

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.

Language Assistance Services

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

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# 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**  
OFFICE OF CIVIL RIGHTS, DIVERSITY,  
AND INCLUSION

**May 2013**

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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 can be limited English proficient, or "LEP." These individuals may be entitled to language assistance with respect to a particular type of service, benefit, or encounter.

**Who Must Comply and Who Can be Found in Violation?**

All programs and operations of entities that receive assistance

from the federal government (i.e. recipients), including:  
\* State agencies  
\* Local agencies  
\* Private and nonprofit entities  
Sub recipients (entities that receive federal funding from one of the recipients listed above) also must comply.

All programs and operations of the federal government also must comply.

**LEGAL AUTHORITY Recipients**

Title VI 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.

**OBLIGATIONS FOUR-FACTOR ANALYSIS**

Recipients of federal financial assistance have an obligation to reduce language barriers that can preclude meaningful access by LEP persons to important government services. (The federal government has the same obligations as a result of Executive Order 13166.) **The starting point is an individualized assessment that balances the following four factors:**