

### **Limited English Proficiency (LEP) Policy Statement**

Executive Order 13166 and Title VI of the Civil Rights Act of 1964 prohibits recipients of federal financial assistance from discriminating based on national origin by, among other things, failing to provide meaningful access to individuals who are limited English proficient (LEP). LEP includes access for persons with disabilities.

All recipients and sub-recipients of federal funding are required to take reasonable steps to provide meaningful access to LEP individuals. Among the factors to be considered in determining what constitutes reasonable steps to ensure meaningful access are: **(1)** the number or proportion of LEP persons in the eligible service population; **(2)** the frequency with which LEP individuals come into contact with the program or activity; **(3)** the importance of the service provided by the program; **(4)** the resources available to the recipient.

It is important to ensure that written materials routinely provided in English also are provided in regularly encountered languages other than English. It is particularly important to ensure that vital documents are translated into the non-English language of each regularly encountered LEP group eligible to be served or likely to be affected by the program or activity. A document will be considered vital if it contains information that is critical for obtaining the federal services and/or benefits, or is required by law. Vital documents include, for example: applications; consent and complaint forms; notices of rights and disciplinary action; notices advertising LEP persons of the availability of free language assistance; and written tests that do not assess English language competency, but rather competency for a particular license, job or skill for which English competency is not required; and letters or notices that require a response from the beneficiary or client.

Vital documents must be translated when 1,000 people or 5% of the population eligible to be served or likely to be directly affected by the program/activity, needs services or information in a language other than English to communicate effectively. For many larger documents, translation of vital information contained within the document will suffice and the documents need not be translated in their entirety. Persons with disabilities have access to all programs, services, activities, and information that is comparable to the access provided to persons without disabilities.

It may sometimes be difficult to draw a distinction between vital and non-vital documents, particularly when considering outreach or other documents designed to raise awareness of rights or services. It is impossible from a practical and cost effective perspective to translate every piece of outreach material into every language; and Title VI and E.O. 13166 do not require this of their recipients. However, in some circumstances lack of awareness of the existence of a particular program may effectively deny LEP individuals meaningful access. It is important for recipients, sub recipients and contractors to continually survey/assess the

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needs of eligible service populations in order to determine whether certain critical outreach materials should be translated into other languages.

The obligation to provide meaningful opportunity to individuals who are LEP is not limited to written translations. Oral communications between recipients and beneficiaries often is a necessary part of the exchange of information. Thus, a recipient that limits its language assistance to the provisions of written materials may not be allowing LEP persons “effectively to be informed of or to participate in the program.”

There are several steps which can assist recipients in providing such oral assistance. They range from hiring bilingual staff or staff interpreters competent in the skill of interpreting, to contracting qualified outside in-person or telephonic interpreter services, to arranging formally for the services of qualified voluntary community interpreters who are bound by confidentiality agreements. Generally, it is not acceptable for agencies or recipients to rely upon an LEP individual’s family members or friends to provide the interpreter services. The agency or recipient should meet its obligations under EO 13166 and Title VI by supplying competent language service free of cost.

The Hillsborough County MPO will comply with this federal requirement by:

- Conducting an annual analysis of the Four Factors Test:
  - a) the number or proportion of LEP persons in the eligible service population;
  - b) the frequency with which LEP individuals come into contact with the program or activity;
  - c) the importance of the service provided by the program;
  - d) the resources available to the recipient.
- Public Meetings / Workshops

All ads for a public meeting will contain the following language:

“Persons who require special accommodations under the Americans with Disabilities Act or persons who require translation services (free of charge) should contact Michele Ogilvie at the Hillsborough County MPO at least 10 working days in advance of the Public Meeting.

Identify and locate the translation and interpreter resources that are needed to provide the language assistance.

As covered under Title VI requirements for nondiscrimination, at each meeting it is necessary to provide the Title VI material and include this material in an alternate language when applicable.

### *Maintaining Files*

Maintain LEP status for certain communities in files to assure consistent communication in the appropriate language.

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### *Review Process*

Review delivery processes to determine whether any program process denies or limits participation by LEP persons.

### *Discrimination-Complaint Procedures*

LEP persons should be provided notice of their opportunity to file a discrimination complaint in accordance with Title VI. LEP persons may be advised orally of the opportunity to file a discrimination complaint pursuant to the regulations using an interpreter. LEP persons should be made aware of the free, oral translation of vital information we will provide upon request.

### *Annual Update*

Annual assessment of the language needs will be conducted when this policy is updated by review of census and county labor-market data or review of statistics from school systems, community agencies and organizations and comparison to demographic data.

The MPOs LEP Policy Statement will be updated annually to ensure compliance with federal laws.