests?
  - Weigh your resources with the LEP requests or anticipated requests?
  - Given your data, what will the estimated cost be for the LEP requests?

### **LEP Plan 5 Minimum Elements of an LEP Plan**

- **Identification of LEP persons**
  - Include information obtained from the first two factors of the four-factor analysis
    - Census data as well as state and local demographic data
    - Data from community organizations that serve LEP persons
    - Information gathered from face-to-face meetings with LEP persons or from surveys of LEP persons
    - Information gathered from interviews with agency staff who typically come in contact with LEP persons

- Information kept by agency on past interactions with members of the public who are LEP
  - Barriers to communications that currently exist
- **Language assistance measures**
    - Include information about the ways language assistance will be provided
      - Types of language services available
      - How staff can obtain those services
      - How to respond to LEP callers
      - How to respond to written communications from LEP persons
      - How to respond to LEP persons who have in-person contact with your staff
  - **Staff training**
    - Include information about how staff will be trained/informed of the language assistance measures the Agency has as well as what the training may include
      - When will training occur (annually, bi-annually, etc.)?
      - What staff will receive the training (managers, new hires, Agency wide, etc.)?
      - What will the training include?
        - LEP policies and procedures in place
        - LEP assistance available to LEP persons
        - The Agency's obligations to provide meaningful access for LEP persons
        - How to work effectively with in-person and telephone interpreters
  - **Outreach / notification techniques**
    - Include information on how LEP persons will know of the language assistance available as well as what the notifications may include
      - Where will signs be posted?
      - What Agency documents will include the available language assistance?
        - Brochures, booklets, etc., in appropriate languages, etc.
        - A telephone voice mail menu in the Agency's service area most common LEP languages
  - **Monitoring and updating the LEP Plan**
    - Include information on how and when the LEP Plan will be monitored for currency and updated as necessary
      - How frequently will the LEP Plan be reviewed?
      - How often will the LEP Plan be compared with the four-factor analysis (e.g. annually)?
      - How will updates to the LEP Plan be done?

**Resources:**

- [www.LEP.gov](http://www.LEP.gov)
- <https://www.fhwa.dot.gov/civilrights/programs/lep.cfm>
- <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/title-vi-guidance>
- ADOT's LEP Plan: <https://www.azdot.gov/business/civil-rights/title-vi-nondiscrimination-program/title-vi-implementation>