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Limited English Proficiency Plan

Table of Contents

I.	Purpose.....	2
II.	Policy.....	2
III.	Authorization.....	2
IV.	Applicability.....	2
V.	Limited English Proficiency Plan.....	2
	A. Statement of Principle.....	2
	B. Providing Access to LEP Persons to Department Programs, Services, and Activities Through Translation of Publications and Oral Language Assistance.....	3
	C. Stakeholder Input.....	7
	D. Guidance for POs to Consider in Developing a Plan.....	8
	1. Department of Justice Guidance.....	8
	2. Translation and Interpretation Principles.....	10
	E. Resources for Translating Documents and Obtaining Interpretation Assistance.....	10
	1. Office of Public Affairs.....	10
	2. Language Assistance Volunteers.....	12
	3. Other Resources.....	12
	F. Responsibilities of Each PO to Develop a Plan to Provide Meaningful Access to LEP Individuals to Its Programs and Activities.....	13
	1. Assessment of the Number of LEP Persons Who May Need Language Assistance and Languages They Speak.....	14
	2. Language Assistance Measures.....	14
	3. Resources.....	18
	4. Providing Notice to LEP Persons.....	18
	5. Monitoring, Continuous Assessment, and Updating the PO Plans.....	19
	G. Conclusion.....	19

For technical information regarding this directive, please contact Fred Green via [e-mail](#) or on (202) 401-5931.

Supersedes OM:1-104, Limited English Proficiency Plan dated 08/05/2003.

I. Purpose

This order establishes the policy and guidance for the U.S. Department of Education's (the Department's) Limited English Proficiency (LEP) Plan, as required by section 2 of Executive Order 13166.¹

II. Policy

It is the Department's policy to provide meaningful access to its programs and services to persons who, as a result of national origin, are limited in English proficiency.

III. Authorization

This LEP Plan is established pursuant to and in accordance with Executive Order 13166, "Improving Access to Services for Persons With Limited English Proficiency."

IV. Applicability

This directive applies to all Principal Offices (POs) within the Department.

V. Limited English Proficiency Plan

A. Statement of Principle

The Department's mission is to ensure equal access to education and to promote educational excellence throughout the nation. The Department serves the entire United States and its territories, whose residents comprise a very diverse population of learners of all ages in terms of their national and linguistic origins. The Department's LEP Plan serves as guidance for POs in helping to ensure meaningful access to programs and services conducted by the Department for persons who, as a result of national origin, are limited in English proficiency. Working together with parents, students, schools, and communities, the Department will succeed in ensuring access to educational excellence for all of America's learners, including those with limited English proficiency.

LEP persons are those whose proficiency in speaking, reading, writing, or understanding English, as a result of national origin, is such that it would deny or limit their meaningful access to programs and services provided by the Department if language assistance were not provided. The Department has taken a number of steps, outlined in this document, to assist LEP individuals in accessing Department programs and services and is committed to improving access.

Executive Order No. 13166, "Improving Access to Services for Persons With Limited English Proficiency," was adopted to "... improve access to federally conducted and federally assisted programs and activities for persons who, as a

¹ Exec. Order No. 13166, §2; 65 Fed. Reg. 50121 (August 16, 2000).

result of national origin, are limited in their English proficiency (LEP)...”² President Bush affirmed his commitment to Executive Order 13166 through a memorandum issued on October 26, 2001, by then Assistant Attorney General for Civil Rights Ralph Boyd.³ As a federal agency, the Department will, according to section 1 of the executive order, “examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services consistent with, and without unduly burdening, the fundamental mission of the agency.”⁴ The Department is therefore adopting this LEP Plan to guide its efforts to improve the access the Department currently provides to LEP persons.

This Department-wide LEP Plan is designed to assist POs by providing guidance on translation, interpretation, and outreach services for LEP persons seeking access to Department programs. The first priority of the LEP Plan is to improve access for LEP individuals to critical services or activities. The Department also will focus on improving access to its other programs and services, particularly in those areas with regular contact with LEP persons. In addition to this Department-wide LEP Plan, each PO must develop a plan to improve access for LEP individuals to its programs and services.

This Plan does not address the programs and services the Department supports through financial assistance to organizations, groups, and educational agencies that provide assistance to LEP persons. Rather, persons served by these programs are protected from discrimination based on national origin by Title VI of the Civil Rights Act of 1964 and its regulations,⁵ which apply to any recipient of federal financial assistance. The Department’s Office for Civil Rights (OCR) has long had policy guidance, and provided technical assistance and enforcement for ensuring that school districts provide a meaningful educational opportunity for LEP students, which is consistent with Executive Order 13166 and the Department of Justice LEP Guidance discussed below in part D. This LEP Plan is designed to address those instances in which the Department directly interacts with and serves LEP persons.

The Department’s programs belong to the nation’s learners. This Plan will help ensure that, in fact, these learners, regardless of English proficiency, have meaningful access to those programs.

B. Providing Access to LEP Persons to Department Programs, Services, and Activities Through Translation of Publications and Oral Language Assistance

The Department is committed to making its services and programs available to LEP persons as part of its mission “to ensure equal access to education and to promote educational excellence throughout the nation.” Based on this

² Exec. Order 13166; 65 Fed. Reg. at 50121.

³ Department of Justice, Memorandum Regarding Executive Order 13166 (Improving Access to Services for Persons with Limited English Proficiency) October 26, 2001 (“DOJ Memorandum Regarding Executive Order 13166”); <http://www.usdoj.gov/crt/cor/lep/Oct26memorandum.pdf>.

⁴ Exec. Order 13166, §1; 65 Fed. Reg. at 50121.

⁵ 42 U.S.C. §2000d et seq.; 34 C.F.R. § 100.1 et seq.

commitment, the Department makes designated publications available in languages other than English and provides interpretation services to persons who are not proficient in English.

In response to the needs of the Spanish-speaking population, the largest language-minority population the Department serves, the Department translates numerous publications into Spanish, commonly provides interpretation services in Spanish, and has Spanish-speaking customer-service representatives at its customer-service call centers. As described below, the Department also provides translation and interpretation services to a large and growing language-minority population whose first language is not Spanish.

Some examples of current efforts within the Department to provide services directly to LEP individuals include:

1. OCR, which enforces federal statutes that prohibit discrimination based on race, color, national origin, sex, age, or disability in programs receiving federal financial assistance and prohibit discrimination against or denial of equal access to the Boy Scouts of America and certain other patriotic youth organizations:
 - Translates some documents for stakeholders, including complaint forms and specific resolutions of agreements;
 - Makes some publications available in a variety of languages, including, to date, Spanish, Chinese, Vietnamese, Hmong, Navajo, and Haitian Creole;
 - Assists Spanish-speaking individuals via its toll-free number and written correspondence;
 - Conducts technical-assistance presentations for parents in Spanish or with the assistance of interpreters on the OCR complaint process and the laws that OCR enforces; and
 - Works to increase understanding among recipient school districts of their responsibilities to ensure that schools meaningfully communicate with LEP parents through technical assistance and case-resolution activities (e.g., *Tucson Unified School District (AZ)* posted on OCR's website at <http://www.ed.gov/about/offices/list/ocr/ellresources.html>).
2. The Institute of Education Sciences, whose activities include collecting, analyzing, and making available to the public statistical information about the condition of education:
 - Makes selected National Center for Education Statistics' questionnaires and surveys available in Spanish; and

- Offers information to LEP persons through the National Library of Education, which includes a Spanish-language option on its toll-free telephone service (1-800-424-1616) and assistance by library staff who are proficient in Spanish.
3. The Office of Management (OM), which serves as the Department's administrative component, uses strategic approaches to the management of the Department's human capital to promote customer service by distributing documents, information, and products in languages other than English, such as Spanish, Russian, Mandarin, and Vietnamese, produced by programs Department-wide through the ED Pubs Customer Service Center, 1-877-4-ED-PUBS.
 4. The Office of Intergovernmental and Interagency Affairs (OIIA), which acts as a liaison among the Department, States, local governments, and other federal agencies:
 - Publishes in Spanish a guide to help parents assist their children with reading available through ED Pubs;
 - Provides information booths at conferences attended by target language groups;
 - Holds outreach meetings with organizations serving LEP populations;
 - Answers calls to the Information Resource Center, the main toll-free line for public inquiries (1-800-USA-LEARN), from Spanish-speaking individuals; and
 - Distributes tapes of the "Education News" television program in Spanish.
 5. Federal Student Aid (FSA), which is a performance-based organization with responsibility for administering the student financial assistance programs at the Department:
 - Provides applications for student financial assistance, the *Free Application for Federal Student Aid (FAFSA)*, on the web and by mail in Spanish;
 - Distributes copies of the *Student Guide to Financial Assistance and Funding Your Education* in Spanish;
 - Answers calls in Spanish (1-800-4-FED-AID) and prepares a financial aid television program for Hispanic students and families; and
 - Provides a website, www.studentaid.ed.gov, with information available in Spanish on the planning process for federal student aid.

6. The Office of Elementary and Secondary Education (OESE), which provides financial assistance to State and local educational agencies for public and private preschool, elementary, and secondary education and promotes and supports equal educational opportunities and excellence for all students:
 - Translates into Spanish its *Directory of Services for Migrant and Seasonal Farm Workers and Their Families*;
 - Provides interpreters for parents who contact the Office of Migrant Education; and
 - Makes appropriate staff available for other OESE programs who need someone to speak or translate Spanish.

7. The Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students (OELA) (formerly the Office of Bilingual Education and Minority Languages Affairs, OBEMLA) provides national leadership in promoting high-quality education for the nation's population of English-language learners (ELLs).⁶ OELA offers meaningful access to its programs and services to ELL individuals through two vehicles: its office staff and programs, and its National Clearinghouse for English Language Acquisition & Language Instruction Educational Programs (NCELA).

OELA staff:

- Have multi-lingual capability to address phone inquiries in numerous languages such as Spanish, Chinese, Korean, Japanese, Vietnamese, Tagalog, Urdu, and Punjabi;
- Translate Department documents directed at parents;
- Make presentations to schools, parent groups, and committees in languages other than English; and
- Offer assistance to parents and parent groups dealing with educating their ELL children, including parents who are often limited in their English proficiency and need materials in their native language.

NCELA:

- Distributes publications translated into Spanish and Vietnamese in print and through its Website: www.ncela.gwu.edu;

⁶ Traditionally, English Language Learners are referred to as LEP. Therefore, apart from the description of OELA and the services they provide, this document uses LEP.

- Provides multi-lingual personnel to address phone inquiries in numerous languages such as Spanish, Chinese, Czech, Japanese, French, Haitian Creole, Laotian, and German; and
 - Assists parents and school personnel across the country who need translation services through the National Linguistic Assets Database, a database of translators and organizations that can help individuals find translation services at <http://www.ncela.gwu.edu/databases/NLAD/index.html>.
8. The Office of Special Education and Rehabilitative Services (OSERS), which provides a wide array of support to parents and individuals, school districts, and States in the areas of special education, vocational rehabilitation, and research:
- Provides technical assistance in Spanish to education agencies and parents; and
 - Translates brochures into Spanish, including brochures for the Comprehensive Planning Process in the Office of Special Education Programs (OSEP).
9. The Office of Vocational and Adult Education (OVAE) provides financial assistance to State and local educational agencies to assist LEP adults over the age of 16, not currently enrolled in school, who lack a high school diploma or basic skills to function effectively in the workplace and in their daily lives. Persons with LEP account for almost half of the participants in the federally funded Adult Education Program. OVAE:
- Offers services to LEP adults through the National Center for English as a Second Language Literacy Education, which translates publications into Spanish and publishes resources to assist teachers, administrators researchers, and policy makers in meeting the challenges and opportunities facing this population;
 - Supports the development of a diagnostic screening instrument for Spanish-speaking adults with learning disabilities; and
 - Provides information on English language development and English Literacy/Civics Education services at conferences and meetings for targeted language groups.

C. Stakeholder Input

Executive Order 13166 requires each agency to allow stakeholders to have an adequate opportunity to provide input to the agency.⁷ In its development of this Plan, the Department held a meeting on December 1, 2000, with numerous

⁷ Exec. Order 13166, §4; 65 Fed. Reg. at 50122.

representatives of groups that provide assistance to LEP individuals. The Department received input on the translation and interpretation services needed and how to ensure that LEP individuals are aware of the services and materials that the Department has available. The Department has considered the input it received at this meeting in developing this Plan. The Department also will be posting this Plan and the plans developed by each PO on its web page and noting their availability to the public, who can submit questions or comments to the Department.

A working group, including representatives from each PO and chaired by the Office of Management (LEP Working Group), was created to draft this Plan to ensure that each PO was provided an avenue for input during the development of the Plan. This Plan was circulated for Departmental review, comment, and clearance twice and revised accordingly when appropriate.

D. Guidance for POs to Consider in Developing a Plan

In view of the nature and purpose of the Department's interaction with LEP persons, this Plan provides guidance to POs for translating written materials and for providing interpretation services to communicate with LEP persons so that all POs in the Department may work toward increasing access to their services and programs for LEP persons.

1. Department of Justice Guidance

Section 2 of Executive Order 13166 requires each federal agency to "prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons."⁸ It further provides that these plans must be consistent with the standards set forth in a general guidance document that was issued concurrently by the Department of Justice (DOJ LEP Guidance).⁹ In that guidance document, the DOJ provided federal agencies with general principles to apply when developing guidelines for their recipients of federal financial assistance. It was later supplemented by an October 26, 2001 clarifying memorandum from Ralph F. Boyd, Jr., Assistant Attorney General for the DOJ's Civil Rights Division.¹⁰ On June 12, 2002, the DOJ issued final guidance for its recipients of federal financial assistance.¹¹ DOJ also has posted on the web its plan to improve access to its federally conducted programs and activities by eligible individuals who are LEP that is consistent with the DOJ LEP Guidance.¹²

⁸ Exec. Order 13166, §2; 65 Fed. Reg. at 50121.

⁹ Exec. Order 13166, §2; 65 Fed. Reg. at 50121; Department of Justice, Enforcement of Title VI of the Civil Rights Act of 1964 – National Origin Discrimination Against Persons With Limited English Proficiency," 65 Fed. Reg. 50123 (August 16, 2000); <http://www.usdoj.gov/crt/cor/Pubs/guidfr.htm>.

¹⁰ DOJ Memorandum Regarding Executive Order 13166.

¹¹ Department of Justice, Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41455 (June 18, 2002) (Final DOJ Guidance to Recipients); <http://www.usdoj.gov/crt/cor/lep/DOJFinLEPFRJun182002.pdf>.

¹² Department of Justice Language Assistance Implementation Plan for its Federally Conducted Programs Pursuant to Executive Order 13166; <http://www.usdoj.gov/crt/cor/lep/dojimp.htm>.

In applying the DOJ LEP Guidance to federally conducted programs and activities, the Department must "take reasonable steps to ensure 'meaningful' access [to LEP individuals] to the information and services [it] provide[s]." ¹³ The DOJ LEP Guidance explains, "What constitutes reasonable steps to ensure meaningful access will be contingent on a number of factors." ¹⁴ Those factors are:

- a) *The number or proportion of LEP persons served or encountered in the eligible service population.* A factor in determining the reasonableness of an agency's efforts is the number or proportion of LEP individuals from a particular language group served or encountered in the eligible service population. ¹⁵ Even those agencies that serve very few LEP individuals on an infrequent basis are subject to the requirement to take reasonable steps to provide meaningful access. After balancing these four factors, these agencies must determine whether reasonable steps are possible and have a plan for what to do if an LEP individual seeks programs or services from the agency. The plan need not be intricate and can be as simple as having access to a commercially available language line.
- b) *The frequency with which LEP individuals come in contact with the agency.* An agency has greater duties to ensure reasonable access to its programs and services if contact with LEP persons is daily or frequent than if it is unpredictable and infrequent. An agency should take into account local and regional conditions, such as the frequency of different types of language contacts, ¹⁶ when determining the frequency of contact of the LEP population with its programs and services.
- c) *The nature and importance of the program, activity, or service provided.* The nature and importance of the program, activity, or service affect the determination of what reasonable steps are required to ensure meaningful access. Also, an agency must assess the importance of the program in the short- and long-term.
- d) *The resources available.* The resources available may affect the nature of the steps that the agency must take. "Reasonable steps" may no longer be reasonable where the costs imposed substantially exceed the benefits. ¹⁷

In considering the resources available, Executive Order 13166 also notes that the system developed to provide LEP persons meaningful access to the agency's services should be consistent with the agency's fundamental mission without unduly burdening that mission. ¹⁸

¹³ DOJ LEP Guidance, 65 Fed. Reg. at 50124.

¹⁴ DOJ LEP Guidance, 65 Fed. Reg. at 50124.

¹⁵ In addition to the DOJ LEP Guidance, see also Final DOJ Guidance to Recipients, 67 Fed. Reg. at 41459.

¹⁶ See also Final DOJ Guidance to Recipients, 67 Fed. Reg. at 41460.

¹⁷ See also Final DOJ Guidance to Recipients, 67 Fed. Reg. at 41460.

¹⁸ Executive Order 13166, §1; 65 Fed. Reg. at 50121.

2. *Translation and Interpretation Principles*

In addition to the four factors set forth in the DOJ LEP Guidance, the Department adopts the translation and interpretation assistance principles provided below that should guide each PO in developing its plan to improve access for LEP persons.

Translation is the rendering of a written text from one language (source language) into another language (target language).¹⁹ Interpretation is the immediate rendering of oral language from the source language into the target language.²⁰

- Each PO should take reasonable steps to ensure that it provides high-quality translation and interpretation services through individuals who are competent to provide those services at a level of fluency, comprehension, and confidentiality appropriate to the specific nature, type, and purpose of the information at issue.
- Some translated documents will explain the legal rights and obligations of individuals or otherwise convey important information upon which an LEP individual may rely to his or her benefit or detriment. POs shall consult with the Office of General Counsel about whether a disclaimer is appropriate for a translated document. A disclaimer would indicate that the Department has worked to ensure the accuracy of the translation, but in the event of any inconsistency between any terms in the translated version and the English language version of the same document, the official English language version of the document shall control.
- Each PO should endeavor to expand the range or nature of translation and interpretation assistance when experience, changes in target or service population demographics, or new program-specific data indicate that the failure to do so may result in the denial of substantially equal and meaningfully effective services to the LEP populations served by the PO, particularly with those populations with whom an office has substantial and consistent contact.

E. Resources for Translating Documents and Obtaining Interpretation Assistance

1. Office of Public Affairs

The Department translates publications through the Office of Public Affairs (OPA) Editorial Policy, Publications, and Printing Branch (EPPP). OPA offers translation services to all of the Department offices in languages requested by Department offices, according to a policy that guarantees that translated publications receive the same high-quality review as publications in English. All decisions to translate publications must go through this branch,

¹⁹ Final DOJ Guidance to Recipients, 67 Fed. Reg. at 41463.

²⁰ Final DOJ Guidance to Recipients, 67 Fed. Reg. at 41461.

this branch must approve all translations, and all translations must go through the three-part process outlined below.

- a. After the EPPP has approved a publication for translation, the branch sends the publication to a contractor who is a certified translator for an estimate of cost and time. At the same time, the branch sends the publication to a second contractor, a reviewer, who is both a native speaker and an editor, for an estimate of cost and time to review the translation. When the translation is complete, this person will review it for linguistic accuracy and completeness.
 - The publication that is sent to the translator and reviewer must be the final version of the original publication because only this version may be translated. It is a waste of time and money to send a publication out for an estimate that is not the final version.
 - POs may send the publication to their own translator, but this is not recommended unless the translator is known to be a certified²¹ professional translator. POs should discuss this with the branch before contracting with a translator other than those recommended by the branch.
 - Before translation can begin, the translator must receive a purchase order, signed by the PO's executive officer, for the amount of the estimate. Actual payment is made upon completion of the translator's work.
- b. When the translation is complete, the branch sends the translation to the reviewer, who must receive a purchase order in the amount of the estimate before the review can begin. Actual payment is made upon completion of the reviewer's work. POs may not use a reviewer other than the one to whom the branch sends translations for review.
- c. When the reviewer has completed the review and the changes have been made to the copy (either by the reviewer or the PO), the branch gives the manuscript to an ED employee (or other appropriate individual if no ED employee speaks the requested language), who is on the approved list of native speakers of the language in which the publication is written, for a final internal review. Only those employees or individuals approved by the branch may be selected to do this review. Employees do translation reviews as part of their normal workload.
 - The purpose of this review is to ensure that the linguistic expressions and the policies that are particular to the Department have been translated according to the meanings intended in the original. This

²¹ A certified translator is one whose competency is assured based upon their professional qualifications. Appropriate professional qualifications include a Master of Arts in Translation, accreditation from the American Translators Association or certification from the Federal Court Interpreter Certification Program.

second review also ensures that the document was completely translated and that the new publication is of high quality.

- If the internal reviewer (or other appropriate individual) disagrees substantially with the external reviewer's draft, the branch will put the two reviewers in touch with each other for the purpose of resolving their differences.
- The PO incorporates the final changes, the branch proofs minor changes, and the external reviewer proofs major changes. The document is then sent to print.

2. *Language Assistance Volunteers*

For assistance with interpretation, the Department established the ED Languages Assistance Volunteers initiative several years ago. More than 70 ED staff who speak more than 20 languages have volunteered to assist in oral communications and protocols involving languages other than English. These volunteers may be called on for assistance in oral communication with both domestic and international visitors or callers. Their activities do not cover translation, although they may review translations (see above). The list of ED Language Assistance Volunteers may be accessed via *connectED* at [Home](#) » [References & Resources](#) » [Directories & Contacts](#) and clicking on either of the language assistance volunteer listings (Listed alphabetically by language, first, from Arabic-Lithuanian; second, from Mandarin Chinese-Vietnamese).

3. *Other Resources*

- OIIA maintains the "Recursos en Espanol" ("Resources in Spanish") pages of the Department of Education's Web site, which features all of ED's general-audience publications in Spanish that are available online. The Web address for these resources is <http://www.ed.gov/spanishresources.jsp>.
- The Information Resource Center at 1-800-USA-LEARN is the main ED phone line for public inquiries and questions relating to the Secretary's priorities and initiatives, ED funding opportunities, and ED programs and employees. The center is staffed with bilingual customer-service representatives who are able to answer calls from Spanish-speaking customers.
- The ED Pubs Customer Service Center (1-877-4ED-PUBS) and several of the Federal Student Aid Centers are able to answer calls from Spanish-speaking individuals. Spanish speakers are available at the Federal Student Aid Information Center at 1-800-4FED-AID, at the Defaulted Loans Center at 1-800-621-3115, and at the Loan Consolidation Center at 1-800-557-7392.

- www.lep.gov is the website developed by the Interagency Working Group on LEP, created pursuant to Executive Order 13166 and consisting of representatives from over 35 federal agencies. The website includes links to Executive Order 13166 and the DOJ guidance documents cited above. It also acts as a clearinghouse, providing and linking to information, tools, and technical assistance regarding Limited English Proficiency and language services for federal agencies, recipients of federal funds, users of federal programs and federally assisted programs, and other stakeholders.

F. Responsibilities of Each PO to Develop a Plan to Provide Meaningful Access to LEP Individuals to Its Programs and Activities

Taking into account the four factors set forth in the DOJ LEP Guidance and the three translation and interpretation principles described above, each PO must develop a plan to improve access for LEP persons to the services, programs, and activities of the office. In developing a plan, each office must assess what LEP populations need access to their programs and services and what language assistance services -- translation and interpretation -- it will provide to enable LEP persons to have meaningful access to its services and programs. In addition, each office must consider how it will notify LEP persons of the language-assistance services that are available. Each office should keep in mind that one goal of Executive Order 13166 is to improve access for LEP persons to federally conducted activities; therefore, when appropriate, offices will need to consider how they will expand the access that is currently provided to LEP individuals.

The Department's first priority is to increase access to critical programs and services, such as the ability of a LEP individual to exercise his or her legal rights or receive a financial benefit for which the individual is eligible. The Department also is committed to improving access to programs and activities in which a substantial number or proportion of the persons with whom the Department has contact are LEP.

In addition, each office must evaluate its existing language-assistance measures to ensure that they are consistent with this LEP Plan, including that any translation done by outside contractors has been reviewed by OPA as outlined above in Part E (Resources for Translating Documents and Obtaining Interpretation Assistance).

Each office must submit its initial LEP plan to the Office of Management no later than 180 calendar days after publication of this Departmental Plan. Each PO also must designate an individual who will serve as the PO contact with OM. The LEP Working Group is available to assist POs as they develop their plans. OM will convene the LEP Working Group periodically to ensure effective implementation of the LEP Plan. OM will serve as the Department's repository for all PO LEP plans and will be responsible for agency oversight of the LEP Plan. (This requirement only applies to direct services to LEP individuals and does not apply to guidance or plans for Department grantees.)

The guidance and questions listed below are provided to assist each office in developing a plan. The plan for each PO should address each of the following elements:

1. Assessment of the Number of LEP Persons Who May Need Language Assistance and Languages They Speak
 2. Language Assistance Measures
 - a. Translation of Materials or Documents
 - b. Interpretation Assistance to Be Provided
 - c. Training or Hiring Staff
 3. Resources
 4. Providing Notice to LEP Persons
 5. Monitoring, Continuous Assessment, and Updating the PO Plans
1. *Assessment of the Number of LEP Persons Who May Need Language Assistance and Languages They Speak*

When the Department began its efforts to develop this LEP Plan, the Office of Management sent to each PO a needs assessment that asked it to determine which services, benefits, and activities are provided directly to the public and to estimate the percentage of LEP individuals who are eligible to receive each service, benefit, or activity. In reviewing the needs assessment from each PO, these additional questions are relevant and we ask that each PO consider them:

What is the number or percentage of LEP individuals eligible to receive each service, benefit, or activity that the office provides? There are a variety of sources for demographic information that can assist your office in determining this information. The Bureau of the Census is one potential source. You can directly link to the Bureau of the Census at www.lep.gov by selecting the Census button. Detailed information about the racial and ethnic populations you serve or might serve, including languages, can also be obtained from the National Clearinghouse for English Language Acquisition and Educational Programs at <http://www.ncela.gwu.edu/expert/faq/05toplans.htm>.

- What is the frequency of contact of LEP persons with the service, benefit, or activity your office provides?
 - Does your office have a process for surveying, collecting, and/or recording data on the LEP persons who receive the service, benefit, or activity your office provides? If not, and your office has contact with LEP persons, one should be developed. This information will allow each office to have an accurate understanding of the LEP persons who are served by the office and also may help the office to identify those language-minority groups that should be accessing the Department's services but are not currently doing so.
2. *Language Assistance Measures*

Each office should consider the appropriate balance of written translations and oral language assistance it will provide. In determining what language assistance your office will provide LEP persons to ensure their meaningful access to the office's services, benefits, and activities, each PO should consider:

- How important is the service, benefit, or activity that the office provides? For example, if a LEP person cannot access the service, benefit, or activity, will the individual be deprived of critical services, such as the ability to exercise his or her legal rights or receive a financial benefit for which the individual is eligible? If so, your office should focus on improving access for LEP individuals to this service, benefit, or activity.
- Even if your office does not provide a critical service, benefit, or activity, what impact will the denial or delay of the service, benefit, or activity have on actual and intended beneficiaries? Your office should consider the long- and short-term impact on beneficiaries when determining what language assistance is appropriate.
- What are the points of contact where LEP persons interact with your PO? What language assistance will you provide LEP persons for each point of contact? Considerations specific to translations and interpretations are noted below.
- How can staff access the language assistance your office provides? For example, will one staff member coordinate language services for the entire office or will it be the responsibility of each project/sub-office within the office to handle language assistance?
- If your office uses language-assistance resources that are not provided by the Department, how will your office ensure the competency of interpreters and translation services?

a) Translation of Materials or Documents

With due consideration to the four factors in the DOJ LEP Guidance and the three translation and interpretation principles described above, POs should make decisions about what documents or publications to translate and in what languages.

Examples of written materials to be translated include:

- Complaint forms
- Applications for certain types of grants
- Public notices
- Letters, applications, or publications directed toward families, students, and parents
- Notices of the right to an appeal

- Notices advising persons of the availability of language assistance services

Generally, POs may find that there is little need to translate technical or regulatory documents because the individuals reading those documents are typically proficient in English. If a document is subject to the Paperwork Reduction Act (PRA), which requires that certain documents be subject to publication for public comment and review by the Office of Management and Budget (OMB), no additional publication and review is required for the translation of the same document. The burden hours associated with the document should be included in the original PRA submission to OMB.²²

Ideally, the translated version of a document should be released when the English language version is released. If this is not possible or would substantially delay release of the English version, the translated version should be distributed as soon as possible after the distribution of the English language version.

In addressing the translation needs of the office, the following questions should be considered:

- Are translations performed consistent with this LEP Plan? For example, have currently translated publications and documents for LEP individuals been sent to OPA for Departmental translation review even if an outside translator provided the translation? If any documents that are presently being distributed to LEP individuals have not been translated consistent with this LEP Plan, please contact OPA to determine if review of the document is appropriate.
- What procedures will the PO use to translate incoming documents or correspondence and the response to the documents or correspondence? POs should develop an effective method for translating incoming documents and correspondence and for translating the response to incoming documents or correspondence.
- What procedures will the PO use to either obtain the translation services of the Department or send documents for publication to an outside translator? POs may send publications to their own translator, but this is not recommended unless the translator is known to be a certified professional translator. POs should discuss this with OPA before contracting with a translator other than those recommended by OPA. Even if an outside translator does the translation, the document still must follow the review procedures

²² 44 U.S.C. §§3501 et seq. If you have further questions regarding the PRA and its application to this guidance, please contact the Office of the Chief Information Officer, Regulatory Information Management Group at (202) 708-8900.

coordinated by OPA to ensure that the translation is of high quality.

b) Interpretation Assistance to Be Provided

With due consideration to the four factors in the DOJ LEP Guidance and the three translation and interpretation principles described above, each PO should decide when to provide interpretation assistance and how to provide that assistance in a timely and effective manner, appropriate to the circumstance.

Each office should consider the following questions:

- Does your office receive phone calls from LEP individuals? Each PO should take steps to respond in a timely and effective manner to LEP persons who call seeking assistance or information. Each PO plan should include information regarding the process your office will use for handling those calls. For example, one way to determine the language of those callers is to provide prompts for the callers in several languages that direct the caller to an operator that speaks his or her language. Another possibility is bilingual or multilingual receptionists.
- Does your office staff meet with or otherwise interact with LEP individuals? If so, your office should consider a process for handling those meetings. Each PO should take steps to ensure that it makes reasonable efforts to provide language assistance as needed for in-person contact with LEP individuals. One way to determine the native language of unexpected visitors is to use language identification cards (or "I speak cards"), which invite LEP persons to identify their language needs to staff. The Federal government has made these cards available at <http://www.usdoj.gov/crt/cor/13166.htm>. Also, the Department has Language Assistance Volunteers who can be accessed at [Home](#) » [References & Resources](#) » [Directories & Contacts](#).

c) Training or Hiring Staff

Staff should be aware of their obligation to provide meaningful access for LEP persons to Department services, benefits, and activities. Therefore, when developing your plan, each office should consider:

- Is staff aware of the office's LEP plan and its policies and procedures?
- Has necessary training been provided to staff who will interact with LEP persons? Does staff know who to contact when they need language assistance? The more frequent the contact with LEP persons, the greater the need for in-depth training.

While individuals with little or no contact with LEP persons may only have to be aware of the LEP plan, management staff should be fully aware of and understand the plan so that they can reinforce its importance and ensure its implementation by staff.

3. *Resources*

Once each PO develops a plan, the office will need to identify the resources that will make the plan work. Resources include staff resources, such as bilingual staff, and financial resources to pay for translations, interpreters, and outreach. In some instances, the financial resources for the translation of a particular publication will need to be incorporated into the budget for that publication. In other instances, those offices that have regular contact with LEP persons may want to hire bilingual staff who can assist LEP persons, particularly if the hiring of those staff is less expensive than interpreter services because the office encounters LEP individuals on a regular basis.

Once each PO completes a LEP plan, if more than one office has a similar need for equipment or other services, the working group led by the Office of Management will review the plans to see if offices may be able to share resources, such as telephonic interpreter services and video conferencing services, to reduce Department-wide costs.

4. *Providing Notice to LEP Persons*

As the Department improves access for LEP persons to Department programs, services, and activities, actual and potential beneficiaries should be notified of the increased access. Notice should be provided in a language LEP persons will understand. Offices are strongly encouraged to develop a comprehensive outreach plan to ensure that LEP individuals are aware of the access available to them.

In deciding how notice will be provided to intended beneficiaries of each office, each office should consider:

- How will your office notify intended beneficiaries of the availability of services, benefits, and activities in their native language?
- What is the appropriate mix of written and oral notices? Please consider that although most languages have a written form, some languages, such as Hmong, are primarily spoken and, therefore, the most effective means of communication may be oral.
- Related to the above question is, what is the appropriate mix of print, radio, and/or television notices? Possible avenues for notices include public-service announcements for the radio or for television in other languages.

- Are there local organizations that assist LEP persons who may want to work with your office to assist in communicating the availability of services to LEP individuals? Working with organizations representing the interests of LEP individuals, including community-based organizations, may be one of the measures that offices use to make the availability of language services known to LEP individuals.

5. *Monitoring, Continuous Assessment, and Updating the PO Plans*

Each PO must have a process for determining annually the effectiveness of its LEP plan and whether new documents, programs, services, and activities need to be made accessible for LEP persons. Each office should consider:

- Who is responsible for reviewing the LEP plan for your office?
- Is existing language assistance providing meaningful access for LEP persons?
- Is staff aware of the plan and how to implement it?
- How will changes in the LEP populations served, frequency of encounters, and other potential changes be determined? A vital resource in this evaluation process will be the procedures developed to identify LEP persons who need language assistance. In addition, POs may want to obtain feedback from LEP persons on the access they were provided.
- Are additional resources needed to improve access to LEP persons? If so, how will those resources be obtained?
- When new programs, services, and activities are instituted, what plan will staff follow to ensure that LEP persons are provided meaningful access to these programs, services, and activities? How will staff notify the intended beneficiaries that new programs, services, and activities are available?

G. Conclusion

Providing meaningful access to LEP persons to the Department's programs, services, and activities is an important effort that will help enable the Department to achieve its mission "to ensure equal access to education and to promote educational excellence throughout the nation." As we work together to improve access, LEP persons will gain access to the many valuable Department programs, services, and activities that will increase their ability to pursue and achieve their educational and professional goals.