



TITLE VI/NONDISCRIMINATION PLAN

FORT BEND COUNTY

401 Jackson St

Richmond, Texas 77469

Approved by Commissioners Court (Date): _____

Title VI/Nondiscrimination Contact Information:

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Introduction

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Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin by any agency receiving federal assistance. All recipients are required to comply with various nondiscrimination laws and regulations, including Title VI of the Civil Rights Act of 1964 (Title VI). Specifically, Title VI assures that, “No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under any program or activity receiving Federal assistance.” Title VI has been broadened by related statutes, regulations and executive orders.

Discrimination based on sex is prohibited by Section 324 of the Federal-Aid Highway Act, which is the enabling legislation of the Federal Highway Administration (FHWA). The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 prohibits unfair and inequitable treatment of persons as a result of projects which are undertaken with Federal financial assistance. The Civil Rights Restoration Act of 1987 defined the word “program” to make clear that discrimination is prohibited throughout an entire agency if any part of the agency receives federal financial assistance.

Fort Bend County, as a recipient of federal financial assistance, will ensure full compliance with Title VI of the Civil Rights Act of 1964; 49 C.F.R. Part 21 (Department of Transportation Regulations for the Implementation of Title VI of the Civil Rights Act of 1964); 49 C.F.R. Part 21; and related statutes and regulations. Fort Bend County acknowledges it is subject to and will comply with Federal Highway Administration Title VI Assurances.

The County must not restrict an individual from the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under its programs or projects because of race, color, or national origin.

This plan explains how Fort Bend County incorporates the requirements of Title VI and related legal authorities into its operations. The plan will be used as a reference for the County and an informational resource for the public. The plan will be updated every three (3) years or as needed to reflect changes in Title VI compliance operations.

Therefore, the primary goals and objectives of the Fort Bend County’s Title VI Non-discrimination Plan are:

1. To assign roles, responsibilities, and procedures for ensuring compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives;

2. To ensure that people affected by the County's programs and projects receive the services, benefits, and opportunities to which they are entitled without regard to race, color, or national origin;
3. To prevent discrimination in County programs and activities, whether those programs and activities are federally funded or not;
4. To establish procedures for identifying impacts in any program, service, or activity that may create an illegal adverse impact on any person because of race, color, national origin, age, sex, or disability; or on minority populations, low-income populations, the elderly, persons with disabilities, and all affected Title VI populations;
5. To establish procedures to annually review Title VI compliance of specific program areas within the County;
6. To set forth procedures for filing and processing complaints by persons who believe they have been subjected to illegal discrimination under Title VI in a County-provided service, project, program or activity.

The County's Title VI Plan also establishes procedures to make sure that the County's contractor's and sub-recipients adhere to Federal and State laws and include in all written agreements or contract assurances that the sub-recipient must comply with Title VI and other related statutes. The County, as a recipient receiving Federal funds in certain programs and activities, shall monitor its sub-recipients for voluntary compliance with Title VI. In the event that non-compliance is discovered, the County will make a good faith effort to ensure that the sub-recipient corrects any such deficiencies.

Discrimination under Title VI

It is the responsibility of every Fort Bend County employee to prevent, minimize, and eradicate any form of discrimination. There are two types of discrimination prohibited under Title VI and its related statutes: (1) disparate treatment that alleges similarly situated persons are treated differently because of their race, color, or national origin (*i.e.*, intentional discrimination); and (2) disparate impact/effects when a facially neutral policy, procedure, or practice results in different or inferior services or benefits to members of a protected group. The focus of disparate impact is on the consequences of a decision, policy, or practice rather than the intent.

Prohibited forms of discrimination may include, but not be limited to, the following:

- The denial of services, financial aid, or other benefits provided under a program;
- Distinctions in the quality, quantity, or manner in which a benefit is provided;
- Segregation or separation of persons in any part of the program;
- Restriction in the enjoyment of any advantages, privileges, or other benefits provided to others;
- Differing standards or requirements for participation;
- Methods of administration that directly or indirectly, or through contractual relationships would defeat or impair the accomplishment of effective nondiscrimination; or
- Discrimination in any activities or services related to a highway, infrastructure or facility built or repaired in whole or in part with federal funds.

Fort Bend County's efforts to prevent such discrimination must address, but not be limited to, how a program or activity:

- Impacts the public;
- Provides accessibility;
- Provides equal access to benefits;
- Encourages participation;
- Provides services equitably;
- Initiates contracting and training opportunities;
- Investigates complaints;
- Allocates funding; and
- Prioritizes projects.

Federal Financial Assistance

Title VI states that no program or activity receiving “Federal financial assistance” shall discriminate against individuals based on their race, color, or national origin. Federal financial assistance may include grants and loans of federal funds, the grant or donation of Federal property and interests in property, the use or rent of Federal land or property at below market value, Federal training, a loan of Federal personnel, subsidies, and any other federal arrangement, agreement, or contract which purpose is to provide federal assistance.

Federal financial assistance does not encompass contracts of guarantee or insurance, regulated programs, licenses, procurement contracts by the Federal government at market value, or programs that provide direct benefits. Federal financial assistance may be received directly or indirectly.

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Authorities

The authorities applicable to Fort Bend County's Title VI program are included below:

- **Title VI of the Civil Rights Act of 1964, (42 U.S.C. §2000d)** provides that, "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 otherwise subjected to discrimination under any program or activity receiving federal financial assistance."
- **Civil Rights Restoration Act of 1987** restored the intent of Title VI and the broad, institution-wide scope and coverage of nondiscrimination statutes to include all programs and activities of federal-aid recipients, sub-recipients, and contractors, whether those programs and activities are federally funded or not.
- **Federal Aid Highway Act of 1973 (Section 324, Title 23 U.S.C.)** provides that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance.
- **Uniform Act of 1970 (42 U.S.C. 4601)** which prohibits unfair and inequitable treatment of persons displaced or whose property will be acquired as a result of federally assisted programs or activities.
- **Section 504 of the Rehabilitation Act of 1973** which prohibits discrimination based on a handicap/disability.
- **49 CFR Part 21** (U.S. Department of Transportation Regulations for the Implementation of Title VI – requires assurances from states that nondiscrimination under any program or activity for which the recipient receives federal assistance from the U.S. DOT, including the Federal Highway Administration will be prevented.)
- **23 CFR Part 200** (FHWA's Title VI/Nondiscrimination Regulation)
- **28 CFR Part 50.3** (U.S. Department of Justice Guidelines for the Enforcement of Title VI, Civil Rights Act of 1964)
- **Texas Administrative Code §9.4, Civil Rights – Title VI Compliance**
- **Executive Order No. 12250** Department of Justice Leadership and Coordination of Non-Discrimination Laws

Title VI Policy Statement & Standard DOT Assurances

Policy Statement:

Fort Bend County, as a recipient of Federal financial assistance and under Title VI of the Civil Rights Act of 1964 and related statutes, ensures that no person shall on the grounds of race, religion (where the primary objective of the financial assistance is to provide employment per 42 U.S.C. §2000d-3), color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation in any federally or non-federally funded program or activity administered by the Fort Bend County.

The nondiscrimination statement signed by all members of the County's Commissioners' Court, and the County Judge is located as **Attachment 1** of this plan.

Standard DOT Assurances:

The U.S. DOT requires that federal financial assistance be provided on the condition that the recipient provides an assurance that its programs and activities will be conducted in compliance with Title VI of the Civil Rights Act of 1964. The requirement is located at 49 CFR 21.7(a). To support the implementation of this requirement, the U.S. DOT provided an assurances agreement in U.S. DOT Order 1050.2A that federal fund recipients and subrecipients must sign as a condition of receiving federal financial assistance.

The assurances agreement provides specific non-discrimination language, Fort Bend County, is required to include in bid solicitations or requests for proposal, contracts, and real estate agreements. The County is committed to ensuring the necessary language is used as prescribed in the assurances agreement.

In accordance with this requirement, the County has signed the U.S. DOT Standard Title VI/Non-Discrimination Assurances and Appendices. The documents are attached as **Attachment 2 and Attachment 3**.

Organization and Staffing

The County Judge is ultimately responsible for assuring full compliance with the provisions of Title VI of the Civil Rights Act of 1964 and related statutes and has directed that non-discrimination is required of all agency employees, contractors, and agents pursuant to 23 C.F.R. Part 200 and 49 C.F.R. Part 21.

Fort Bend County has assigned **Gregory Roberts**, the County's Regulatory Compliance Officer, to perform the duties of the Title VI Coordinator and ensure implementation of the agency's Title VI program. The position of Regulatory Compliance Officer is located within County Attorney's Office. (Attachment)

County Organizational Chart

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Roles & Responsibilities

Title VI/Nondiscrimination Coordinator:

The Fort Bend County's Title VI/Nondiscrimination Coordinator is the County Regulatory Compliance Officer. The Regulatory Compliance Officer reports to the County Attorney's Office and shall have lead responsibility for coordinating the administration of the Title VI and related statutes program, plan and assurances for the Fort Bend County.

The Title VI/Nondiscrimination Coordinator is authorized to ensure compliance with the provisions of the County's statement of nondiscrimination and with the appropriate laws and regulations. The Title VI/Nondiscrimination Coordinator will also ensure implementation of the County's nondiscrimination policy statement and will be responsible for initiating, monitoring, and ensuring the County's compliance with Title VI requirements.

The Title VI/Nondiscrimination Coordinator's (or designee) role and responsibilities include but are not limited to the following:

1. **Program Administration.** Being the focal point for the Title VI implementation and monitoring of programs and/or activities receiving federal financial assistance. Ensuring that Title VI requirements are included in appropriate policy directives and that the procedures used have built in safeguards to prevent discrimination. Ensure compliance with Title VI assurances, policies, and program objectives.
2. **Public Dissemination of Information.** Develop and disseminate Title VI program information (and, where appropriate, in languages other than English) to County departments/offices, sub-recipients (including contractors, subcontractors, and consultants) and the general public. The public dissemination program shall involve the posting of the County's Title VI Policy Statement: a) in contracts or other agreements and bid specification packages; b) on the County's website, www.fortbendcountytexas.gov; c) in certain County buildings. The dissemination to departments/offices will include: a) an annual broadcast to County employees; b) Posting on the County's website; c) Acknowledgements of the County's Title VI and LEP Plan in the new employee orientation (Attachment).
3. **Annual Work Plan and Accomplishment Report.** Coordination, compilation, and submission of the Annual Work Plan and Accomplishment Report to the Texas Department of Transportation, Office of Civil Rights via TXDOT's Title VI/Nondiscrimination Annual Work Plan

& Accomplishment Report Development Guide, as presented in TXDOT's Title VI/Nondiscrimination Technical Assistance Guide for Sub-recipients. The Annual Work Plan and Accomplishment Report is due one year from the date of approval of the Title VI plan and then annually on that same date. Ensure the following areas are adequately addressed in the plan:

- Title VI complaint procedures
 - Record of Title VI investigations, complaints or lawsuits, and dispositions
 - Plan to involve persons with Limited English Proficiency (LEP)
 - Title VI notices to the public
 - Annual report of Title VI accomplishments and changes to the program in the preceding Federal fiscal year
4. **Elimination of Violations.** Assisting with the correction of Title VI related problems or discriminatory practices or policies found through self-monitoring and review activities. When deficiencies are found, reasonable procedures will be promptly implemented to correct the deficiencies and to put in writing the corrective action(s).
 5. **Complaint Process.** Implementation of procedures for the prompt processing of external Title VI discrimination complaints.
 6. **Complaint Resolution.** Overseeing the investigation of external Title VI complaints.
 7. **Training Program Development.** Facilitate the development and implementation of training programs on Title VI issues and regulations and other nondiscrimination authorities for County departments/offices, contractors, and sub-recipients. A summary of training conducted will be reported in the annual update.
 8. **TXDOT Notice.** Forwarding Title VI complaints filed against the Fort Bend County to TXDOT within ten (10) calendar days for investigation.
 9. **Data Collection.** Coordinating the collection and maintenance of statistical data on race, color, national origin, English language proficiency and sex of participants in the beneficiaries of County programs. Most information will be gathered through Census data and maps. The gathering procedures will be reviewed annually to ensure sufficiency of the data in meeting the requirements of the Title VI program.

10. **Title VI Plan Update.** If updated, providing a copy of the Title VI Plan to the Texas Department of Transportation. The County will automatically update and renew its Title VI Assurances every three years or as necessary on the occasion of a change in the County's Title VI Plan administrative structure and staffing or changes to the plan's complaint procedures, etc.

Title VI Coordinator Contact Information:

Fort Bend County Attorney's Office

Gregory Roberts, Regulatory Compliance Officer Title VI/Nondiscrimination Coordinator

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or titlevi@fortbendcountytexas.gov

Departments/Elected Offices:

Fort Bend County Departments and Elected Offices, will coordinate with the Title VI/Non-discrimination Coordinator to ensure compliance with Title VI requirements for TXDOT. Department Heads and Elected Officials' responsibilities for Title VI requirements include, but are not limited to the following:

1. Collecting and analyzing data to numerically assess the reach and impact of its program funds
2. Coordinating with Title VI/Nondiscrimination Coordinator to ensure all required information is provided in a timely manner
3. Complying with Limited English Proficiency Plan and Public Participation monitoring and reporting requirements

Purchasing Department:

Fort Bend County's Purchasing Department shall make sure that the below statement is included in all solicitations for bids for work or material, and as an associated component of the contract, including the following language which should not be incorporated by reference but directly incorporated:

Fort Bend County, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

Title VI Plan Administration

The Title VI/Nondiscrimination Coordinator shall have lead responsibilities for coordinating the administration of the Title VI and related statutes program, plan and assurances for the sub-recipient.

Dissemination of the County's Title VI Policy:

Fort Bend County disseminates its Title VI Nondiscrimination Policy Statement, Title VI Nondiscrimination Plan, and complaint procedures to the general public on the County's website which also provides access to forms to file external discrimination complaints under Title VI.

Title VI information posters shall be sent to all County Department Heads/Elected Officials to post in a conspicuous location in the departments/offices under their supervision.

The County disseminates Title VI/Nondiscrimination information to County employees via the County website, www.fortbendcountytexas.gov. New County employees will be informed of the provisions of Title VI, provided a copy of the Title VI/Nondiscrimination Policy Statement, and will be required to sign an Acknowledgement of Receipt during New Employee Orientation. (see Attachment)

All subcontractors and vendors who receive payments from Fort Bend County, where funding originates from any federal assistance are subject to the provisions of Title VI of the Civil Rights Act of 1964 and 49 CFR Part 21. Written contracts shall include nondiscrimination language, either directly or through the bid specification package which becomes an associated component of the contract.

The name of and contact for the Title VI/Nondiscrimination Coordinator is available on the County website, at <https://www.fortbendcountytexas.gov> Additional information relating to nondiscrimination obligations and information on filing complaints can be obtained from the County's Title VI/Nondiscrimination Coordinator.

If any individual believes that he/she or any other program beneficiaries have been the object of unequal treatment or discrimination as to the receipt of benefits and/or service, or on the grounds of race, color, national origin (including Limited English Proficiency), sex, age or disability, he/she may exercise his/her right to file a complaint with the County's Title VI/Nondiscrimination Coordinator. Every effort will be made to resolve complaints informally and at the lowest level first.

Data Collection & Analysis:

Statistical data on race, color, national origin, English language proficiency and sex of participants in and beneficiaries of federally funded programs, e.g. impacted citizens and affected communities, will be gathered and maintained by the County on a project-by- project basis.

Fort Bend County Department Heads/Elected Officials will use surveys, questionnaires, and/or Census data and maps to perform the following:

1. Analyze the population benefitting from a project, including analyzing the benefits to traditionally underserved populations, if any;
2. Identify the population burdened by the projects, including traditionally underserved populations;
3. Perform a language needs assessment;
4. Determine how best to disseminate information to the affected populations;
5. Determine how best to prioritize investments; and
6. Analyze the impact of the investment.

Potential Sources of data and analysis tools include:

- Census Data
- American Community Survey
- Forms or Surveys from the public
- Field Observations

The gathering procedures will be reviewed annually to ensure sufficiency of the data in meeting the requirements of the Title VI program.

Program Reviews:

Special emphasis program reviews will be conducted based on the annual summary of Title VI activities, accomplishments and issues. The reviews will be conducted by the Title VI Coordinator to assure effectiveness in their compliance with Title VI provisions. The Title VI/Nondiscrimination Coordinator will coordinate efforts to ensure equal participation in all programs and activities at all levels. The County will conduct reviews annually by the end of the calendar year.

TXDOT Annual Reporting Form:

The Title VI/Nondiscrimination Coordinator will be responsible for coordination, compilation, and submission of the Annual Work Plan and Accomplishments Report to the Texas Department of Transportation, Office of Civil Rights via TXDOT's Title VI/Nondiscrimination Annual Work Plan & Accomplishments Report Development Guide, as presented in TXDOT's Title VI/Nondiscrimination Technical Assistance Guide for Sub- Recipients.

TXDOT Title VI Plan Updates:

If this plan is updated, a copy of the Title VI/Nondiscrimination Plan will be submitted to the Texas Department of Transportation within ninety (90) days from date of approved update. The County will automatically update and renew its Title VI Assurances every three years or as necessary on the occasion of a change of Commissioners' Court members.

Remedial Action:

The County, through the Title VI/Nondiscrimination Coordinator, will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with all program administrative requirements.

When deficiencies are identified, procedures will be promptly implemented to correct the deficiencies and establish written corrective action(s). The period to determine corrective action(s) and respond in writing to ensure compliance may not exceed 90 days from the date the deficiencies are identified.

Record Keeping:

Any records related to the Title VI/Nondiscrimination Plan shall be maintained for a period of ten (10) years or pursuant to the requirements of the Texas Library Archives Records Retention Schedules, whichever is longer; however, should records be the subject of a grievance, administrative action, litigation or other formal complaint, said records must be maintained for the minimum retention period and thereafter until the final disposition or resolution of the complaint.

Limited English Proficiency (LEP) Plan

Language Access Plan

Purpose:

The purpose of the Limited English Proficiency (LEP) Plan is to clarify the responsibilities of the County and those entities that undertake governmental duties on behalf of the County (including contractors and subcontractors) and to assist them in fulfilling their responsibilities to LEP persons. This plan also serves to show the County's commitment to ensure its departments/offices communicate effectively with Limited English Proficiency individuals and provide persons with limited English proficiency access to all County programs.

An LEP individual is a person who does not speak English as his or her primary language and who has a limited ability to speak, read, write, or understand English.

All County Department Heads/Elected Officials, and those entities that undertake governmental duties on behalf of the County (including contractors and subcontractors) must make a meaningful attempt to provide LEP persons with a means of effective communication.

Overview Of Fort Bend County

Population Demographics

Fort Bend County is located along the Gulf Coast region of Texas, within the Houston-The Woodlands-Sugar Land metropolitan area, the fifth-largest metropolitan area in the United States with a population of approximately 7.1 million. According to the US Census in 2020, Fort Bend County's population was estimated at 822,779, which represents 11.55 percent of the total population in the metropolitan area.

Population Growth

The population of Fort Bend County has grown significantly since 1990, as shown in Table 1. Since 1990, the County has grown from 225,421 to 822,779 making it one of the fastest growing counties in the nation. The Houston-Galveston Area Council (H-GAC) further estimates that Fort Bend County's population will continue to grow, adding just over 200,000 people by the year 2030.

Table 1. Population in Fort Bend County

Year	Population	Percent Growth
1990 ^A	225,421	-
2000 ^A	354,452	57%
2010 ^A	585,375	65%
2020 ^A	822,779	41%
2030 ^B	1,042,522	27%

Sources:

^A U.S. Census

^B H-GAC Regional Growth Forecast (2017)

Urban and Rural Fort Bend County

Most of the population of Fort Bend County falls within the Houston urbanized area. In 2010, the Fort Bend County population was 585,375, and 557,277, or 95.2 percent were in the urbanized area. The remaining population 28,098 or 4.8 percent was in rural Fort Bend County. In 2020, 822,779 residents (96.6 percent) of Fort Bend County reside within the Houston urbanized area.

According to the U.S. Census Bureau, the county has a total area of 861.5 square miles and is the 181st largest county in Texas by total area. The average population density was 679.5 persons per square mile as of the 2010 Census increasing to 954.8 persons per square mile in 2020, according to the 2020 US Census. Geographically, large portions of the county are rural; however, cities are growing rapidly.

Diversity

Fort Bend County is one of the most diverse counties in the United States as reflected in racial and ethnic population demographics represented below in Table 2.

Table 2. Population of Fort Bend County by Race and Ethnicity.

Race and Ethnic Group	2017		2020	
	Population	Percent	Population	Percent
Total Population	711,421		822,779	
Hispanic or Latino	171,949	24.17%	198,580	24.14%
Not Hispanic or Latino	539,472	75.83%	624,199	75.86%
White alone	244,43	34.36%	243,726	29.62%
Black or African American alone	143,86	20.22%	167,964	20.41%
Asian alone	136,74	19.22%	181,522	20.06%

Two or more races, not Hispanic or Latino	11,867	1.67%	23,901	2.90%
American Indian and Alaska Native alone	1,351	0.19%	3,862	0.47%
Some Other Race alone	1,091	0.15%	3,827	0.47%
Native Hawaiian and Other Pacific Islander alone	117	0.02%	152	0.02%

Source: 2020 U.S. Census 2017
ACS 5-Year Estimate

Incorporated Cities

Eighteen incorporated cities fall within the boundaries of Fort Bend County.¹ Table 3 identifies the cities and presents the population and growth from 2010 to 2020. The remaining population in Fort Bend County resides in unincorporated areas of the county or in the small segments of the City of Houston that exist within Fort Bend County.

Access For Persons With Limited English Proficiency

Languages Spoken at Home

To determine the current language/translation needs of the Fort Bend County population at the countywide level, 2023 ACS Census data is used. This data is reported by census tract as households in which a language other than English is spoken at home. A benefit of looking at languages spoken at home is to identify the languages that are most familiar to a person whose nation of origin is not the United States. This information will serve as guidance for Fort Bend County to provide language assistance for growing segments of the population.

The 2023 ACS Census data documents 13 language categories at the household level to present data on the number of households that speak a language and the number of those households that identify as limited English-speaking households. Table 4 presents each language category and the number of households identified for each. As shown in Table 4, Spanish is the language spoken at home by the largest percent of households—nearly 19 percent—after English.

Table 4. Languages Other than English Spoken at Home.

Language	Households	% of Total Households
Fort Bend County	281,259	100%
English only	153,044	54.41%
Spanish	53,335	18.96%
Other Indo-European languages	22,066	7.85%
Chinese (incl. Mandarin, Cantonese)	12,197	4.34%
Other Asian and Pacific Island languages	9,937	3.53%
Other and unspecified languages	8,692	3.09%
Vietnamese	7,945	2.82%
Tagalog (incl. Filipino)	4,296	1.53%
Arabic	3,833	1.36%
Russian, Polish, or other Slavic languages	1,711	0.61%
French, Haitian, or Cajun	1,845	1.79%
Korean	1,196	0.43%
German or other West Germanic languages	1,162	0.41%
<i>Source: U.S. Census</i>		

Limited English Proficiency

According to the 2010 and 2020 census data, Fort Bend County has nine (9) languages other than English spoken at home by at least one thousand (1,000) Fort Bend County LEP residents. These languages are as follows: Spanish, Vietnamese, Chinese, Urdu, Malayalam, Tagalog, Gujarati, Hindi, and Arabic.

Language Assistance

Fort Bend County will develop a Language Assistance Plan to ensure meaningful access to LEP persons. Individuals with Limited English Proficiency (LEP) are those who do not speak English as their primary language and have a limited ability to read, write, speak, or understand English as a result of their national origin. Under Title VI, these individuals may be entitled to language assistance with respect to a particular type of service, benefit, or encounter.

Per USDOT LEP guidance, as outlined on [FHWA's Civil Rights website](#), recipients of federal funds are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. While designed to be a flexible and fact-dependent standard, the starting point is an individualized assessment that balances the following four factors.

Four Factor Analysis

- 1) **Number or proportion of LEP persons eligible to be served or likely to be encountered by the the County's programs, activities or service:** The greater the number or proportion of LEP persons served or encountered, the more likely language services are needed. For the assessment to be accurate it must also include all communities that are eligible for services or are likely directly affected by the programs or activities, not only those that live next to a project.
- 2) **The frequency with which LEP individuals come in contact with the County program, activity, or service;** Fort Bend County staff will assess the frequency with which staff have or could possibly have contact with LEP persons.
- 3) **The nature and importance of the program, activity, or service provided by the County;**
- 4) **The resources available to the County and overall costs to provide the LEP assistance.**

A general four-factor analysis will help the County anticipate and prepare for what may be needed; however, meaningful four-factor analysis can only occur on a project-by-project basis. When preparing to publish a document, launch a campaign, hold a public meeting, etc., a focused four-factor analysis will be conducted to determine what type of language assistance is needed.

Analysis:

The following Four-Factor Analysis will serve as the guide for determining which language assistance measures the County will undertake to ensure access to their programs, activities, or services.

- 1) The County and its departments/offices will use various methods to identify LEP persons with whom they have contact. These may include:
 - a. Current or past experiences with LEP persons encountered by the department's/office's staff:
 - The number and type of such encounters must be periodically analyzed by the department/office to determine the breadth and scope of the language services required.
 - b. Most recent U.S. Census Bureau data:
 - Department/Offices shall analyze data from the most recent U.S. Census Bureau data, regarding languages spoken in Fort Bend County as well as those who self-identified that they spoke English less than "very well".

- As documented in the aforementioned section, Spanish is the language other than English most often used by residents of Fort Bend County. Nearly 19 percent of the Fort Bend County households speak Spanish at home. According to the 2010 and 2020 census data, Fort Bend County has nine (9) languages other than English spoken at home by at least one thousand (1,000) Fort Bend County LEP residents. These languages are as follows: Spanish, Vietnamese, Chinese, Urdu, Malayalam, Tagalog, Gujarati, Hindi, and Arabic.

2) In addition to research conducted to identify LEP persons in the County, all county departments/offices must also annually compile information regarding the frequency of contact with LEP persons. The more frequent the contact and/or the number of requests for other languages other than English, the more likely that language services for a specific language will be needed.

Actions taken for a department/office that serves a LEP person one time or occasionally will be different from those that serve LEP persons every day.

All County departments/offices will assess the frequency at which staff has or could possibly have contact with LEP persons. This includes documenting phone inquiries and in person inquiries for LEP assistance or materials, requests for language interpreters or translated material, and may include surveying public meeting attendees.

3) Fort Bend County recognizes that within a range of programs and services it provides, the nature of some programs and services may be more important to the LEP persons than others.

To determine the nature and importance of County program, activity, or service provided to LEP persons, County departments/offices are to:

- a. Identify the programs, services, and activities that could have a serious consequence if language barriers prevent LEP persons from accessing those programs, services, or activities.
- b. Determine the potential impacts that inability to access County services, programs, or activities may have on the LEP person.

County departments/offices whose projects have a significant impact on LEP residents may be required by the County to develop a Language Access Plan for the program/project.

4) County departments/offices shall assess their available resources that could be used for providing LEP assistance. This must include identifying the following:

- what staff and/or volunteer language interpreters are readily available, see [Attachment 06](#);
- how much a professional interpreter and translation service would cost;
- which documents should be translated;
- which organizations the department/office could partner with for interpreter and translation services or outreach efforts;
- which financial resources could be used to provide assistance; and
- what level of staff training is needed.

How to Identify a LEP person who needs Language Assistance:

Below are tools that may be used by County departments/offices to help identify persons who may need language assistance:

- Have language identification cards or Census Bureau “I speak cards” at customer service counters in County departments/offices which invite LEP persons to identify their language needs to staff. While staff may not be able to provide translation assistance at the initial contact with an LEP person, the cards are an excellent tool to identify language needs for future contacts.
- Posting notices in commonly encountered languages notifying LEP persons of language assistance to encourage LEP individuals to self-identify [\(Attachment 05\)](#).

Language Assistance Measures:

In order to ensure meaningful access to LEP persons who have limited English proficiency, Fort Bend County will enhance current public information about programs, services, and activities in the following ways:

- The Title VI statement of policy and instructions for how to file a discrimination complaint. The complaint form will be provided in all languages that fall under the Safe Harbor Provision.
- Public information materials will be provided with an option for languages other than English.

- Fort Bend County website will have all vital documents posted in English and the ability to view in multiple languages including the languages identified under the Safe Harbor threshold. These vital documents are also available in print if requested.
- The recorded information for the telephone number for general information will have a bilingual option in Spanish

- When an interpreter is needed, in person or on the telephone, staff should first determine what language is required. Bilingual staff may be able to assist with communications with LEP persons.

Each department/office should complete the Employee Language Report [\(Attachment 06\)](#) and return it to the Title VI/Nondiscrimination Coordinator.

The Coordinator will compile a list of individuals who fluently write or speak a language other than English and distribute to the Department Heads/Elected Officials. If staff cannot assist, the County shall access available resources through the County's contracted translation vendor service to assist the LEP.

Use of informal interpreters, such as family or friends of the LEP person seeking services, or other customers, **is discouraged**, with minor children generally prohibited from acting as interpreters. The use of informal interpreters shall be allowed at the insistence of the LEP person or in emergencies and shall be documented.

No staff may suggest or require a LEP person to provide an interpreter in order to receive services.

Safe Harbor Provision

DOJ's Safe Harbor Provision outlines the circumstances that can provide a "safe harbor" regarding the translation of written materials for LEP populations. It stipulates that if a recipient provides written translation of vital documents for each eligible language group that constitutes five percent (5%) of its population of persons, or 1,000 persons whichever is less.

Fort Bend County has identified the following as vital documents including:

- Title VI Notice/Policy
- Public Participation Plan
- ADA & Title VI Complaint Form and Procedures

Staff Training

County Department Heads/Elected Officials will fully understand, direct staff to comply, and will implement the Title VI/Nondiscrimination Plan including the LEP Plan and to reinforce its importance.

All staff will be provided with the LEP Plan and will be educated on procedures and services available. LEP Plan information will also be a part of the staff orientation process for new employees. Training topics may include the following:

- County LEP Policy and procedures
- Understanding of Title VI LEP responsibilities
- What language assistance services Fort Bend County offers
- Use of LEP Interpreter Services
- Documentation of language assistance requests; and
- How to handle a complaint

Translation Services:

Fort Bend County's Title VI/Nondiscrimination Coordinator, in coordination with county departments/offices, will create and maintain a list of bilingual staff (and the languages they speak) to assist with translations.

Written materials routinely provided in English should be provided in nine (9) languages. Documents, meeting notices, flyers, or agendas for which the target audience is expected to include LEP individuals, must be printed in an alternative language based on the known LEP population.

Vital documents or information contained within a document should be translated when a significant number or percentage of LEP population is likely to be affected by the program/activity and it contains information that is critical for obtaining services and/or benefits.

Public service announcements should be provided in regularly encountered languages.

Providing Notice of Available Language Services to LEP Persons:

County departments/offices will post signs that language assistance is available in public areas such as intake areas, customer service areas and other entry points to the department/office.

Statements may be placed in outreach documents indicating that language services are available from the County.

Monitoring and updating the LEP Plan:

The LEP Plan will be re-evaluated on a regular basis. At a minimum, the plan will be reviewed and updated when data from the U.S. Census is available or when the County's Title VI/Nondiscrimination Coordinator begins acquiring statistically significant requests for interpretive or translation services in the County's service area.

Consideration will be given to changes in demographics, types of services, or other needs when determining the frequency of the LEP Plan reevaluations. Each reevaluation should examine all Plan components and assess the following:

- How many LEP persons were encountered and what languages?
- Were their needs met?
- What is the current LEP population in the Fort Bend County?
- Has there been a change in the types of languages where translation services are needed?
- Is there still a need for continued language assistance for previously identified Hidalgo County programs? Are there other programs that should be included?
- Has the County's or a specific county department's/office's available resources, technology, staff, and financial costs changed?
- Has the County fulfilled the goals of the LEP Plan?
- Are identified sources of assistance still available and viable?

County Department Heads/Elected Officials must maintain the data throughout the calendar year and should complete and return **Attachments 06 – 08** on an annual basis to the Title VI/Nondiscrimination Coordinator. Department Heads/Elected Officials may adopt alternate methods to document LEP encounters provided that such methods comply with this policy, contain the information found in **Attachment 07** "LEP Requests Log," and are approved by the County's Title VI Coordinator.

Dissemination of the LEP Plan:

For anyone who may have questions or concerns regarding the County's policies on LEP, a copy of the LEP Plan will be available on the County website at www.fortbendcountytexas.gov. Copies of the LEP Plan will be provided to any person or agency requesting a copy. Additional questions or comments regarding the plan should be directed to the Fort Bend County Title VI Coordinator at:

Fort Bend County Attorney's Office

Gregory Roberts, Regulatory Compliance Officer

Title VI/Nondiscrimination Coordinator

401 Jackson St., 3rd Floor

Richmond, Texas 77469

Phone: (281)238-3267

Email: titlevi@fortbendcountytexas.gov

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Public Participation Plan

Purpose:

This section details how the County notifies the public of development plans and improvement programs.

The purpose and objective of the County's Public Participation Plan are to:

- Provide County departments/offices with a framework to develop meaningful public participation.
- Provide an opportunity for interested parties to identify environmental concerns;
- Encourage public participation opportunities in a wide and varied audience, including traditionally underserved groups;
- Obtain meaningful public input and participation to inform the planning and decision-makers; and
- Inform and educate stakeholders and interested parties.

The public participation plan should be developed early in the process.

Public Participation Plan Summary:

The Public Participation Plan (PPP) demonstrates how the County provides opportunities for public review and comment at key decision points during the countywide improvement planning process. The process consists of open discussion of planning documents in local government forums, public meetings, informational exhibits, published advertisements and, if required, a Public Hearing.

Types of Public Participation Procedures:

To ensure a meaningful public participation process, impacted parties must be informed and educated on programs, projects planned, and projects underway.

County departments/offices should comply with any public participation requirements which may be applicable to specific projects that the County department/office is undertaking. (i.e.: including applicable projects in the Statewide Transportation Improvement Program (STIP) and Transportation Improvement Program (TIP) which may have public participation components.

The following strategies are utilized by the County departments/offices to ensure that interested parties receive timely information in a variety of formats. Each department/office will determine the best form of communication for their programs.

Types of additional public participation efforts may include:

1. Commissioners Court Meetings – Citizens may be present during any of the Commissioners' Court meetings. Commissioners' Court usual schedule is to meet on the second and fourth Thursday of each month at 1:00 PM, on the second floor of the 1909 Courthouse in Richmond, Texas. unless otherwise designated. For more information regarding the schedule please refer to the [county website](#).

The Commissioners Court meeting offers the public an opportunity to bring topics and issues to Commissioners' Court members' attention. Each regular Commissioners' Court meeting allows citizens 3 minutes each to speak on a topic.

Citizens can sign up to provide public comment by completing a Public Comment Form and submitting the form to the Court Clerk in conformity with established guidelines.

2. Public Outreach – The methods of gathering and implementing public participation for a planning process may differ widely, depending on the type and scope of a project or program.

Partnerships with Community-based organizations provide the opportunity to connect with specific audiences and are an integral part of identifying and reaching out to underserved groups. County departments/offices can reach out to specific organizations to provide these groups with project information and encourage them to become involved.

Community-based organizations are groups that serve a broad range of community interests. Organizations include senior centers; civic groups; business organizations; community development corporations, churches and other faith- based organizations; service clubs; schools that provide English as a second language programs; service providers for youths, families, and persons with disabilities; and many others.

3. Websites – County departments/offices that have websites that provide for two- way communication can continuously update information about programs and projects.
4. Publications – County departments/offices should maintain a stakeholder list with contact information for organizations and individuals. Electronic newsletters quickly and easily disseminate information to contact lists.
5. Media Campaigns – A comprehensive regional media campaign can be used when outreach is needed to the broader community, if fees are reasonable and the department/office has the available resources.

A media campaign might include press releases; public service announcements; press conferences with community leaders; feature articles; or interviews, depending on the nature of the project and the resources available. To ensure media exposure, the department/office could buy advertisements but should do so strategically to keep costs low.

6. Scheduled Community Meetings – The need for scheduled community meetings during the life of the project or program will vary. A construction project for example could have scheduled meetings during project development, design, at the start of construction, and at various times during construction. Each department/office will make the determination of what is needed.

Selection of Meeting Places: When determining locations and schedules for public meetings, the department/office will:

- Schedule meetings at times and locations that is convenient and accessible for minority, low-income, and Limited English Proficient (LEP) communities.
 - Employ different meeting sizes and formats including town hall type meeting formats;
 - Coordinate with community organizations, educational institutions, and other organizations to implement public engagement strategies that reach out specifically to members of affected minority, low-income, and/or LEP communities;
 - Provide opportunities for public participation through means other than written communication, such as one-on-one interviews.
 - Ensure meetings are conducted in locations that are always ADA accessible and convenient to public transit, when possible;
 - Provide notice that sign language interpreter requests can be accommodated if requested in advance. Each department will determine the amount of notice required.
7. **Social Media** - Social media and social networking websites may include Facebook, Twitter, YouTube, and blogs. It is important to choose the social media and networking platforms that have the best chance of reaching the intended audience.
 8. State And Regional Organizations – The County receives funding through various state and federal agencies with their own public participation plans. The Texas Department of Transportation (TxDOT) website states “public hearings and meetings allow you to

participate in the transportation planning process and help you better understand the road, rail and aviation projects that affect your community.” Further details about the TxDOT public participation process can be found at [Strategic Public Engagement Guidance](#).

Use of Public Comment:

All public input should be derived from as diverse a range of sources as possible. At the department’s/office’s discretion, as appropriate and whenever possible, public comments may be used to revise work scopes, plans, and programs.

Effectiveness Assessment:

County departments/offices should use the information obtained through its public outreach efforts to review the effectiveness and progress of its programs. In turn, the public participation plan should be updated periodically to ensure compliance with Title VI of the Civil Rights Act of 1964 and executive orders for Environmental Justice and individuals that are Limited English Proficient. The Title VI/Nondiscrimination Coordinator will be responsible for coordinating any plan updates.

Record Retention:

The records shall be maintained for a period of ten (10) years or pursuant to the requirements of the Texas Library Archives Records Retention Schedules, whichever is longer.

TRANSLATION AND SPECIAL ACCOMMODATION SERVICES

Fort Bend County will hold all community meetings or public hearings in locations easily accessible to the public. Reasonable accommodations will be provided for persons attending meetings or functions. Requests from persons needing special accommodations should be received three (3) business days prior to a function. Public meetings, hearings, etc. will be conducted in English. Requests for language interpreters or other special communication needs should be made at least three (3) business days prior to a function. All notices and information outlined on the Fort Bend County website can be translated into 80 different languages. Individuals can easily change the content on the website to any of these languages by simply using the language drop down bar located on the top right corner of the webpage.

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Title VI Complaint Procedures

Purpose:

The purpose of the discrimination complaint procedures is to describe the process used by Fort Bend County for processing complaints of discrimination under Title VI of the Civil Rights Act of 1964 and related statutes.

The Title VI complaint procedures are intended to provide aggrieved persons an avenue to raise complaints of discrimination regarding the County's program, activities, and services as required by statute.

The complaint procedures apply to the beneficiaries of County programs, activities and services, including but not limited to: the public, contractors, sub-contractors, consultants, and other sub-recipients of Federal and state funds.

These procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies or to seek private counsel for complaints alleging discrimination.

Filing a Complaint:

Any person who, based on race, religion, color, national origin, sex, age, disability or other applicable protected category believes that he/she has been excluded from participation in, denied benefits or services of any program or activity administered by Fort Bend County or its sub-recipients, consultants and contractors may bring forth a discrimination complaint under Title VI. Only complaints based on the complainant's protected status will be considered under Title VI.

The complainant may file a signed, written complaint up to 180 calendar days from the date of the alleged act of discrimination or the date the person(s) became aware of the alleged act(s) of discrimination. The County may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.

Complaints must be in writing. In cases where the complainant is unable or incapable of providing a written statement, the complainant shall be interviewed and assisted in converting a verbal complaint or appeal into writing. All complaints, however, must be signed by the complainant and/or by the complainant's representative.

The complainant must set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. The complaint should include the following information:

- Complainant name, mailing address, and a method of contact (i.e., telephone number, email address, etc.);
- How, when, where and why the alleged discrimination occurred. Include the location, names and contact information of any witnesses; and
- Other information that the complainant deems significant.

Items that would not be considered a formal complaint (unless the items contain a signed cover letter specifically alleging a violation of Title VI) include but are not limited to:

- An anonymous complaint that is too vague to obtain required information,

- Inquiries seeking advice or information,
- Courtesy copies of court pleadings,
- Courtesy copies of internal grievances.

The External Title VI/ADA Discrimination Complaint Form ([see Attachment](#)) may be used to submit the complaint information.

Complaint forms can also be obtained in [English, Spanish, Arabic, Chinese Simplified, Gujarati, Hindi, Malayalam, Tagalog, Urdu, or Vietnamese](#) ([see Attachment](#)) at the office of the Fort Bend County Regulatory Compliance Officer, County Attorney's Office or online at <https://www.fortbendcountytexas.gov/government/departments/county-attorney/compliance/title-vi>.

To request additional information on Fort Bend County's nondiscrimination obligations, to file a Title VI complaint, or to request a complaint form, please submit a written request or complaint to:

Fort Bend County Attorney's Office

Gregory Roberts, Regulatory Compliance Officer

Title VI/Nondiscrimination Coordinator

401 Jackson St., 3rd Floor

Richmond, Texas 77469

Phone: (281)238-3267

Email: titlevi@fortbendcountytexas.gov

Complaint Process:

The County Title VI/Nondiscrimination Coordinator will acknowledge receipt of the complaint, and begin an investigation, within fifteen (15) working days of receipt of a complaint alleging discrimination based on race, color, national origin, age, sex or disability. The Title VI/Nondiscrimination Coordinator must also provide appropriate assistance to complainants, including those persons with disabilities, or who may be limited in their ability to communicate in English.

The Title VI/Nondiscrimination Coordinator has overall responsibility for the discrimination complaint process and procedures. The Title VI/Nondiscrimination Coordinator may, at his/her discretion, assign a capable person to investigate the complaint. The designated investigator will

conduct an impartial and objective investigation, collect factual information and prepare a fact-finding report based upon information obtained from the investigation.

In cases where the complainant is unable or incapable of providing a written statement, a verbal complaint may be made to the Title VI/Nondiscrimination Coordinator. The Title VI/Nondiscrimination Coordinator will interview the complainant and if necessary assist the person in converting a verbal complaint to writing. All complaints must, however, be signed by the complainant or his/her representative. Complaints shall state, as fully as possible, the facts and circumstances surrounding the alleged discrimination.

Transportation related discrimination complaints filed under Title VI with Fort Bend County in which the County or its sub-recipients are named as the respondent shall be forwarded to Texas Department of Transportation, Office of Civil Rights for investigation within 10 calendar days of receipt of the complaint.

The Title VI/Nondiscrimination Coordinator shall make every effort to address all complaints in an expeditious and thorough manner. The Title VI/Nondiscrimination Coordinator will contact the complainant in writing no later than thirty (30) working days after receipt of complaint for additional information, if needed. The Complaint will be copied, filed and logged. If the complainant fails to provide the requested information on a timely basis, Title VI/Nondiscrimination Coordinator may administratively close the complaint.

The Title VI/Nondiscrimination Coordinator will complete the investigation within ninety (90) calendar days of receipt of a complaint. If additional time is needed for investigation, the complainant will be notified. A written investigation report will be prepared by the Title VI/Nondiscrimination Coordinator. This report shall include a summary description of the incident, findings for each issue, and recommended corrective action, if any.

The investigation and recommended decision will be forwarded to the state agency (if sub - recipient) or federal agency (if recipient) for the program or activity involved. If the investigator is unsure which agency to send the investigation, it should be sent to:

U.S. Department of Justice
Civil Rights Division

Federal Coordination and Compliance Section,
NWB 950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
1-888-848-5306

Disposition of Complaint:

A final written response letter will be provided to the complainant and the department/office for the program involved. In a letter notifying complainant that the complaint is not substantiated, the complainant is also advised of his or her right to appeal with the County within five (5) working days from receipt of the closing letter or that they may file a complaint externally with an applicable federal agency. If there is no appeal or no findings, the complaint will be closed. If required, the investigation report will be forwarded to the appropriate state or federal agency.

Complaint Log

Fort Bend County maintains a complaint log to document all activity related to the complaint. Information captured includes:

- Complainant's name, and if provided, race, color, and national origin;
- Respondent's name;
- Basis(es) of the discrimination complaint;
- Allegation(s)/Issue(s) surrounding the discrimination complaint;
- Date the discrimination complaint was filed;
- Date the investigation was complete;
- Disposition;
- Disposition date; and
- Other pertinent information.