

LEGAL AUTHORITY

Recipients

Title VI 1964 Civil Rights Act
"No person in the United States shall on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."
42 U.S.C. § 2000d.

The United States Supreme Court in Lau v. Nichols (1974) stated that one type of national origin discrimination is discrimination based on a person's inability to speak, read, write, or understand English.

Recipients and Federal Government Executive Order 13166

On August 16, 2000, this Order "Improving Access to Services for "Persons with Limited English Proficiency" was issued and directed federal agencies to:

- * Publish guidance on how their recipients can provide access to LEP persons
- * Improve the language accessibility of their own programs.
- * Break down language barriers by implementing consistent standards of language assistance across federal agencies and amongst all recipients of federal financial assistance.

The Order covers all federal and federally assisted programs and activities.

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To file a complaint of discrimination, write USDA, Director, Office of Adjudication and Compliance, Room 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

http://www.aphis.usda.gov/about_aphis/programs_offices/civil_rights

Limited English Proficiency (LEP)

Thinking Outside the Box
in delivering services to all persons regardless of race, color, or national origin.

**AFFIRMING LEP ACCESS &
COMPLIANCE IN FEDERAL AND
FEDERALLY
ASSISTED PROGRAMS**



**Animal and Plant Health
Inspection Service**
CIVIL RIGHTS ENFORCEMENT AND COMPLIANCE
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The federal government and those receiving assistance from the federal government must take reasonable steps to ensure that LEP persons have meaningful access to the programs, services, and information those entities provide. This will require agencies to think "outside the box" for creative solutions to address the needs of this ever-growing population of individuals, for whom English is not their primary language.

Who is a Limited English Proficient Person?

Persons who do not speak English as their primary language and who have a limited ability to read, speak, write or understand English. These individuals may be entitled to language assistance with respect to a particular type of service, benefit, or encounter.

Who Must Comply and Who Can be Found in Violation?

All federal agencies which conduct programs and activities must comply.

Recipients (cooperators/grantees) which receive federal financial assistance must comply.

These entities include, but are not limited to -

- * State agencies
- * Local agencies
- * Private and nonprofit entities
- * Sub recipients (entities that receive federal funding from one of the recipients listed above) also must comply.

OBLIGATIONS FOUR-FACTOR ANALYSIS

Agencies and recipients of federal financial assistance have an obligation to reduce language barriers that can preclude meaningful access by LEP persons to important government services.

The starting point is an individualized assessment that balances the following four factors:

- 1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee/recipient;**
- 2. The frequency with which LEP individuals come in contact with the program;**

- 3. The nature and importance of the program, activity, or service provided by the program to people's lives; and**
- 4. The resources available to the grantee/recipient and costs.**

Elements which may be helpful in designing an LEP policy or plan:

- * Identifying LEP persons who need language assistance.
- * Identifying ways in which language assistance will be provided.
- * Training staff.
- * Providing notice to LEP persons.
- * Monitoring and updating LEP policy.

Prior to an activity or program, agencies and recipients need to conduct this four factor analysis to determine whether LEP will be an issue.

Language Assistance Services –

- *Oral interpretation services
- *Bilingual staff
- *Telephone interpreter lines
- *Written language services
- *Community volunteers

Additional information on LEP:
<http://www.usdoj.gov/crt/cor/13166.htm>