304 Limited English Proficiency (LEP)

When identifying the public who will be the focus of project communications and engagement activities, we may learn there are people in the project area that have limited English proficiency (LEP). Language can be a barrier to the public's understanding of the project and the ability to ask clarifying questions and provide insightful comments.

The greater the significance of a transportation action to an LEP population, including the potential for adverse effects, the greater the likelihood that language services will be needed.

Legal Foundation

The national origin protections of Title VI of the Civil Rights Act of 1964 and the Florida Civil Rights Act of 1992 have been interpreted to mean that no person shall be denied access to services due to limited English proficiency.

The intent of Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, is to improve access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency. FDOT, as a recipient of federal funding, must ensure meaningful access to its programs, services, and activities for all affected and interested publics, including LEP persons. In accordance with Executive Order 13166, FDOT maintains an organization-wide LEP Plan.

Applicability

FDOT makes reasonable efforts to ensure equitable access by LEP populations to plan/project information and opportunities to participate in planning and decision-making processes. Any plan/project that has a public engagement activity, regardless of type or phase, should identify if there are LEP persons in the area affected by the plan/project. Language access needs are taken into consideration when developing Department communications and public involvement activities.

Definitions

Limited English Proficient Persons

Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English. LEP persons may be competent in English for certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes (e.g., reading or writing).

As classified by the U.S. Census Bureau, LEP refers to anyone age 5 or over who reported or was reported as speaking a language other than English and indicated their ability to speak English in one of the following categories: *"well"*, *"not well"*, and *"not at all"*. When combined, these LEP categories refer to the age 5 and over population that speaks English *less than "very well"*.

Language Assistance Services

Oral and written language services needed to assist LEP persons to communicate effectively with staff, and to provide LEP persons with meaningful access to, and an equal opportunity to participate fully in, the services, activities, or other programs administered by the Department.

Meaningful Access

Language assistance that results in accurate, timely, and effective communication at no cost to the LEP person.

Source: US Department of Justice Language Access Plan, March 2012.

Developing a Language Assistance Strategy

Developing a language assistance strategy involves identifying 1) LEP populations that could be affected by a Department plan/project, 2) the characteristics of the plan/project and potential for effects, and 3) the associated level of language assistance needs.

Project Considerations for Determining the Level of Language Assistance for LEP Population(s)

Project Characteristics	Level of Language Assistance Need
• Effects to communities/community resources are unlikely • Public concern is unlikely (noncontroversial)	**Base Level** *(FDOT Standard Language)*
• Effects to communities/community resources are likely to be minimal to moderate in severity • Public concern is minimal (low controversy) • Potential for direct effects to LEP populations	
• Effects to communities/community resources are likely to be moderate or greater in severity • Public concern is moderate to high (controversial) • Potential for direct effects to LEP populations	**Higher Level** *(Translations and Interpretation)*

The table to the right shows required and optional approaches to providing language assistance services for various Department communications. In all situations, the Department's standard statement about language assistance must be included in all of the following: public meeting notifications, property owner/ tenant letters, and project websites. Depending on the determined level of need for language assistance, additional language services may be necessary.

More detailed guidance on identifying actions to ensure full and fair access by LEP persons is available in *Developing a Language Assistance Strategy for FDOT Plans and Projects*.

Approaches to Reducing Language Barriers

REQUIRED	OPTIONAL DEPENDING ON LEVEL OF LANGUAGE ASSISTANCE NEED	
FDOT Standard Language *"Persons who require special accommodations under the Americans with Disabilities Act or persons who require translation services (free of charge) should contact _____ at _____ at least seven days prior to the meeting."*	**Written Translations**	**Spoken Interpretation**
PLAN/PROJECT COMMUNICATIONS		
All of the following: • Public meeting notifications • Property owner/tenant letters • Project websites	**Print Communications:** • Public meeting notifications • Property owner/tenant letters • Project newsletter • Project brochure/factsheets • Comment card • Surveys **Digital Communications:** • Project website • Surveys • Social media • Video **Sign Communications:** • Public meeting displays (Title VI board)	**Language interpreter:** • "I speak" cards • Language identification card