

Transition Communiqué #13–08 Limited English Proficiency (LEP) Plan

This is a message from the Bureau of Subsidized Child Care Services

Title: Limited English Proficiency (LEP) Plan

Date: May 1, 2013

Priority: High

Category: Action Required

Action Required: Yes

Response Required: See Next Steps

Purpose:

To provide Fiscal Year 2013-14 Child Care Information Services (CCIS) grantees with the required format for updating their LEP plans. Attached are the following:

- Template Plan for Complying with Title VI of the Civil Rights Act of 1964 as it Pertains to Persons with Limited English Proficiency
- Sample LEP plan courtesy of Erie County
- Language services poster

Background:

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color or national origin in any program or activity that receives federal funds either directly or indirectly, through a grant, contract or subcontract. In addition, Title VI requires that language assistance be provided to persons with LEP in order to assure such individuals including parents receive meaningful access to federally funded programs and services.

CCIS agencies must comply with Title VI as a portion of their grant is supported by federal funds. In the past, CCIS agencies submitted written plans describing how they plan to serve persons with LEP. As a part of CCIS Consolidation Readiness Review, CCIS agencies are required to submit updated LEP plans prior to their scheduled readiness review.

Discussion:

As grantees of the Department of Public Welfare (DPW), CCIS agencies must meet the following requirements regarding persons with LEP:

- Comply with Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d, by taking action, as required, to assure that all persons with LEP have meaningful access to the services administered by the grantee. This includes providing, free of charge, notice of the availability of language services to persons with LEP and providing oral translation services as needed.
- Record in the client's case file any need for language services and take such measures as are appropriate to assure oral translation and written translation in order for the client to have meaningful access to services administered by the grantee.
- Provide the Department with a written plan for compliance with Title VI of the Civil Rights Act of 1964 as it pertains to persons with LEP. The written plan must describe how the CCIS will:

- Assess the need for LEP services in your area of service.
- Identify the resources developed for translation of verbal and written information.
- Establish a plan to train all of your staff regarding their responsibility to accommodate persons with LEP.
- Establish a method to monitor the implementation and effectiveness of the LEP plan for compliance with Title VI of the Civil Rights Act of 1964.

Please note: CCIS agencies must inform persons with LEP of the right to receive free interpreter services. They may not require persons with LEP to provide their own interpreter. The CCIS may not subject persons with LEP to unreasonable delays in the delivery of services or provide services to persons with LEP that are not as effective as those provided to individuals who are proficient in English.

The attached template includes each of the required components for the plan. Please complete the LEP plan immediately and submit to Karen Mercadante at kmercadant@pa.gov and copy Robyn Arva at roarva@pa.gov. If you already submitted your plan, but it did not include the required components, please revise and resubmit your plan immediately.

We attached a sample plan to offer some ideas on how to address each requirement for compliance with Title VI of the Civil Rights Act of 1964 as it pertains to persons with LEP. The type of language assistance you provide to assure meaningful access will depend on a variety of factors, including your agency's size, the size of the eligible LEP population you serve, the total resources available to you, the frequency with which particular languages are encountered, and the frequency with which persons with LEP come into contact with your program. There is no "one size fits all" solution for Title VI compliance with respect to persons with LEP.

Also attached is a poster the CCIS must print and post with the receptionist. CCIS agencies should also post it in the waiting room and any other place within the CCIS that seems appropriate. The poster will help CCIS staff identify the specific language of a person with LEP.

Next Steps:

1. Instruct all staff about their responsibility to accommodate persons with LEP.
2. Complete your plan for compliance with Title VI of the Civil Rights Act of 1964, including all items reviewed in this letter.
3. Return your completed plan to Karen Mercadante at kmercadant@pa.gov immediately and copy Robyn Arva at roarva@pa.gov.
4. Keep a copy of your plan for your files and ensure all staff is aware of the content and requirements of your plan.