

## **LIMITED ENGLISH PROFICIENT (LEP) FREQUENTLY ASKED QUESTIONS**

### **Q. Who is a Limited English Proficient (LEP) individual?**

**A.** Individuals 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 language assistance with respect to a particular type or service, benefit, or encounter.

### **Q. What are the relevant laws concerning language access for LEP individuals?**

**A.** Federal laws particularly applicable to language access include Title VI of the Civil Rights Act of 1964, and the Title VI regulations, prohibiting discrimination based on national origin, and Executive Order 13166 issued in 2000. Many individual federal programs, states, and localities also have provisions requiring language services for LEP individuals.

### **Q. What is Executive Order 13166?**

**A.** An Executive Order is an order given by the President to federal agencies. The LEP Executive Order (Executive Order 13166) says that people who are LEP should have meaningful access to federally conducted and federally funded programs and activities. Executive Order 13166 requires all agencies that provide federal financial assistance to issue guidance on how recipients of that assistance can take reasonable steps to provide meaningful access consistent with Title VI and the Title VI regulations. The Order also requires that federal agencies create plans for ensuring that their own activities also provide meaningful access for persons who are LEP. More information on Executive Order 13166 can be found at Executive Order 13166: Improving Access to Services for Persons with Limited English Proficiency.

### **Q. What is a recipient of federal financial assistance?**

**A.** Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance. Subrecipients are also covered, when federal funds are passed from one recipient to a subrecipient. Recipients of federal funds range from state and local agencies, to nonprofits and other organizations. A list of the types of recipients and the agencies funding them can be found at Executive Order 12250 Coordination of Grant-Related Civil Rights Statutes. Title VI covers a recipient's entire program or activity. This means all parts of a recipient's operations are covered. This is true even if only one part of the recipient receives the federal assistance. Example: DOJ provides assistance to a state department of corrections to improve a

particular prison facility. All of the operations of the entire state department of corrections--not just the particular prison--are covered. More information on Title VI, generally, can be found at Title VI of the Civil Rights Act of 1964 42 U.S.C. § 2000d et seq.

**Q. What is a federally conducted activity?**

**A.** All federal agencies subject to Executive Order 13166 must design and implement a federally conducted plan to ensure access for LEP individuals to all of its federally conducted programs and activities (basically, everything that it does). For instance, the Civil Rights Division of the U.S. Department of Justice has a plan for ensuring meaningful access to its programs and activities for LEP persons. Other agencies and parts of agencies must do the same.

**Q. Who will enforce the LEP rules?**

**A.** Most federal agencies have an office that is responsible for enforcing Title VI of the Civil Rights Act. To the extent that a recipient's actions are inconsistent with their obligations under Title VI, then such agencies will take the necessary corrective steps. The Coordination and Review Section of the Civil Rights Division of DOJ has taken the lead in coordinating and implementing this Executive Order.

**Q. What are recipients of federal funds and federal agencies required to do to meet LEP requirements?**

**A.** Recipients and federal agencies 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:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee
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. and the resources available to the grantee/recipient or agency, and costs.

As indicated above, the intent of this guidance is to find a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small business, or small nonprofits.

**Q. Do recipients of federal funds have to submit written language access plans to the Department of Justice or to their federal funding agency each year?**

**A.** No. While planning is an important part of ensuring that reasonable steps are taken to provide meaningful access to LEP individuals seeking services, benefits, information, or assertion of rights, there is no blanket requirement that the plans themselves be submitted to federal agencies providing federal financial assistance. In certain circumstances, such as in complaint investigations or compliance reviews, recipients may be required to provide to federal agencies a copy of any plan created by the recipient.