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Administration for Children and Families

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES Administration on Children, Youth and Families

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4. Key Word: Limited English Proficiency

5. Key Word:

TO: Chairpersons, State Developmental Disabilities Councils
Executive Directors, State Developmental Disabilities Councils
Executive Directors, State Protection and Advocacy Systems
Executive Directors, University Centers for Excellence
Executive Directors, Projects of National Significance

SUBJECT: Policy Guidance on the Title VI Prohibition Against National Origin
Discrimination as It Affects Persons with Limited English
Proficiency (LEP)

REFERENCES: Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000 et. Seq. and
its implementing regulation at 45 C.F.R. Part 80 which provide that
no person shall be subjected to discrimination on the basis of race,
color, or national origin under any program or activity that received
Federal financial assistance. In Lau v. Nichols, 414 U.S. 563
(1974), the Supreme Court recognized that recipients of Federal
financial assistance have an affirmative responsibility, pursuant
to Title VI, to provide persons with LEP meaningful opportunity to
participate in public programs.

PURPOSE: The purpose of this policy guidance is to clarify the responsibilities
of providers of health and social services who receive Federal
Financial assistance from the U.S. Department of Health and

Human Services (DHHS), and to assist them in fulfilling their responsibilities to persons with LEP. All entities that receive Federal financial assistance from HHS, either directly or indirectly, through a grant contract or subcontract, are covered by the policy guidance.

BACKGROUND: States and other providers funded by the Administration on Developmental Disabilities have legal obligations to comply with Title VI of the Civil Rights Act of 1964 and its implementing regulation.

CONTENT: The policy guidance reiterates HHS' longstanding position that, in order to avoid discrimination against persons with LEP on grounds of national origin, health and social service providers must take adequate steps to ensure that such persons receive the language assistance necessary to afford them meaningful access to their services, free of charge. The guidance also clarifies for health and social service providers, and members of the public, that a recipient or covered entity must assess what steps it can take to ensure that eligible persons with LEP have a meaningful access to programs and services. This guidance also provides examples of policies and practices that the Office for Civil Rights, HHS, would find in violation of Title VI, and sets out the policies, procedures and other steps that recipients can take to ensure meaningful access to their programs by persons with LEP. Appendix A to the guidance is a series of questions and answers that provide a useful summary of a number of the major aspects of the guidance.

The information was developed by the Office for Civil Rights, HHS, and is consistent with a Department of Justice (DOJ) directive noting that recipient/covered entities have an obligation pursuant to Title VI's prohibition against national origin discrimination to provide oral and written language assistance to persons with LEP.

INQUIRES: You may access the Office for Civil Rights Policy Guidance and Appendix A at the following web site: <http://www.dhhs.gov/ocr/lep>
For additional information please contact: Isadora Wills, ADD at: (202) 690-5791 or on the internet: iwills@acf.dhhs.gov.



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