

## Examples of LEP Services

- Direct foreign language communication by fluent bilingual staff
- Interpretation (oral), conducted in-person or via telephone by qualified interpreters
- Translation (written) by qualified translators

## What is NOT Limited English Proficiency

- Hearing or visual impairments - sign language interpretation and Braille texts are accommodations of disabilities provided under the Americans with Disabilities Act and/or Section 504 of the Rehabilitative Acts of 1973.
- Illiteracy - LEP individuals protected by the Executive Order and Title VI are those who not only cannot speak, read, or write English, but primarily speak, read or write an language other than English.

## Other Legal Authorities

FHWA Title VI Regulation, 23 CFR 200

USDOT Title VI Regulation, 49CFR 21

USDOT LEP Guidelines, 70 FR 74087

## Civil Rights Office Personnel

**Utah Department of  
Transportation  
Office of Civil Rights  
Title VI Compliance Specialist  
P. O. Box 141520  
Salt Lake City, Utah 84114-1520  
Telephone: (801) 965-4384  
Fax: (801) 965-4101**

<http://www.udot.utah.gov/go/title6>

### Resource Websites:

**Federal Highway Administration (FHWA)  
Office of Civil Rights  
[www.fhwa.dot.gov/civilrights/index.htm](http://www.fhwa.dot.gov/civilrights/index.htm)**

**FHWA Resource Center Civil Rights  
Technical Service Team  
[www.fhwa.dot.gov/resourcecenter](http://www.fhwa.dot.gov/resourcecenter)**

**U.S. Department of Transportation  
[www.dotcr.ost.dot.gov](http://www.dotcr.ost.dot.gov)**

**U.S. Department of Justice  
[www.usdoj.gov.crt](http://www.usdoj.gov.crt)**

**Limited English Proficiency  
[www.lep.gov](http://www.lep.gov)**



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Utah Department of Transportation

Providing services to ALL  
people regardless of Race,  
Color, or National Origin

**UDOT Civil Rights  
Office**

**Limited  
English  
Proficiency**

What Contractors should  
know about providing  
services to LEP Individuals...



## Limited English Proficiency — LEP

The federal government and those receiving assistance from the federal government must take reasonable steps to ensure that LEP persons have meaningful access to the programs, services, and information those entities provide. This will require agencies to develop creative solutions to address the needs of this ever-growing population of individuals whose primary language is not English.

### **Who is a Limited English Proficient Person?**

Persons who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be limited English proficient, or “LEP. These individuals may be entitled to language assistance with respect to a particular type of service, benefit, or encounter.

### **Who Must Comply?**

All programs and operations of entities that receive assistance from the federal government (I.e. recipients), including:

- State agencies
- Local agencies
- Private & nonprofit entities

\*\*\* *Sub-recipients (entities that receive federal funding from one of the recipients listed above) also must comply.*

## Legal Authority

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

“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 subjected to discrimination under any program or actively receiving federal financial assistance”  
—42 U.S.C. § 200d.

Different treatment based on a person’s inability to speak, read, write, or understand English may be a type of national origin discrimination.

### **Executive Order 13166**

This Order, “Improving Access to Service for Persons with Limited English Proficiency,” directed federal agencies to:

- Publish guidance on how their recipients can provide access to LEP persons.
- Improve the language accessibility of their own federal programs.
- Break down language barriers by implementing consistent standards of language assistance across the federal agencies, and amongst all recipients of federal financial assistance.

This order covers all federal and federally assisted programs and activities...

## Limited English Proficiency — LEP

### **Four Factor Analysis**

Recipients of federal financial assistance have an obligation to reduce language barriers that can preclude meaningful access by LEP persons to important benefits, rights, programs, information, and services. The starting point is an individualized assessment that balances the following four factors:

1. The number of proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee/recipient;
2. The frequency with which LEP individuals come in contact with the program;
3. The nature and importance of the program, activity, or service provided by the program to peoples lives; and
4. The resources available to the grantee/recipient and costs.

### **Elements of an Effective LEP Policy**

- Identifying LEP persons who need language assistance
- Identify ways in which language assistance will be provided.
- Train your staff
- Provide notice to LEP persons
- Monitoring & updating LEP Policy