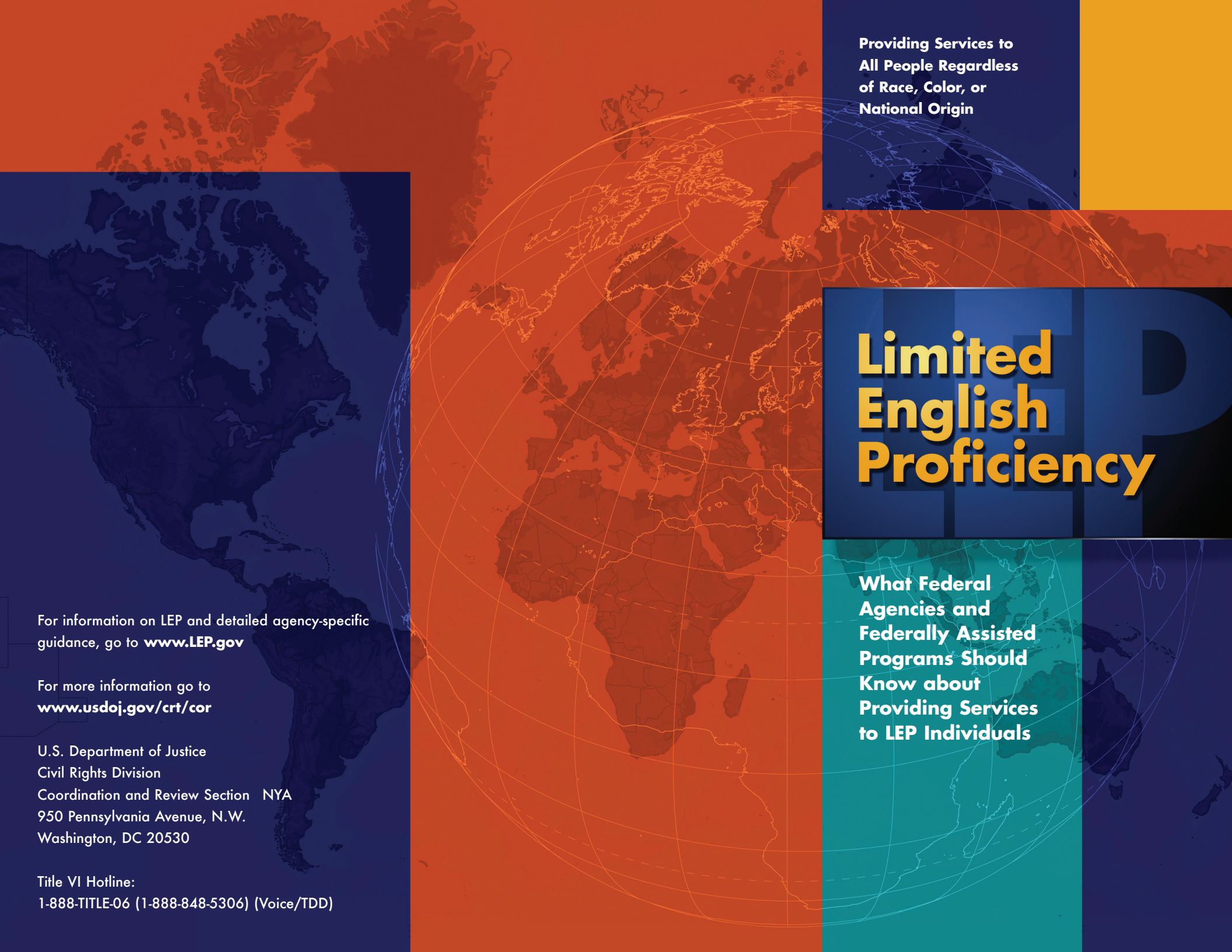

For information on LEP and detailed agency-specific guidance, go to **www.LEP.gov**

For more information go to **www.usdoj.gov/crt/cor**

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Providing Services to All People Regardless of Race, Color, or National Origin

Limited English Proficiency

What Federal Agencies and Federally Assisted Programs Should Know about Providing Services to LEP Individuals

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 develop creative solutions to address the needs of this ever-growing population of individuals whose primary language is not English.

Limited English Proficiency—LEP

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.

Who Must Comply?

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.

Different treatment based on a person's inability to speak, read, write, or understand English may be a type of national origin discrimination.

Recipients and Federal Government

Executive Order 13166

This Order, "Improving Access to Services for Persons with Limited English Proficiency," directed federal agencies to:

- Publish guidance on how their recipients can provide access to LEP persons.
- Improve the language accessibility of their own federal 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 benefits, rights, programs, information, and 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 that 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

Examples of Language Assistance Services

- Direct foreign language communication by fluent bilingual staff
- Interpretation (oral), conducted in-person or via telephone by qualified interpreters
- Translation (written) by qualified translators