



## I. Purpose

This order establishes the policy and guidance for the U.S. Department of Education's (ED's) Limited English Proficiency (LEP) Plan, as required by sections 2 and 4 of Executive Order 13166<sup>1</sup> and subsequent guidance from the U.S. Department of Justice on requirements for federal agencies under Title VI of the *Civil Rights Act of 1964* and the Title VI regulations.<sup>2</sup>

## II. Policy

It is ED's policy to provide meaningful access to its programs and services to persons who, as a result of national origin or linguistic isolation, 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 ED.

## V. Limited English Proficiency Plan

### A. Statement of Principle

As ED's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access, this plan is based on the principle of ensuring that, in fact, all learners, regardless of English proficiency, have meaningful access to ED programs. As such, this plan serves as guidance for POs in helping to ensure meaningful access to programs and services conducted by ED for persons who, as a result of national origin, are limited in English proficiency. ED serves the United States, including the 50 states, the District of Columbia, and Puerto Rico and other U.S. territories, whose residents comprise a very diverse population of learners of all ages in terms of their national and linguistic origins.

LEP persons (also referred to in the field as "English Language Learners" or "ELLs") are those whose proficiency in speaking, reading, writing, or understanding English, as a result of national origin or linguistic isolation, is such that it would deny or limit their meaningful access to programs and services provided by ED if they did not receive language assistance. ED has taken a number of steps, outlined in this document, to assist LEP individuals in accessing ED 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

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<sup>1</sup> Exec. Order No. 13166, §2; 65 Fed. Reg. 50121 (Aug. 16, 2000).

<sup>2</sup> Memorandum from Assistant Attorney General Ralph Boyd Jr., July 8, 2002, "Executive Order 13166 (Improving Access to Services for Persons With Limited English Proficiency)" to heads of federal agencies, general counsels and civil rights directors, U.S. Department of Justice <http://www.englishfirst.org/13166/13166DOJ70802memo.pdf>.

programs and activities for persons who, as a result of national origin, are limited in their English proficiency (LEP)...”<sup>3</sup> President George W. Bush affirmed his commitment to Executive Order 13166 through a memorandum issued to heads of federal agencies on July 8, 2002, by then Assistant Attorney General for Civil Rights Ralph F. Boyd Jr.<sup>4</sup> As a federal agency, ED 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.”<sup>5</sup> On Aug. 5, 2003, ED adopted its first LEP plan as a guide in its efforts to improve access for LEP persons to federal education programs and that plan was amended on July 17, 2005.

This ED-wide LEP plan is based on those prior plans and is designed to assist POs by providing guidance on translation, interpretation, and outreach services for LEP persons seeking access to ED programs. Under this LEP plan, the first priority is to provide access for LEP individuals to critical services and activities. ED also strives to provide access to its other programs and services, particularly in those areas with regular contact with LEP persons. In addition to this ED-wide LEP plan, each PO must have its own plan in place to provide access for LEP individuals to its programs and services.

This plan does not address the programs and services ED supports through financial assistance to organizations, groups, and education 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,<sup>6</sup> which apply to any recipient of federal financial assistance. ED’s Office for Civil Rights (OCR) has long had policy guidance and provided technical assistance and enforcement for ensuring that school districts provide LEP students with the opportunity to effectively participate in the education program, which is consistent with Executive Order 13166 and the U.S. Department of Justice LEP Guidance discussed below in part E. This LEP plan is designed to address those instances in which ED directly interacts with and serves LEP persons.

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

ED is committed to making its services and programs available to LEP persons as part of its mission “to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.” Based on this commitment, ED makes designated publications available in languages other than English and provides interpretation services to persons who are not proficient in English. [For assistance with a specific translation or interpretation job, please see “Resources for Translating Documents and Obtaining Interpretation Assistance” (Section C, below).]

In response to the needs of the Spanish-speaking population, the largest language-minority population ED serves, ED translates numerous publications into Spanish, commonly provides interpretation services in Spanish, and has Spanish-speaking customer-service representatives at its call centers. As described in Section C below, ED also provides translation and

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<sup>3</sup> Exec. Order 13166; 65 Fed. Reg. at 50121.

<sup>4</sup> Memorandum from Assistant Attorney General Ralph Boyd Jr., July 8, 2002.

<sup>5</sup> Exec. Order 13166, §1; 65 Fed. Reg. at 50121.

<sup>6</sup> 42 U.S.C. §2000d et seq.; 34 C.F.R. § 100.1 et seq.

interpretation services to other large and growing language-minority populations whose first language is not English.

Some examples of efforts in various offices of ED to provide services directly to LEP individuals are described in the appendix.

## **C. Resources for Translating Documents and Obtaining Interpretation Assistance**

### *1. Translation Services Through the Office of Communications and Outreach*

ED translates publications through the OCO Editorial Policy, Publications, and Printing Team (EPPP). EPPP manages translation services for all ED offices in requested languages, 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 EPPP, which must approve all translations, and all translations must be completed through the three-part process outlined below. In addition, the EPPP is ED's source of interpretation services for meetings, conference calls and similar activities.

#### ***ED's Translation Policy***

- a. After EPPP has approved a publication for translation, it sends the publication to a contractor, who is a certified translator, for an estimate of cost and time to complete the translation. At the same time, EPPP 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 would be a waste of time and money to send a publication out for estimate or translation that is not in its final version.
  - POs may send publications to their own translator, but this is not recommended unless the translator is known to be a certified<sup>7</sup> professional translator. Before contracting with a translator other than those recommended by EPPP, POs should discuss this option with EPPP translation manager.
  - Before beginning work on a translation, 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 certification of the completion of the translator's work by OCO's translation manager.
- b. When the translation is complete, EPPP sends the translation to the reviewer, who must receive a purchase order in the amount of the estimate before beginning the review. Actual payment is made upon certification of completion of the reviewer's work. POs may not use a reviewer other than those approved by EPPP.

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<sup>7</sup> A certified translator is one whose competency is assured based upon professional qualifications. Appropriate professional qualifications include a master of arts degree in translation, accreditation from the American Translators Association or certification from the Federal Court Interpreter Certification Program.

- c. When the reviewer has completed the review and the changes have been made to the copy (either by the reviewer or the PO), EPPP gives the manuscript to an ED employee (or other appropriate individual if no ED employee is proficient in 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 ED review. Only those employees or individuals approved by EPPP may be selected to review these translations. Then employees perform translation reviews as part of their normal workload.
- The purpose of this final review is to ensure that linguistic expressions and the policies particular to ED and the federal government have been translated according to the meanings intended in the original document. This second review also ensures that the document was completely translated and that the translated publication is of high quality.
  - If the internal reviewer (or other appropriate individual) disagrees substantially with the external reviewer's draft, EPPP will ensure the two reviewers contact each other for the purpose of resolving their differences.
  - The PO incorporates the final changes, EPPP proofs minor changes, and the external reviewer proofs major changes. The document is then sent to print.

## 2. *Interpretation Services Through ED's Language Assistance Volunteers*

For assistance with interpretation, ED established the ED Language Assistance Volunteers initiative several years ago. More than 90 ED employees who speak more than 30 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 on connectED at Home » References & Resources » Directories & Contacts » ED Directories and clicking on either of the Language Assistance Volunteer listings (listed alphabetically by language, first, from Amharic-Lithuanian; second, from Norwegian-Vietnamese).

## 3. *Other Resources*

- OCO's Information Resource Center maintains "Recursos en Español" ("Resources in Spanish") on ED's Web site, which provides information for Spanish speakers on education programs and legislation including *No Child Left Behind (NCLB)*, as well as featuring all of ED's general-audience publications in Spanish that are available in hard copy or online. The Web address for these resources is <http://www.ed.gov/espanol/bienvenidos/es/index.html?src=gu>.
- OCO's Information Resource Center (IRC) staff responds to phone calls at 1-800-USA-LEARN. This toll-free line receives public inquiries about the secretary's priorities, ED funding opportunities, and ED programs, among other things. The center is staffed with bilingual customer-service representatives who are able to answer calls from Spanish-speaking customers.

- The IRC also posts Spanish-language frequently asked questions and their responses at [http://respuestas.ed.gov/cgi-bin/education\\_sp.cfg/php/enduser/std\\_alp.php](http://respuestas.ed.gov/cgi-bin/education_sp.cfg/php/enduser/std_alp.php), and gives Spanish speakers the opportunity to e-mail questions through this same portal and receive a response in Spanish.
- The ED Pubs Customer Service Center, ED's central publications distribution center, has Spanish-speaking representatives at 1-877-4-ED-PUBS.
- Several of the Federal Student Aid Centers are able to answer calls from Spanish-speaking individuals: The Federal Student Aid Information Center at 1-800-4-FED-AID; the Defaulted Loan Center at 1-800-621-3115; and the Loan Consolidation Center at 1-800-557-7392.
- <http://www.lep.gov> is the Web site developed by the Interagency Working Group on LEP, created pursuant to Executive Order 13166 and consisting of representatives from more than 35 federal agencies. The Web site includes links to Executive Order 13166 and the U.S. Department of Justice 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.

#### **D. Stakeholder Input**

Executive Order 13166 required agencies to allow stakeholders an adequate opportunity for input to agency plans.<sup>8</sup> ED sought input from stakeholders during the drafting of its original plan in meetings, beginning in December 2000. In addition, this plan is posted on ED's Web site and members of the public and other stakeholders may submit questions or comments to ED at any time.

As mentioned above, this plan was updated by OCO in April 2008.

#### **E. Guidance for POs to Consider in Developing a Plan**

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

##### *1. U.S. 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."<sup>9</sup> It further requires that these plans be consistent with the standards set forth in a general guidance document that was issued concurrently by the U.S. Department of Justice

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<sup>8</sup> Exec. Order 13166, §4; 65 Fed. Reg. at 50122.

<sup>9</sup> Exec. Order 13166, §2; 65 Fed. Reg. at 50121.

(DOJ LEP Guidance).<sup>10</sup> In that guidance document, 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 Oct. 26, 2001, clarifying memorandum from Ralph F. Boyd, Jr., then assistant attorney general for the DOJ's Civil Rights Division.<sup>11</sup> On June 12, 2002, the DOJ issued final guidance for its recipients of federal financial assistance.<sup>12</sup> 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, consistent with the DOJ LEP Guidance.<sup>13</sup>

In applying the DOJ LEP Guidance to federally conducted programs and activities, ED must "take reasonable steps to ensure 'meaningful' access [to LEP individuals] to the information and services [it] provide[s]."<sup>14</sup> The DOJ LEP Guidance explains, "What constitutes reasonable steps to ensure meaningful access will be contingent on four factors."<sup>15</sup> 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 may be as simple as having access to a commercially available language line. The four 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.<sup>16</sup> However, 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.
- 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,<sup>17</sup> 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.

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<sup>10</sup> Exec. Order 13166, §2; 65 Fed. Reg. at 50121; U.S. 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 (Aug. 16, 2000); <http://www.usdoj.gov/crt/cor/Pubs/guidfr.htm>.

<sup>11</sup> U.S. Department of Justice Memorandum Regarding Executive Order 13166.

<sup>12</sup> U.S. 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>.

<sup>13</sup> U.S. 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>.

<sup>14</sup> DOJ LEP Guidance, 65 Fed. Reg. at 50124.

<sup>15</sup> DOJ LEP Guidance, 65 Fed. Reg. at 50124.

<sup>16</sup> In addition to the DOJ LEP Guidance, see also Final DOJ Guidance to Recipients, 67 Fed. Reg. at 41459.

<sup>17</sup> See also Final DOJ Guidance to Recipients, 67 Fed. Reg. at 41460.

- 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.<sup>18</sup>

The goal, in considering the resources available to implement Executive Order 13166, is that procedures developed to provide LEP persons meaningful access to the agency’s services be consistent with the agency’s fundamental mission without unduly burdening that mission.<sup>19</sup>

## 2. *Translation and Interpretation Principles*

In addition to the four factors set forth in the DOJ LEP Guidance, ED has adopted the principles relating to translation and interpretation assistance provided below, which should guide each PO in developing its plan to provide access for LEP persons.

Translation is the rendering of a written text from one language (source language) into another language (target language).<sup>20</sup> Interpretation is the immediate rendering of oral language from the source language into the target language.<sup>21</sup>

- 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 on which an LEP individual may rely to his or her benefit or detriment. POs must consult with the Office of the General Counsel about whether a disclaimer is appropriate for a translated document. A disclaimer would indicate that ED 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 controls.
- Each PO should endeavor to expand the range or nature of translation and interpretation assistance when experience, demographic changes, or new program-specific data indicate that the failure to do so may result in the denial of substantially equal and effective services to the LEP individuals served by the PO, particularly with those populations with whom an office has substantial and consistent contact.

## **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 provide 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

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<sup>18</sup> See also Final DOJ Guidance to Recipients, 67 Fed. Reg. at 41460.

<sup>19</sup> Executive Order 13166, §1; 65 Fed. Reg. at 50121.

<sup>20</sup> Final DOJ Guidance to Recipients, 67 Fed. Reg. at 41463.

<sup>21</sup> Final DOJ Guidance to Recipients, 67 Fed. Reg. at 41461.

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 provide access for LEP persons to federally conducted activities; therefore, when appropriate, POs will need to consider how they will expand the access that is currently provided to LEP individuals.

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

In addition, each PO 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 OCO as outlined above in Part C ("Resources for Translating Documents and Obtaining Interpretation Assistance").

Each PO must submit its LEP plan to OCO upon request. Each PO also must designate an individual who will serve as the PO contact with OCO. Periodically, OCO may convene an ED-wide LEP Working Group to ensure effective implementation of the LEP plan. OCO will serve as ED's repository for all PO LEP plans and will be responsible for agency oversight of the LEP plan. (This requirement applies only to direct services to LEP individuals and does not apply to guidance or plans for ED grantees.)

The guidance and questions listed below are provided to assist each PO 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 ED began its efforts to develop this LEP plan, the Office of Management sent to each PO a needs assessment that asked the PO to determine which services, benefits, and activities are provided directly to the public and to estimate the percentage of individuals among those eligible to receive each service, benefit and activity who are LEP individuals. In reviewing the needs assessment from each PO, these additional questions are relevant and OCO asks that each PO consider them in revising its plan:

- What is the number or percentage of LEP individuals in the population eligible to receive each service, benefit, or activity that the PO provides? There are a variety of

sources for demographic information that can assist your PO in determining this information. The Bureau of the Census is one potential source. You can link to LEP information from the Bureau of the Census at <http://www.lep.gov> by selecting the Resources button. Detailed information about the racial and ethnic populations you serve or might serve, as well as the languages they speak, can also be obtained from the National Clearinghouse for English Language Acquisition and Educational Programs at [http://www.ncele.gwu.edu/stats/4\\_toplanguages](http://www.ncele.gwu.edu/stats/4_toplanguages).

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

## 2. *Language Assistance Measures*

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

- How important is the service, benefit, or activity that the PO provides? For example, if an 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 PO should focus on improving access for LEP individuals to this service, benefit, or activity.
- Even if your PO 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 PO 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 PO or will it be the responsibility of each project or suboffice within the PO to handle language assistance?
- If your PO uses language-assistance resources that are not provided by ED, 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 of 1995*, 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 translated document should be included in the original submission to OMB.<sup>22</sup>

While, ideally, the translated version of a document should be released when the English language version is released, in practice, ED has found that the English language version may undergo perfecting changes until the moment of publication. Therefore, it is usually not practicable to publish English language and translated versions at the same time, without incurring undue costs for repeated translations. Thus, in practical terms, when translations are called for, ED strives to release them, if not simultaneously with the English (as is appropriate for short items such as press releases), then shortly after the distribution of the English language version.

In addressing the translation needs of the PO, 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 OCO 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 OCO 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

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<sup>22</sup> 44 U.S.C. §§3501 et seq. If you have further questions regarding the *Paperwork Reduction Act* and its application to this guidance, please contact the Office of Management, chief, Information Collection Clearance Division, Regulatory Information Management Services at 202-260-8915

correspondence and for translating the response to incoming documents or correspondence.

- What procedures will the PO use either to obtain the translation services of ED or to send documents for publication to an outside translator? As mentioned in the procedures above, although POs may choose to send publications to their own translator, this is not recommended unless the translator is a certified professional translator. POs should discuss this with OCO before contracting with a translator other than those recommended by OCO. Even if an outside translator does the translation, the PO must still ensure that the document is reviewed under OCO's review procedures 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 PO should consider the following questions:

- Does your PO 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 PO 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 or receptionist who speaks his or her language.
- Does your PO staff meet with or otherwise interact with LEP individuals? If so, your PO 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, ED has Language Assistance Volunteers who can be accessed at Home » References & Resources » Directories & Contacts » ED Directories » Language Assistance Volunteers.

c) Training or Hiring Staff

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

- Is staff aware of the PO's LEP plan and its policies and procedures?

- Has necessary training been provided to staff who will interact with LEP persons? Do staff know whom 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.

### 3. *Resources*

Once each PO develops a plan, the PO 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, due to the frequency of contact with LEP individuals.

### 4. *Providing Notice to LEP Persons*

As ED provides increased access for LEP persons to ED 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. POs are strongly encouraged to develop a comprehensive outreach plan to ensure that LEP individuals are aware of the access available to them.

In developing an outreach plan, each PO should consider the following questions:

- How will your PO 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.
- What is the appropriate mix of print, radio, and television notices? Possible avenues for notices include public-service announcements for radio or television in other languages.
- Are there local organizations that assist LEP persons that 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 processes for determining periodically the effectiveness of its LEP plan and for determining whether new documents, programs, services, and activities need to be made accessible for LEP persons. Each PO should consider the following questions:

- Who is responsible for reviewing the LEP plan for your PO?
- Is existing language assistance providing meaningful access for LEP persons?
- Are employees 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 ED's programs, services, and activities is an important effort that will help enable ED to achieve its mission "to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access." As we work together to provide access, LEP persons will gain access to the many valuable ED programs, services, and activities that will increase their ability to pursue and achieve their educational and professional goals.

## Appendix A: Limited English Proficient Services at the U.S. Department of Education, by Principal Office

1. **Federal Student Aid (FSA)** is a performance-based organization with responsibility for administering the student financial assistance programs for postsecondary education at ED. FSA:
  - Creates and distributes the *Free Application for Federal Student Aid (FAFSA)*, the one application needed to receive student financial assistance, in both print and online versions in Spanish;
  - Has the entire print and online federal student aid application process (the Federal Student Aid PIN, the *FAFSA*, the *Student Aid Report* and any other correspondence) available in Spanish;
  - Writes and distributes *Funding Education Beyond High School: The Guide to Federal Student Aid*, the most comprehensive guide to federal student aid for students and parents, in Spanish;
  - Has other federal student aid publications for students available in Spanish;
  - Has bilingual (Spanish-English) operators to answer all telephone inquiries on federal student aid through the Federal Student Aid Information Center (1-800-4-FED-AID);
  - Prepares and distributes a Spanish version of *Start Here, Go Further With Federal Student Aid: Money for Education Beyond High School*, an informational program on the federal student aid process available in VHS, DVD and online formats;
  - Produces and maintains the Federal Student Aid Web site <http://www.federalstudentaid.ed.gov> in Spanish, with information for students and parents;
  - Sends staff to conferences and has them participate in outreach opportunities for Hispanic students;
  - Through a limited pilot program, partnered with guaranty agencies and other college access groups in Pennsylvania and North Carolina to produce print materials for low-income Hispanic students;
  - Created focus groups in Pennsylvania and North Carolina to test publications to better serve low-income Hispanic students and their parents; and
  - Has collaborated with a group of organizations involved in promoting access to higher education for Hispanics to produce and maintain a bilingual English-Spanish glossary of postsecondary student aid terms. FSA, with participation from the Office of Communications and Outreach (OCO), works annually on this project with the Texas Guaranteed Student Loan Corporation and a number of organizations, including the Cuban American National Council, National Association for College Admission Counseling, National Association of Student Financial Aid Administrators, National College Access Network, National Council for Community and Education Partnerships, and National Council of Higher Education Loan Programs. This resource is posted on the Web at <http://www.tgslc.org/spanish/glossary/>.

2. The **Institute of Education Sciences**, whose activities include collecting, analyzing, and making available to the public statistical information about the condition of education in the United States,
  - Makes selected National Center for Education Statistics publications and information materials available in Spanish and has conducted selected surveys and assessments in Spanish; and
  - Offers information to LEP persons through the National Library of Education (NLE), which includes a Spanish-language option on its toll-free telephone service (1-800-424-1616). NLE also provides assistance to patrons via library staff members who are proficient in Spanish.
3. The **Office of the Chief Financial Officer** (OCFO) has identified four major components that may be contacted directly by LEP individuals: 1) Contracts and Acquisitions Management (CAM); 2) Financial Improvement and Post Audit Operations (FIPAO); 3) Financial Management Operations (FMO); and 4) Financial Systems Operations (FSO). All four offices within OCFO have plans in place for communicating with LEP individuals. Two of these four components, whose employees routinely communicate with LEP individuals, are profiled below:
  - While nearly all those who contact FIPAO are fluent in English, historically the office receives about three Spanish-speaking callers per year, predominately from Puerto Rico. FIPAO employs one bilingual employee who takes these calls as part of her or his regular duties. In addition, as a backup, the Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Students (OELA) has agreed to provide help with callers if needed.
  - The Grants Administration and Payment System (GAPS) Hot Line team, an element of FSO, regularly interacts with the public regarding grant applications and payment draws. The vast majority of grant recipients communicate with the Hot Line team via telephone, but a small percentage use e-mail and traditional mail. Since its inception in May 1998, the Hot Line has experienced approximately five recipient contacts annually requiring foreign language assistance. In each case, grant recipients were from Puerto Rico and required a Spanish-speaking interpreter. All communications with the GAPS Hot Line administrated by FSO are of a serious nature, due to their relationship to state agency, local agency and institutional funding. Failure to communicate in an accurate, timely manner may result in an institution's inability to meet funding needs for operations and, further, could result in congressional action. When the need for interpretation arises, the GAPS Hot Line team has the following plan in place: a) If necessary, solicit the assistance of two OCFO staff who can facilitate conversations with Spanish-speaking members of the public on behalf of the GAPS Hot Line; and b) Utilize the assistance of fluent Spanish speakers in OELA, who are prepared to assist the Hot Line in emergency situations with any verbal or written language issues with which they are confronted. Requests requiring interpretation services that might be anticipated by the GAPS Hot Line include: Requests for Information; Drawdown and Adjustment Requests from Authorized Payees; Bank and Recipient Change Requests; Requests for Reconciliation Assistance; Public Notices of Change in Recipient Information; and Complaint Letters.
4. The **Office of Communications and Outreach** (OCO) is responsible for informing the media and the general public, as well as a wide variety of education, community, business, parent, academic, student, and other groups, including intergovernmental and interagency organizations and public advocacy groups, about the president's and secretary's education agenda. OCO leads ED's communications and outreach efforts and oversees press relations, publications, contacts with organizations, and

communication with parents, educators, students, and citizens. Among its activities to engage the public in education issues, OCO

- Publishes a variety of publications in several languages, which are made available through ED Pubs, its publications distribution center, that address the information needs of parents, teachers, policymakers and general audiences;
  - Staffs information booths at conferences attended by LEP populations;
  - Holds outreach meetings with organizations serving LEP populations;
  - Maintains bilingual staff in the Information Resource Center to respond to Spanish speakers who contact the main toll-free line for public inquiries (1-800-USA-LEARN);
  - Provides a resource page for Spanish speakers on ED's Web site at: <http://www.ed.gov/espanol/bienvenidos/es/index.html?src=gu>.
  - Maintains "frequently asked questions" or FAQ pages on its Web site, [www.ed.gov](http://www.ed.gov), in both English and Spanish. Spanish-language responses are posted at: [http://respuestas.ed.gov/cgi-bin/education\\_sp.cfg/php/enduser/std\\_alp.php](http://respuestas.ed.gov/cgi-bin/education_sp.cfg/php/enduser/std_alp.php), and Spanish speakers also have the opportunity to e-mail questions through this same portal and receive a response in Spanish;
  - Distributes tapes of the "Education News" television program in Spanish;
  - Manages the translation of publications into other languages as well as interpretation services on behalf of ED; and
  - Maintains and updates the list of ED's Language Assistance Volunteers, who are called on to ensure the quality of translations and to provide on-the-spot interpretation services.
5. The **Office for Civil Rights** (OCR) enforces federal statutes that prohibit: discrimination based on race, color, national origin, sex, age, or disability in programs receiving federal financial assistance; disability discrimination by public entities regardless of whether they receive federal financial assistance; and denial of equal access or a fair opportunity to meet to, and other discrimination against any group affiliated with, the Boy Scouts or other Title 36 youth groups. Among its enforcement activities, OCR:
- Conducts technical-assistance presentations with the assistance of interpreters for non-English-speaking parents on the OCR complaint process and the laws that OCR enforces;
  - Translates important documents for stakeholders, including complaint forms and specific resolution agreements;
  - Makes certain widely used publications available in a variety of languages, including, Arabic, Amharic, Chinese, Farsi, French, Haitian Creole, Hindi, Hmong, Korean, Laotian, Punjabi, Russian, Serbo-Croatian, Somali, Spanish, Swahili, Tagalog, Vietnamese, and Urdu;
  - Assists non-English-speaking individuals via its telephonic interpretation service that is available in each of the 12 regional offices and headquarters; and

- Works to increase understanding among recipient school districts of their responsibilities to ensure that schools effectively communicate with LEP parents through technical assistance and case-resolution activities.

6. The **Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students (OELA)** provides national leadership in promoting high-quality education for the nation's population of LEP students. OELA offers meaningful access to its programs and services to LEP individuals through the following two vehicles: First, its office staff and programs and, second, its National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs (NCELA).

OELA staff:

- Have capability to address phone inquiries in numerous languages, such as Chinese, Korean, Japanese, Punjabi, Spanish, Tagalog, and Urdu;
- Translate ED documents directed at parents;
- Make presentations to schools, parent groups, and committees in languages other than English;
- Offer assistance to parents and parent groups dealing with educating their LEP children, including parents who are often limited in their English proficiency and need materials in their native language; and
- At the OELA National Summit, provide information to parents of LEP students on *No Child Left Behind's* provisions and its resources.

NCELA:

- Distributes publications translated into Spanish and Vietnamese in print and through its Web site <http://www.ncela.gwu.edu>. These publications include: *Biliteracy for a Global Society: An Idea Book on Dual Language Education* and *If Your Child Learns in Two Languages* (in Armenian, Chinese, English, Haitian Creole, Korean, Spanish, and Vietnamese versions);
  - Provides multilingual personnel to address phone inquiries in numerous languages, such as Chinese, Czech, French, German, Japanese, Haitian Creole, Laotian, and Spanish; 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. This database can be accessed at <http://www.ncela.gwu.edu/databases/NLAD/index.html>.
7. The **Office of Elementary and Secondary Education (OESE)** provides financial assistance to state and local education agencies for public and private preschool, elementary, and secondary education and promotes and supports equal education opportunities and excellence for all students. Among its activities that serve LEP individuals, OESE:

- 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;
  - Makes available posters and brochures in Spanish on the education rights of homeless children and youths;
  - Makes appropriate bilingual staff available for OESE programs when a need arises for Spanish interpretation or translation; and
  - Uses local education agency staff from the community who serve as interpreters for Indian tribes with their own languages, when needed.
8. The **Office of Management** (OM), which serves as ED's administrative component, uses strategic approaches to the management of ED's human capital to promote customer service by distributing documents, information, and products in languages other than English, such as Mandarin Chinese, Russian, Spanish, and Vietnamese, through the ED Pubs Customer Service Center at 1-877-4-ED-PUBS.
9. The **Office of Safe and Drug-Free Schools** (OSDFS) is responsible for: improving the quality and excellence of programs and activities related to the prevention of violence and illegal drug use; promoting the health and well-being of students in elementary and secondary schools; and formulating and developing ED policies and legislative proposals related to violence and drug prevention. OSDFS also prepares education policy and advice on comprehensive school health and develops a national research agenda for drug and violence prevention. To accomplish this for LEP populations, OSDFS:
- Translates publications into Spanish, for example, it has translated *No Child Left Behind: Character Education ... Our Shared Responsibility*; *Growing Up Drug Free: A Parent Guide to Prevention*; *Practical Information on Crisis Planning: A Guide For Schools and Communities*; *Helping Your Child Become a Responsible Citizen*; and *American Legacy: The U.S. Constitution and Other Essential Documents of American Democracy*;
  - Works with state and local education agency counselors and coordinators who are fluent in speaking and translating English into various languages for the populations being served; and
  - Employs bilingual staff members who are linguistically proficient in speaking and translating Spanish and who are able to respond and provide technical assistance or translation to external constituents who require it.
10. The **Office of the Secretary** (OS) works with all of the Department's principal offices to help determine the outreach needs of the nation's various populations, including LEP populations, and to ensure equal access to education for them. In addition, OS' Management Improvement Team (MIT), coordinates the resolution of audits in Puerto Rico and, as needed, provides interpretation and translation services.
11. The **Office of Special Education and Rehabilitative Services** (OSERS) provides a wide array of support to parents and individuals, school districts, and states in the areas of special education, vocational rehabilitation, and research. OSERS:

- Provides technical assistance in Spanish to education agencies and parents; and
- Translates brochures into Spanish, including brochures on the Comprehensive Planning Process for *IDEA* Part D, which is under the auspices of the Office of Special Education Programs (OSEP).

12. The **Office of Vocational and Adult Education (OVAE)** provides financial assistance to state and local education agencies to:

- Develop more fully the academic, vocational and technical skills of secondary and postsecondary students who elect to enroll in vocational and technical programs; and
- Assist LEP adults over the age of 16 who are not currently enrolled in school, or 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 about 5 percent of students enrolled in federally funded career and technical education programs, and nearly half (44 percent) of the participants in federally funded adult education programs.

OVAE:

- Provides technical assistance to state and local career and technical education staff to develop and implement rigorous programs of study in high-skill, high-wage, high-demand occupations for all students, including those with limited English proficiency;
- Hosts national and regional institutes and conferences to help states gather and report accountability data on all students, including those with limited English proficiency, so that gaps in student academic performance and postsecondary outcomes (i.e., transition to further education and employment) can be appropriately identified and addressed;
- Offers technical assistance services to state and local adult education staff working with LEP adults through the Center for Adult English Language Acquisition (CAELA), which publishes resources to assist teachers, administrators, researchers, and policy makers in meeting the challenges and opportunities facing this population;
- Works closely with the Department of Homeland Security's Office of Citizenship to create and disseminate materials translated into 11 languages that are designed to assist both adult educators and LEP adults in understanding the naturalization process as well as the rights and responsibilities of citizenship; and
- Provides information on English language development and English Literacy and Civics Education services at conferences and meetings for targeted language groups.

13. The **White House Initiative on Educational Excellence for Hispanic Americans** (White House Initiative) was created by Executive Order 13230 in October 2001 by President George W. Bush. The White House Initiative was designated to provide the staff support and assistance to the presidential advisory commission charged in the executive order to examine the underlying causes of the achievement gap existing between Hispanic Americans and their peers and to support and promote education opportunities and excellence for all Hispanic Americans. The White House Initiative, in the process of implementing the recommendations of the commission, conducts the following activities:

- Provides weekly education information, access to publications, research, and other resources to a national network of public and private, education, faith-based and community-based organizations and others who serve the Hispanic and Spanish-speaking community through its Partnership for Hispanic Family Learning;
- Conducts regional and national conferences addressing the entire range of issues in education with a focus on Hispanic students and provides translated education materials and interpretation services for Spanish-speaking parents, students, and community leaders;
- Makes appropriate bilingual staff available for presentations to schools, parent groups, and community events;
- Exhibits and distributes translated publications at local, regional, and national conferences of external organizations serving Hispanics and Spanish-speakers;
- Translates into Spanish its summary report *From Risk to Opportunity: Fulfilling the Educational Needs of Hispanic Americans in the 21st Century*; *A Guide for Reading: How Parents Can Help Their Children Be Ready to Read and Ready to Learn*; and other general public information such as press releases;
- Assists the Department in reviewing its translated publications and other documents directed at Spanish-speaking parents and families to ensure their linguistic accuracy;
- Makes appropriate staff available for interviews and to respond to requests from Spanish language media; and
- Offers assistance to parents, parent groups, and community leaders dealing with educating LEP children, including parents and families who are often limited in their English proficiency and need materials in their native language.