

## Limited English Proficiency (LEP)

Individuals 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 language assistance with respect to a particular type of service, benefit, or encounter. Federal Law requires all recipients and subrecipients of federal financial assistance to examine the services they provide, identify any need for services to those with LEP, and develop and implement a system to provide those services so LEP persons can have meaningful access. This includes TxDOT and its subrecipients.

### TxDOT's LEP Policy

It is the policy of the Texas Department of Transportation (TxDOT) to provide timely and meaningful access to all agency programs and activities for persons with LEP. TxDOT shall provide language assistance services to persons with LEP whom they encounter or whenever a person with LEP requests language assistance services. TxDOT will inform members of the public that it will provide these services free of charge.

### 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, programs, information, and services.

Furthermore, recipients are required to conduct a four-factor analysis and develop a plan for providing language assistance and outreach to LEP populations. The four-factor analysis is an individualized assessment that balances the following four factors:

1. The demographics (number or proportion) of LEP persons eligible to be served or likely to be encountered by the program;
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; and
4. The available resources and costs.

### Effective Implementation Procedures

Upon completion of the four-factor analysis, recipients should develop a plan that addresses the appropriate mix of written and oral language assistance services that will be provided. Effective implementation procedures include:

- Identifying the language needs of LEP individuals
- Identifying ways in which language assistance will be provided
- Training staff on policies and procedures
- Providing notice to LEP individuals
- Monitoring and updating LEP policies and procedures

### Rules and Regulations

- [U.S. Department of Justice LEP Guidance](#) (Federal Register, Vol. 67, No. 117, June 18, 2002)
- [U.S DOT LEP Guidance](#) (Federal Register, Vol. 70, No. 239, December 14, 2005)
- [U.S. DOT's Title VI Regulations](#) (49 CFR Part 21)
- [Federal Highway Administration's Title VI Regulations](#) (23 CFR Part 200)
- [Limited English Proficiency Executive Order 13166](#)