

INTERAGENCY WORKING GROUP ON LEP

Mission

To build awareness of the need and methods to ensure that persons with limited English proficiency (LEP) have meaningful access to important Federal and Federally assisted programs, and to ensure implementation of language access requirements under Title VI, the Title VI regulations, and Executive Order 13166 in a consistent and effective manner across agencies.

Focus

- Creation and expansion of a one-stop Web site on LEP issues
- Creation of tools to assist recipients and beneficiaries in understanding and applying recipient guidance documents
- Collaboration among agencies in making Federally conducted activities meaningfully accessible to LEP individuals

FOR MORE INFORMATION

U.S. Department of Justice

Civil Rights Division
Coordination and Review Section - NWB
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

<http://www.usdoj.gov/crt/cor/>

Title VI Hotline:
1-888-TITLE-06 (1-888-848-5306)
(Voice / TDD)

U.S. Nuclear Regulatory Commission

Office of Small Business and Civil Rights
Outreach and Compliance Coordination Program
Mailstop: O-3H8
Washington, DC 20555-0001

Phone: 301-415-7380

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Limited English Proficiency (LEP)
Thinking outside the box
in delivering services
to all persons regardless of
race, color, or
national origin.



**Affirming LEP
Access &
Compliance
in Federal
and Federally
Assisted
Programs**





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 think outside the box for creative solutions to address the needs of this ever-growing population of individuals for whom English is not their primary language.

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 have limited English proficiency, or “LEP.” These individuals may be entitled to language assistance with respect to a particular type of service, benefit, or encounter.

Who Must Comply and Who Can be Found in Violation?

All programs and the operations of entities that receive assistance from the Federal Government (i.e., recipients), must comply, including:

- State agencies
- Local agencies
- Private and nonprofit entities

Subrecipients (entities that receive Federal funding from one of the recipients listed above) also must comply.

All programs and operations of the Federal Government also must comply.

LEGAL AUTHORITY

Recipients—Title VI of the 1964 Civil Rights Act

“No person in the United States shall, on the ground 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 activity receiving Federal financial assistance.”

42 U.S.C. § 2000d.

The Supreme Court of the United States of America in *Lau v. Nichols* (1974) stated that one type of national origin discrimination is discrimination based on a person’s inability to speak, read, write, or understand English.

Recipients and Federal Government—Executive Order 13166

On August 2000, this order, “Improving Access to Services for Persons with Limited English Proficiency,” was issued and directed Federal agencies to:

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

The Order covers all Federal and Federally assisted programs and activities.

OBLIGATIONS

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 government services. (The Federal Government has the same obligations as a result of Executive Order 13166.) The starting point is an individualized assessment that balances the following four factors:

1. The number or 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 people’s lives
4. The resources available to the grantee/recipient and costs

Elements of an Effective LEP Policy

Elements which may be helpful in designing an LEP policy or plan:

- Identifying LEP persons who need language assistance
- Identifying ways in which language assistance will be provided
- Training staff
- Providing notice to LEP persons
- Monitoring and updating LEP policy

Language Assistance Services

- Oral interpretation services
- Bilingual staff
- Telephone interpreter lines
- Written language services
- Community volunteers