

**Improving Access to Programs and Activities for
Persons with Limited English Proficiency**

U. S. Department of the Interior

Departmental Office for Equal Opportunity

February 2001

U. S. Department of the Interior

Improving Access to Programs and Activities for Persons with Limited English Proficiency

Table of Contents

	Page
Introduction	3
Background	4
Plan for Improving Access to Federally Conducted Programs and Activities for Eligible Persons with Limited English Proficiency	6
Purpose	6
Authority	6
Coverage and Application	6
Departmental Goal	6
Departmental Office for Equal Opportunity's Responsibilities	7
Actions to be Taken by Bureaus and Offices to Ensure "Meaningful" Communication with LEP Persons	7
Improving Access to Services for Persons with Limited English Proficiency in Federally Assisted Programs and Activities	10
Purpose	10
Authority	10
Definitions	10
Application	11
Departmental Office for Equal Opportunity's Responsibilities	12
Bureaus and Offices Responsibilities	12
Recipient Responsibilities	13
Bureaus and Offices Assessment of "Meaningful Access"	20
Interpreters	20
Promising Practices	21
Model Plan	23
Technical Assistance	24

U. S. Department of the Interior

Improving Access to Programs and Activities for Persons with Limited English Proficiency

Introduction

The Department of the Interior (DOI) is committed to protecting and providing access to our Nation's natural and cultural heritage. The Department is also committed to improving access to federally conducted and federally assisted programs and activities for persons who, as a result of their national origin, are limited in their English proficiency (LEP). The United States is home to millions of national origin minority individuals who are "limited English proficient. That is, they do not speak, read, write or understand the English language at a level that permits them to interact effectively with park rangers, fish and game officers, tour guides, investigators and other DOI employees who are at the frontline in the delivery of public services. Because of these language differences and their inability to speak or understand English, LEP persons are often excluded from programs, experience delays or denials of services, or receive services based on inaccurate or incomplete information. Additionally, LEP persons are disproportionately the victims of fraudulent and unfair practices in federally conducted and federally assisted programs and activities.

An analysis of the DOI's civil rights compliance and enforcement activities indicates the following with respect to LEP persons: (a) they are not consulted with effectively during the course of DOI sanctioned environmental impact studies; (b) they lack knowledge about the availability of programs and activities for which they are eligible; and (c) they are disproportionately cited for fishing and hunting infractions due their inability to read and understand fishing and hunting regulations and signage that are printed only in the English language. For example, the lack of language assistance capability among agency employees has especially adverse consequences among rural Alaskan Native communities and especially older Native Americans where, in certain instances, they only speak and understand their own native languages. These language barriers are further exacerbated, in some instances, because these languages cannot be reduced to writing. DOI's relationship with all of its customers is an important one. The essential exchange of information is especially difficult when the two parties involved speak different languages and it is compounded even further when an unqualified third person attempts to serve as an interpreter.

Service providers have attempted to bridge the language gap through relying upon or encouraging LEP persons to provide their own interpreters as an alternative to the agency's use of qualified bilingual employees or interpreters. LEP persons at times must rely upon their children, other relatives, friends, or even strangers they may encounter in DOI program or activity to serve as interpreters for them. These practices may violate

Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of national origin. An untrained “interpreter” is often unable to understand program related concepts or official terminology he or she is being called upon to interpret or translate. Even if the interpreter possesses the necessary language and comprehension skills, his or her mere presence may amount to an egregious violation of the LEP person’s privacy. This is because the customer would naturally be reluctant to disclose or discuss highly personal concerns in front of a child or a complete stranger who has no formal training or obligation to respect an individual’s privacy.

This policy guidance is consistent with DOI’s nondiscrimination policies that govern its federally assisted programs and activities. This policy guidance is also consistent with the Department of Justice’s directive noting that recipients and covered entities have an obligation under Title VI of the Civil Rights Act of 1964, which bars discrimination on the basis of national origin, to provide oral and written language assistance to LEP persons. Additionally, this policy is in conformance with the Department of Justice’s government-wide Title VI regulation, *Coordination of Enforcement in Federally Assisted Programs*, [28 CFR 42, Subpart F].

Background

On August 11, 2000, *Executive Order 13166*, became effective. The Executive Order’s purpose is to ensure meaningful participation by individuals who are limited-English proficient in federally conducted and federally assisted programs and activities. Simultaneously, the Department of Justice issued a general Policy Guidance Document on the enforcement of Title VI of the Civil Rights Act of 1964. The Policy Guidance Document clarifies existing Title VI responsibilities for both Federal agencies and recipients of Federal financial assistance for making federally assisted programs and activities accessible to LEP persons.

The Executive Order requires all Federal agencies to develop and implement a plan to ensure access to their federally conducted programs and activities by people who are limited-English proficient. A federally conducted program is anything a Federal agency does including but not limited to its employment practices, oral and written communications with the public, the public’s access to Federal facilities, and programs that provide services or benefits. In DOI, this includes federally conducted programs and activities of the National Park Service, the U. S. Fish and Wildlife Service, the Bureau of Reclamation, the Minerals Management Service, the Bureau of Indian Affairs, the U. S. Geological Survey, and numerous other components. Examples of federally conducted DOI programs include: the National Park System, National Historical Sites, geological and mapping activities, water resources programs, law enforcement programs, education programs, tribal services, fish and wildlife refuges, environment protection programs, surface mining and reclamation programs, and minerals management services.

The Executive Order also requires all Federal agencies to develop agency-specific guidance for recipients of Federal financial assistance. The guidance is to ensure that recipients understand their obligations under Title VI to effectively serve LEP persons. Moreover,

the Executive Order calls for consultations with stakeholders who will be affected by federally conducted LEP plans and the specific LEP guidance developed by agencies to ensure nondiscrimination in federally assisted programs and activities. To this effect, stakeholders, such as LEP persons and their representatives must have an adequate opportunity to provide input into the development of DOI's LEP planning activities and the formulation of its LEP guidance for recipients of Federal financial assistance. In part, DOI has already met this requirement, through assistance from the Department of Justice. [On November 14, 2000, DOI representatives attended a stakeholders meeting sponsored by the Coordination and Review Section of the Civil Rights Division of the Department of Justice. At this meeting, DOI representatives were afforded the opportunity to consult with members of organizations representing LEP persons].

This document sets forth DOI's plan for ensuring that its federally conducted programs and activities are nondiscriminatory towards and readily accessible to LEP persons. In addition, it establishes LEP guidance for all DOI bureaus and offices that administer Federal assistance programs and to recipients to whom they provide Federal financial assistance. In furtherance of this important obligation, all DOI bureaus and offices were directed to develop plans for making their programs, activities, and services accessible to LEP persons. In addition, bureaus and offices that administer Federal assistance programs were directed to provide specific LEP guidance to their applicants and recipients of Federal financial assistance in the context of the particular types of programs for which they have responsibility, [*DOI Equal Opportunity Directive No. 2000-23*, September 22, 2000.]

U. S. Department of the Interior
Plan for Improving Access to Federally Conducted Programs and Activities
for Eligible Persons with Limited English Proficiency

I. Purpose

The purpose of this *Language Assistance Plan* is to ensure that all aspects of DOI's operations are readily accessible to LEP persons. This plan sets forth the actions that will be taken by all bureaus and offices to ensure that their programs and activities are nondiscriminatory towards and accessible to people who cannot write, read, or understand the English language.

II. Authority

- A. *Executive Order 13166 of August 11, 2000, "Improving Access to Services for Persons with Limited English Proficiency"*
- B. U. S. Department of Justice, Policy Guidance Document, "Enforcement of Title VI of the Civil Rights Act of 1964 – National Origin Discrimination Against Persons with Limited English Proficiency" [*Federal Register*: August 16, 2000, (Volume 65, No. 159)].

III. Coverage and Application

This *Language Assistance Plan* covers all DOI programs and activities including but not limited to its employment practices, all written and oral communications with the public, law enforcement programs and activities, recreation programs, environmental protection programs, education and training activities, education programs, Tribal services, fish and wildlife refuges, all web site communications, National Parks, National Historic Sites, international and intergovernmental affairs, mapping services, public land programs, mineral management services, as well as programs of organizations affiliated with DOI.

IV. Departmental Goal

All DOI bureaus and offices including organizations affiliated with DOI shall provide timely, competent, and quality language assistance services to LEP persons. To this effect, in terms of DOI's federally conducted programs and activities all bureaus and offices shall adhere to the same LEP standards and principles outlined for recipients of Federal financial assistance, [See page 10, *DOI Improving Access to Services for Persons with Limited English Proficiency in Federally Assisted Programs and Activities*].

V. Departmental Office for Equal Opportunity Responsibilities

A. Monitoring and Reporting

The Departmental Office for Equal Opportunity shall be responsible for monitoring the actions of all bureaus and offices in complying with the requirements of *Executive Order 13166* and reporting to external Federal agencies regarding the same.

B. Policy and Oversight

The Departmental Office for Equal Opportunity shall be responsible for LEP policy matters and the conduct of oversight reviews in assessing the efficacy of all actions taken and planned by any bureau or office in complying with the requirements of *Executive Order 13166*.

VI. Actions to be Taken by Bureaus and Offices to Ensure “Meaningful” Communication with LEP Persons

A. Development and Implementation of Bureau LEP Plans

By November 1, 2000, all bureaus and offices shall develop implementation plans along with immediate timetables for making their programs, activities, and services accessible to LEP persons. The plan must be consistent with the Department of Justice’s LEP Guidance Document, [*Federal Register*: August 16, 2000, (Volume 65, No. 159)]. The plan must include steps for ensuring that LEP persons have “meaningful access” to each federally conducted program or activity operated by each bureau or office. Examples of federally conducted programs, activities, and services that must be covered in the planning document and which must be made accessible to LEP persons include but are not limited to the following: (1) telephone communications (including “hot lines”); (2) publications and materials describing the availability of programs and services; (3) park, recreation, and historic interpretation services and materials; (4) law enforcement programs and services; (5) signage and outreach materials; (6) bureau and office web sites; (7) education programs; (8) public outreach programs; and applications for participation in programs providing benefits and services.

B. Assessments of LEP Needs

Each bureau and office shall have an established policy and procedure for, at least annually, assessing the LEP status and assistance needs of actual and potential customers.

C. Consultations with Stakeholders Required

Stakeholders such as organizations representing persons who may not be able to write, speak or understand the English language shall be consulted in the formulation of all bureau and office LEP plans and policies. Records shall be maintained of those stakeholders who were consulted and the dates the actual consultations occurred.

D. Oral Language Assistance Services

Each bureau and office shall have an established policy and procedure for providing timely, competent, and quality language assistance services to LEP persons in both face-to-face and telephone encounters. The policy shall be in writing and proclaimed to all DOI employees and stakeholders including but not limited to organizations representing persons who may not be able to write, speak or understand the English language.

E. Translation of Printed and Recorded Materials

Each bureau and office will produce vital documents including printed and other forms of recorded materials in languages other than English where a significant number or percentage of the customers served or eligible to be served has limited English proficiency. These printed materials may include other formats such as audio recordings, signage, web sites, correspondence, public notices, maps, and publications.

F. Designation of LEP Coordinators

Each bureau and office including field installations shall have designated staff who will be responsible for LEP matters relating to the bureau's or office's operations. This particular provision does not imply that someone has to be hired expressly for this LEP coordinating responsibility, instead bureaus and offices are encouraged to designate this responsibility as a collateral duty to current employees.

G. Establishment of Internal LEP Policies and Procedures

Effective immediately, all bureaus and offices shall establish internal policies describing their LEP policies and procedures including the identification of the LEP Coordinator(s) who are responsible for carrying out the bureau's or office's LEP policies. The procedures shall also describe how to file complaints regarding LEP matters. These policies are to be proclaimed bureauwide through bureau web sites and other means of publication for public information purposes. This policy information shall be provided to the public in English and in languages other than English where a significant number or percentage of the bureau's or office's eligible customers do not speak or understand the English language.

H. Notification of the Provision of Free Language Assistance Services

Each bureau and office shall proactively inform LEP customers and local grassroots organizations who represent LEP persons of the availability of language assistance services through both oral and written communications, in his or her primary language. All language assistance services provided by bureaus and offices to LEP persons must be free of charge.

I. Staff Training and Technical Assistance

Each bureau and office shall provide periodic training and technical assistance regarding its LEP policies and procedures to its program managers and supervisors who are responsible for the provision and delivery of services.

J. Monitoring the Efficacy of Bureau and Office LEP Activities

Each bureau and office will establish and implement procedures for at least annually monitoring the efficacy and quality of its LEP activities and reporting to the Departmental Office for Equal Opportunity regarding the same.

K. Federal Supply Schedule - - General Services Administration Language Services

Bureaus and offices shall in all instances consider the multilingual services made available through the *U. S. General Services Administration Federal Supply Schedule* in procuring competent and quality multilingual services in addressing their LEP needs.

L. Bureau Staff

Sufficient staff shall be assigned by bureaus and offices to ensure effective compliance with the requirements of *Executive Order 13166*.

U. S. Department of the Interior
Improving Access to Services for Persons with Limited
English Proficiency in Federally Assisted Programs and Activities

I. Purpose

The purpose of this document is to provide guidance to DOI bureaus and offices and recipients of Federal financial assistance in complying with the provisions of Title VI of the Civil Rights Act of 1964 and *Executive Order 13166*. Title VI prohibits discrimination on the basis of national origin in programs or activities receiving Federal financial assistance and *Executive Order 13166* calls for eradicating language barriers for LEP persons in programs and activities receiving Federal financial assistance.

II. Authority

- A. Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000 et seq., as amended.
- B. Departmental Regulation at 43 CFR 17, Subpart A.
- C. *Executive Order 13166 of August 11, 2000*, "Improving Access to Services for Persons with Limited English Proficiency."
- D. U. S. Department of Justice Government-wide Regulation at 28 CFR 42, Subpart F, "Coordination of Nondiscrimination in Enforcement in Federally Assisted Programs."
- E. U. S. Department of Justice, Policy Guidance Document, "Enforcement of Title VI of the Civil Rights Act of 1964 – National Origin Discrimination Against Persons with Limited English Proficiency" [*Federal Register*: August 16, 2000, (Volume 65, No. 159)]

III. Definitions

A. Covered Program.

The term "covered program" means a program or activity that has received Federal financial assistance in the past and is subject to the requirements of Title VI.

B. Covered Entity.

The term "covered entity" means a State or local government agency, or private organization, or individual but not the ultimate beneficiary who has received Federal financial assistance subject to the requirement of Title VI.

C. Federal Financial Assistance.

The term “Federal financial assistance” to which Title VI applies includes but is not limited to grants and loans of Federal funds, grants or donations of Federal property, partnership agreements with public or private organizations, the detail of Federal personnel, or any agreement, arrangement or other contract which has as one of its purposes the provision of assistance. (See Departmental regulation at 43 CFR 17.12(e) for a more detailed description of what constitutes Federal financial assistance.)

D. LEP Persons.

The term “LEP person(s)” means an individual with limited English proficiency or people who cannot be able to write, read, or understand the English language.

E. Title VI.

The term “Title VI” refers to Title VI of the Civil Rights Act of 1964. Title VI is a Federal nondiscrimination law that prohibits discrimination on the basis of race, color, or national origin. Recipients of Federal financial assistance from DOI are subject to the requirements of this law.

F. Vital Documents.

The term “vital documents” include but is not limited to applications, consent forms, notices that require a response from the beneficiary or customer, service or program participation termination notices, hunter and fishing rules and regulations, and emergency notices or warnings to potential and actual program beneficiaries

IV. Application

All entities that receive or benefit from Federal financial assistance provided by any DOI bureau or office, either directly or indirectly, through a grant, contract or subcontract, are covered by this policy guidance. Covered entities include, but are not limited to, (1) any state or local government entity, private institution or organization, or (2) any public or private individual whose responsible for carrying out a program or activity funded in whole or in part by any DOI bureau or office.

Title VI prohibits discrimination in any program or activity that receives Federal financial assistance. What constitutes a program or activity covered by Title VI was clarified by Congress in 1968, when the Civil Rights Restoration Act of 1987 (CRRA) was enacted. The CRRA provides that, in most cases, when an applicant or recipient receives Federal financial assistance for a particular program or activity, all aspects of the recipient’s operations are covered by Title VI, not just the part of the program that uses the Federal financial assistance.

V. **Departmental Office for Equal Opportunity Responsibilities**

A. **Monitoring**

The Departmental Office for Equal Opportunity will be responsible for monitoring the compliance and enforcement actions of bureaus and offices in ensuring recipient compliance with the provisions of Title VI and *Executive Order 13166*.

B. **Reporting**

Accomplishing all reporting to other Federal agencies regarding DOI's compliance posture with the requirements of Title VI and *Executive Order 13166*.

VI. **Bureaus and Offices Responsibilities**

A. **Ensuring Recipient Compliance.**

All bureaus and offices that administer Federal assistance programs or activities shall take immediate steps to ensure that recipients and covered entities to whom they have provided Federal financial assistance are in compliance with the requirements of Title VI and the provisions described in section VII of this *Policy Guidance Document*.

B. **Compliance Reviews and Technical Assistance**

Bureaus and offices must ensure through the conduct of compliance reviews and the provision of technical assistance that recipients and covered entities are in compliance with the requirements of Title VI and the provisions described in this *Policy Guidance Document*.

C. **“Meaningful Access” to Information**

Bureaus and offices shall ensure that recipients of Federal assistance and covered entities are providing LEP persons with “meaningful access” to information about program availability in a language that LEP persons can understand.

VII. Recipient Responsibilities

A. Recipients Covered by a State or Local “English-only” Law Programs and Activities Must be Accessible to LEP Persons

If a recipient is covered by a State or local “English-only” law, the recipient still must comply with the requirements of Title VI, including its prohibition against national origin discrimination. Failing to make federally assisted programs accessible to LEP persons, in certain circumstances, violate Title VI.

B. Recipients Must Provide LEP Persons with “Meaningful Access” to Programs and Activities

There are four major factors to be considered in ensuring that recipients or public entities provide LEP persons with “meaningful access” to their programs and activities. The factors to be considered are:

1. Number or Proportion of LEP Persons in the Eligible Service Population

For example, recipients that serve a few or even one LEP person are obligated under Title VI to take reasonable steps to effectively serve that LEP individual in a language that he or she understands. Hence, an important factor in determining the reasonableness of a recipient’s efforts in meaningfully serving LEP persons is the number or proportion of LEP persons that are eligible to be served. The steps necessary in serving one LEP person a year will differ from those that will be necessary to serve a sizable LEP community.

2. The Frequency in which LEP Persons have Contact with the Program

The frequency of contacts between the program or activity and LEP individuals is another factor to be considered. For instance, an LEP person participating in a program or activity at a public recreation center on occasion, as compared to LEP persons participating in a program or activity at a recreation center on a daily basis calls for different degrees of responsiveness to the needs of the LEP customer.

3. The Importance of the Program

The importance of the recipient’s program to beneficiaries will affect the determination of what reasonable steps are required. For example, where an environmental emergency or hazardous site is at hand more

affirmative steps may be necessary from a recipient to forewarn even one LEP person who resides in the recipient's service area.

4. **The Resources Available to the Recipient**

The size of a recipient's operations and available resources may have an impact on the nature of the steps that recipients must take to communicate effectively with LEP persons. For example, a small recipient with limited resources may not have to take the same steps as a larger recipient to provide LEP assistance in programs that serve a limited number of eligible LEP individuals, where contact is infrequent, where the cost of providing language services is costly, or where the program is not crucial to an individual's day-to-day existence.

C. **Four Keys to Providing "Meaningful Access" to LEP Persons.**

The key to providing "meaningful access" to benefits and services for LEP persons is to ensure that the language assistance provided by the recipient or covered entity results in accurate and effective communication between the service provider and LEP person about the types of services and/or benefits being offered. To this effect, a recipient or covered entity must ensure that the LEP person is given adequate information, is able to understand the services and benefits available, and able to receive those for which he or she is eligible. The recipient or covered entity must also ensure that the LEP person can effectively communicate the relevant circumstances of his or her situation to the service provider.

Recipients and covered entities have flexibility in meeting their obligation in providing "meaningful access" to LEP persons, however, effective programs usually incorporate the following elements. Failure to implement one or more of these measures do not necessarily constitute a Title VI violation. The totality of the circumstances in each case would have to be considered by DOI. If the failure to implement one or more of these elements imposes a financial hardship on a recipient or covered entity to the extent that the legitimate objectives of the recipient's or covered entity's program are defeated or if there are equally as effective alternatives for ensuring that LEP persons have "meaningful access" to the federally assisted program, DOI will not find a recipient or covered entity in violation of Title VI.

I. **Assessment**

The first key to ensuring “meaningful access” is for the recipient or covered entity to assess the language needs of the affected population. This is done by:

- a. Identifying the non-English languages that are likely to be encountered by the program and through estimating the number of LEP persons that are eligible for services and that are likely to be directly affected by the program. This can be done by reviewing U. S. Census Data, data from schools and community development and planning agencies, and local grassroots organizations representing people who may not speak or understand the English language.
- b. Identifying the language needs of each LEP individual.
- c. Identifying the points of contact who are directly responsible for providing services in areas where language assistance is likely to be needed.
- d. Identifying the resources that will be needed to provide competent and effective language assistance services.
- e. Identifying the location and availability of these resources and determining the arrangements that must be made to secure these resources in a timely manner.

2. **Development of Written Policy on Language Access**

The recipient or covered entity develops and implements a comprehensive written policy that will ensure effective communication.

A recipient or covered entity can ensure effective communication by developing and implementing a comprehensive written language assistance program that includes policies and procedures for identifying and assessing the language needs of its LEP customers and that provides for a range of oral language assistance options, notice to LEP persons in a language they can understand of the right to free language assistance, periodic training of staff, monitoring of the program, and translations of written materials in certain circumstances.

- a. **Oral Language Interpretation.** In establishing an effective language assistance program, a recipient or covered entity

develops procedures for securing trained and competent interpreters and other oral language assistance services, in a timely manner, by taking some or all of the following actions:

- (1) Hiring bilingual staff who are trained and competent in the skill of interpreting;
- (2) Contracting with an outside interpreter service for trained and competent interpreters;
- (3) Arranging formally for the services of voluntary community interpreters who are trained and competent in the skill of interpreting;
- (4) Arranging or contracting for the use of a telephone language interpreter service.

b. **Language Assistance Options.** The following provides guidance to recipients and covered entities in determining which language assistance options will be sufficient to meet the needs of their LEP beneficiaries:

- (1) **Bilingual Staff** – Hiring bilingual staff facilitates participation by LEP persons. But where there are a variety of LEP language groups in a recipient's or covered entity's service area, this option may be insufficient to meet the needs of all LEP persons. Where this option is insufficient to meet the needs, the recipient or covered entity must provide additional and timely language assistance. Bilingual staff must be trained and must demonstrate competence as interpreters in the language and the subject matter area being covered.
- (2) **Staff Interpreters** – Paid staff interpreters are especially appropriate where there is a frequent and/or regular need for interpreting services. These persons must be competent and readily available.
- (3) **Contract Interpreters** – The use of contract interpreters may be an option for recipients and covered entities that have an infrequent need for interpreting services, have less common LEP language groups in their service areas, or need to supplement their in-house capabilities on an as-needed basis. Such contract interpreters must be readily available and competent.

(4) **Community Volunteers** – The use of community volunteers may provide recipients and covered entities with a cost-effective method for providing interpreter services. However, experience has shown that to use community volunteers effectively, recipients and covered entities must ensure that formal arrangements for interpreting services are made with community organizations so that these organizations are not subjected to ad hoc requests for assistance. In addition, recipients and covered entities must ensure that these volunteers are competent as interpreters and understand their obligation to maintain client confidentiality. Additional language assistance must be provided where competent volunteers are not readily available during all hours of service.

(5) **Telephone Interpreter Service** – A telephone interpreter service may be an useful option as a supplemental system, or may be useful when a recipient or covered entity encounters a language that it cannot otherwise accommodate. Such a service often offers interpreting assistance in many different languages and usually can provide the service in quick response to a request. However, recipients and covered entities should be aware that such services may not always have readily available interpreters who are familiar with the terminology specific to the particular program or service. It is important that a recipient or covered entity not offer this as the only language assistance option except where other language assistance options are unavailable, e.g., in rural and remote areas where an LEP person speaks a language that is not usually encountered in the area.

c. **Translation of Written Materials.** An effective language assistance program ensures that written materials that are routinely provided in English to the recipient's or covered entity's customers are available in regularly encountered languages other than English. It is crucial that "vital documents," such as applications; hunter safety tests; hunting and fishing rules; consent forms; letters containing essential information regarding program availability; notices pertaining to the reduction, denial or termination of services or benefits, of the right to appeal such actions or that require a response from beneficiaries; notices advising LEP persons of the availability of free language assistance; and other outreach materials be translated into the non-English language of each regularly encountered LEP group eligible to be served or likely to be directly affected by the recipient's or covered entity's program.

As a part of its overall language assistance program, a recipient or covered entity must develop and implement a plan to provide written materials in languages other than English where a significant number or percentage of the population eligible to be served or likely to be directly affected by the program needs services or information in a language other than English to communicate effectively. [28 CFR 43.405(d)(1)]. The bureau or office having jurisdiction over the recipient or covered entity will determine the extent of the recipient's or covered entity's obligation to provide written translation of documents on a case-by-case basis and in consultation with the DOI's Office for Equal Opportunity, taking into account all relevant circumstances, including the nature of the recipient's or covered entity's services or benefits, the size of the recipient's or covered entity's program, the number and size of the LEP language groups in its service area, the nature and length of the document, the objectives of the program, the total resources available to the recipient or covered entity, the frequency with which translated documents are needed and the cost of translation.

- d. **Methods for Providing Notice to LEP Persons.** Recipients or covered entities must have effective methods for notifying LEP persons regarding their right to language assistance and the availability of such assistance being provided to them free of charge. These methods include but are not limited to :
- (1) Use of language **identification cards** which all LEP customers may use to identify their language needs to staff and for staff to identify the language needs of applicants and customers. To be effective, the cards, e.g., "I speak cards," must invite the LEP person to identify the language he or she speaks.
 - (2) Prominently **posting and maintaining signs** in regularly encountered languages other than English in waiting rooms, reception areas and other initial points of entry. In order to be effective, these signs must inform applicants and beneficiaries of their rights to free language assistance services and invite them to identify themselves as persons needing such services:
 - (3) **Translation of application forms** and instructional, informational and other written materials into appropriate non-English languages by competent translators. For LEP persons whose language does not exist in written form,

assistance from an interpreter to explain the contents of the document;

- (4) Uniform procedures for timely and **effective telephone communication** between staff and LEP persons. This must include instructions for English –speaking employees to obtain assistance from interpreters or bilingual staff when receiving calls from or initiating calls to LEP persons; and
- (5) **Inclusion of statements about available LEP services** and the right to free language assistance service in appropriate non-English languages, on official stationary, in brochures, booklets, outreach and recruitment information and other materials that are routinely disseminated to the public.

3. **Training Staff**

The recipient or covered entity must takes steps to ensure that its employees understand the language assistance policies and are capable of following them effectively where necessary. Recipients and covered entities must ensure that their employees who have contact with LEP persons have periodic training on meeting the language needs of LEP persons. Effective training ensures that employees are knowledgeable and aware of LEP policies and procedures, are trained to work effectively with LEP persons and telephone interpreters, and understand the dynamics of interpretation between customers, service providers, and interpreters. It is important that this training be part of the orientation for new employees and that all employees in customer contact positions be properly trained. Given the high turnover rate among some employees, recipients and covered entities may find it useful to maintain a training registry that records the names and dates of employees' training. The Department of Justice has determined that among certain recipients and covered entities they often develop effective language assistance policies and procedures but that employees are unaware of the policies, or do not know how to, or otherwise fail to provide available assistance. Effective training is one means of ensuring that there is not a gap between a recipient's or covered entity's written policies and procedures, and the actual practices of employees who are in customer service contact positions with LEP persons.

4. **Monitoring**

Recipients and covered entities must ensure through the conduct of periodic self-assessments of their language assistance programs LEP

persons are being effectively served. It is crucial for a recipient or covered entity to monitor its language assistance program at least annually to assess the current LEP makeup of its service area, the current communication needs of LEP applicants and customers, to determine whether existing assistance is meeting the needs of LEP persons, whether staff is knowledgeable about policies and procedures and how to implement them, and whether sources of and arrangements for assistance are still current and viable. One element of such an assessment is for a recipient or covered entity to seek feedback from LEP customers and their advocates.

VII. Bureaus and Offices Assessment of "Meaningful Access"

The failure to take all of the steps outlined in this document for providing "meaningful access" to LEP persons in a recipient's or covered entity's programs and activities will not necessarily mean that a recipient or covered entity has failed to provide "meaningful access" to LEP persons. Bureaus and offices will make assessments on a case-by-case basis and will consider several factors in assessing whether the steps taken by a recipient or covered entity provide "meaningful access." These factors include the size of the recipient or covered entity and of the eligible LEP population, the nature of the program or service, the objectives of the program, the total resources available, the frequency with which particular languages are encountered, and the frequency with which LEP persons come into contact with the program.

VIII. Interpreters

Two recurring issues in the area of interpreter services are the use of friends, family, or minor children as interpreters, and the need to ensure that interpreters are competent, especially in the program subject matter area.

A. Use of Friends, Family and Minor Children as Interpreters.

A recipient or covered entity may expose itself to liability under Title VI if it requires, suggests, or encourages an LEP person to use friends, minor children, or family members as interpreters, as this could compromise the effectiveness of the service. Use of such persons could result in a breach of confidentiality or reluctance on the part of individuals to reveal personal information critical to their situations.

If after a recipient or covered entity informs an LEP person of the right to free interpreter services, the person declines such services and requests a family member or friend, the recipient or covered entity may use the family member or friend, if the use of such a person would not compromise the effectiveness of services or violate the LEP person's confidentiality. The recipient or covered entity should document the offer and declination in its

records. Even if a LEP person elects to use a family member or friend, the recipient or covered entity should suggest that a trained interpreter sit in on the encounter to ensure accurate interpretation.

B. Competence of Interpreters.

In order to provide effective services to LEP persons, a recipient or covered entity must ensure that it uses persons who are competent to provide interpreter services. Competency does not necessarily mean formal certification as an interpreter, though certification is helpful. On the other hand, competency requires more than self-identification as bilingual. The competency requirement contemplates demonstrated proficiency in both English and the other language, orientation and training that includes the skills and ethics of interpreting, e.g., issues of confidentiality, fundamental knowledge in both languages of any specialized terms, or concepts peculiar to the recipient's or covered entity's operations, sensitivity to the LEP person's culture and a demonstrated ability to convey information in both languages accurately. A recipient or covered entity must ensure that those persons it provides as interpreters are trained and demonstrate competency as interpreters.

IX. Promising Practices.

LEP individuals are being effectively communicated with in a variety of ways. Many of these new and creative practices are being used throughout the United States by State and local government entities. Examples of these practices include:

A. Simultaneous Translation.

An urban medical center is testing an interpretation system in which the medical provider and LEP patient communicates with each other through wireless remote headsets while an interpreter, located in a separate room provides simultaneous interpreting services to the provider and patient. The provider can be miles away. Hence, a service provider that operates more than one facility can deliver interpreter services to all facilities using this central bank of interpreters, as long as each facility is equipped with the proper technology.

B. Language Banks

Community organizations throughout the United States have created community banks that train, hire, and dispatch trained interpreters to participating organizations. Generally, these language banks are nonprofit basis and charge reasonable rates.

C. Pamphlets

Pamphlets have been created in several languages, entitled, "While Awaiting the Arrival of an Interpreter." The pamphlets are intended to facilitate basic communication between the service provider and an LEP individual. The pamphlets are intended to replace interpreters but may aid in increasing the comfort level of LEP persons as they wait for services.

D. Language Support Office

A State social services agency has established an "Office for Language Interpreter Services and Translation." This office tests and certifies all in-house and contract interpreters, provides agency-wise support for translation of forms, client mailings, publications, and other written materials into non-English languages, and monitors the policies of the agency and its vendors that affect LEP persons.

E. Multicultural Delivery Project

A local agency has established a "Multicultural Delivery Project" that is designed to find interpreters to help immigrants and other LEP persons to navigate the county for public services. The project uses community outreach workers to assist LEP persons and can be used by employees in seeking to overcome cultural and language barriers.

F. Use of Technology

Some public entities use their "internet" capabilities to store translated documents online.

G. Telephone Information Lines

Public entities have established telephone information lines in languages spoken by frequently encountered language groups to instruct callers, in the non-English languages, on how to leave a recorded message that will be answered by someone who speaks the caller's language.

H. Signage and other Outreach

Other public entities have provided information about services, benefits, eligibility requirements, and the availability of free language assistance, in appropriate languages by (a) posting signs and placards with this information in public places such as grocery stores, bus shelters and subway stations; (b) putting notices in newspapers, and on radio and television stations that serve LEP groups; (c) placing flyers and signs in the offices of community organizations that serve large populations of LEP persons; and (d) establishing information lines in appropriate languages.

X. Model Plan

The following is an example of a model language assistance program that is potentially useful for all recipients and covered entities that serve a significant and diverse LEP population. This model plan incorporates a variety of options and methods for providing "meaningful access" to LEP beneficiaries.

- A. A formal written language assistance program;
- B. Identification and assessment of the languages that are likely to be encountered and estimating the number of LEP persons who are eligible for services and who are likely to be affected by the recipient's program through a review of census and client utilization data from school systems and community agencies and organizations;
- C. Posting of signs in lobbies and in other waiting areas, in several languages, informing applicants and beneficiaries of their right to free interpreter services and inviting them to identify themselves as persons needing language assistance;
- D. Use of "I speak" cards by intake workers and other service providers so that LEP persons can identify their primary languages;
- E. Employment of sufficient number of staff, bilingual in appropriate languages, in customer service positions - - these persons must be trained and competent as interpreters;
- F. Contracts with interpreting services that can provide competent interpreters in a wide variety of languages, in a timely manner;
- G. Formal arrangements with community groups for competent and timely interpreter services by community volunteers; An arrangement with a telephone language interpreter line;
- H. Translations of application forms, instructional, informational and other key documents into appropriate non-English languages. Provision of oral interpreter assistance with documents, for those persons whose language does not exist in written form;
- I. Procedures for effective telephone communication between staff and LEP persons, including instructions for English speaking employees to obtain assistance from bilingual staff or interpreters when initiating or receiving calls from LEP persons;
- J. Notice to and training of all staff, particularly service providers, with respect to the recipient's or covered entity's Title VI obligation to provide language

assistance to LEP persons, and on the language assistance policies and the procedures to be followed in securing such assistance in a timely manner;

- K. Insertion of notices, in appropriate languages, about the right of LEP applicants and beneficiaries to free interpreters and other language assistance services, in brochures, pamphlets, manuals, and other materials disseminated to the public and to employees;
- M. Notice to the public regarding the language assistance policies and procedures, and notice to and consultation with community organizations that represent LEP language groups, regarding problems and solutions, including standards and procedures for using their members as interpreters;
- N. Adoption of a procedure for the resolution of complaints regarding the provision of language assistance and notifying the LEP persons of their right to and how to file a complaint under Title VI with DOI;
- O. Appointment of a current employee to coordinate the language assistance program, and ensure that there is regular monitoring of the program.

XI. Technical Assistance

Technical assistance and training in complying with the requirements of Title VI and *Executive Order 13166* are available through the Departmental Office for Equal Opportunity and the Equal Opportunity Offices of DOI's various bureaus and offices.