

# LIMITED ENGLISH PROFICIENCY (LEP)

Affirming LEP Access and 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 of 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 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.



Equal Access and Participation for All

### Who Must Comply and Who Can be Found in Violation?

All programs and operations of entities that receive assistance from the federal government (*i.e.* recipients), 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 United States Supreme Court 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 amongst 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; and
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

**For more information and detailed agency-specific guidance, go to LEP.gov**

### INTERAGENCY WORKING GROUP ON LEP and www.LEP.gov

Mission: To build awareness of the need and methods to ensure that limited English proficient (LEP) persons 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 website on LEP issues
- Creation of tools to assist recipients and beneficiaries in understanding and applying recipient guidance documents
- Collaboration amongst agencies in making federally conducted activities meaningfully accessible to LEP individuals

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## FOR MORE INFORMATION

Department of Justice • [www.usdoj.gov/crt/cor](http://www.usdoj.gov/crt/cor)

US. Department of Justice Civil Rights Division Coordination and Review Section - NYA

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